MANUFACTURED CONTROVERSY

AN EXAMINATION OF THE ~~RIGHTS~~ Restrictions 'ACADEMIC BILL OF ~~RIGHTS~~' MOVEMENT

FREE EXCHANGE ON CAMPUS
Fighting for the free exchange of ideas on campus

ABOUT FREE EXCHANGE ON CAMPUS

Who we are:

We are a coalition of groups that has come together to protect the free exchange of speech and ideas on campus.

Why we care:

The free exchange of ideas on a college or university campus is central to the learning process. Today, this freedom is being threatened by ideological agendas, like the so-called Academic Bill of Rights and intellectual diversity initiatives.

Our mission:

Free Exchange on Campus is committed to advocating for the rights of students and faculty to hear and express a full range of ideas unencumbered by political or ideological interference.

Free Exchange coalition members:

- American Association of University Professors
- American Civil Liberties Union
- American Federation of Labor & Congress of Industrial Organizations
- American Federation of Teachers
- American Library Association
- Association of College & Research Libraries
- Campus Progress / Center for American Progress
- Center for Campus Free Speech
- Common Cause
- Democracy Matters
- Department for Professional Employees, AFL-CIO
- Free Press
- Mobilize.org
- Modern Language Association
- National Association of State PIRGs
- National Education Association / NEA Student Program
- National Women's Studies Association
- National Writers Union
- People for the American Way Foundation / Young People For Progressive States Network
- Roosevelt Institution
- United States Student Association
- Women's Institute for Freedom of the Press

This publication has been produced in part with a grant from the Open Society Institute.

EXECUTIVE SUMMARY

Higher education has been near the center of the American culture wars since the 1950s. However, since the terrorist attacks on Sept. 11, 2001, the attacks on the academy have escalated well beyond a vigorous back-and-forth about the curriculum and the "canon" into a full-scale assault on the credibility of U.S. colleges and universities. Led by David Horowitz and institutions like the American Council of Trustees and Alumni, conservative culture warriors have attempted to take advantage of a period of general cultural malaise in order to shape higher education in their own ideological image. In this report, we document:

- The background and context of the conservative attacks, the arguments they advance and the rebuttals to these arguments;
- The network of right-wing individuals, organizations and foundations involved in coordinating, funding and executing the assault on higher education;
- The complementary tactics utilized by various right-wing groups to chill the free exchange of ideas on college and university campuses; and
- The actions and responses we have found useful in repelling these attacks.

Fortunately, the work of these conservative critics of higher education has been repulsed. Each and every legislative attempt to circumscribe the free exchange of ideas has met stiff resistance and ultimately failed, while legal and institutional attempts have offered nothing more than Pyrrhic victories. Most important, American higher education and the professors who make it work still enjoy the respect and confidence of the general public. At this date, the nation seems poised to put the current iteration of the culture wars behind it and focus on more pressing issues.

Even as the threat wanes, it is important to understand that the right-wing critics of higher education are opportunistic and that so long as the academy remains the location of independent thought and vigorous debate, it always will be a target. With this in mind, the Free Exchange on Campus coalition offers this assessment of the most recent attacks on academic freedom and open intellectual discourse with an eye toward defeating them when they arise in the future.

INTRODUCTION

The challenges facing American higher education in its efforts to educate students, come up with new ideas, answers and solutions are plentiful. The current economic crisis makes having a robust higher education system even more important, but it also puts institutions of higher education in financial jeopardy. As a result, not only are institutions far more susceptible to criticism and threat—administrators of course fearing threats to their bottom line—but the faculty who educate, and the students who are attempting to get an education, are put more at risk as well. The trickling down of these financial difficulties for parents, coupled with the decade-long decline in financial aid, may put the promise of a college education out of reach for all but the most well-off students. Likewise, in short-term efforts to improve the financial position of institutions, increased reliance on part-time or contingent instructors who are paid less than their full-time counterparts is projected to have a far-reaching impact on faculty members and the quality of education. Further, all of this comes at a time when legislators and business leaders are looking more and more to higher education to improve our nation's economic positioning.

Rather than focusing on these very real threats to higher education, the past seven years have seen legislators, trustees and administrators devote large amounts of time, focus and political capital to defending higher education from a marked increase in ideological attacks. Organizations and individuals from the far right wing—led by David Horowitz, the American Council of Trustees and Alumni, and the Alliance Defense Fund—have sponsored legislation in no fewer than 30 states, have attempted to get individual professors fired, have sued numerous institutions and have run a media smear campaign with an eye toward persuading decision-makers to regulate the content of higher education and convincing the public that there is a profound problem of "liberal bias" in higher education.

Certainly, this is not the first time that higher education has endured attacks from one political group or another. No one needs to be reminded of the accusations against faculty and student organizations for being "communist" during the McCarthy era. Likewise, the conservative critique of higher education has been part and parcel of the "culture wars" in the United States for well over two decades. The inspiration for this campaign can be traced back to William F. Buckley's seminal polemic *God and Man at Yale*, written in 1951. A fever pitch of criticism against higher education was heard during the late 1960s and 1970s as higher education was radically transformed by massive enrollments and the growing admissions of traditionally underrepresented populations. The movement gained renewed

vigor in 1987 with the publication of Allan Bloom's *The Closing of the American Mind*, and attacks on higher education have been a part of political life ever since. The attacks of the last seven years took these critiques as their battle cries but took their goal to a more disturbing place—not just attacking the academy for alleged liberal bias, but seeking government regulation of speech to change the situation.

Fortunately, the recent attacks by Horowitz and his allies largely have been seen as what they are—an attempt to insert an ideological agenda into higher education and to silence the free exchange of ideas. None of the states that saw legislation to regulate the classroom passed it into law, most of the lawsuits were settled or lost and few institutions changed any substantive campus policies. Although formal changes to policy have been avoided, the attacks on the free exchange of ideas in higher education certainly have had an impact on the climate of campuses—from faculty members who are more reluctant to publish and speak about cutting-edge and controversial findings to administrators who are increasingly worried that allowing faculty and student speech free rein will harm their bargaining position before state legislatures and donors.

Even as the threat wanes, it is important to understand that right-wing critics of higher education are opportunistic and that so long as higher education remains the location of independent thought and vigorous debate, it will always be a target. With this in mind, the Free Exchange on Campus coalition offers this retrospective of the most recent attacks on academic freedom and open intellectual discourse—examining the background and context of the attacks, the tactics, the network of organizations behind the attacks, and the actions that have defeated them—with an eye toward deflecting them when they arise in the future.

ARGUMENTS USED AGAINST ACADEMIC FREEDOM

Ideological attacks against higher education are nothing new; neither is the idea of framing these ideological attacks as matters of national security. The public record over the last 60 years is littered with statements referring to professors and students alike as "anti-American," "soft on communism," and "unpatriotic," among other things. The 9/11 terrorist attacks provided yet another opportunity for higher education's right-wing critics to ramp up their outrage against professors and classes who don't conform to their partisan view of the world. Again, college and university educators not only were accused of providing their students with an incomplete education, but also of seeking to undermine the values of America and, indeed, of Western Civilization. The best example of these shrill accusations was published within a couple of months of the tragedy, while work crews were still clearing the debris at the World Trade Center, in the American Council of Trustees and Alumni's 2001 publication, "Defending Civilization: How Our Universities Are Failing America and What Can Be Done About It."[1] ACTA began the pamphlet with this:

> *While America's elected officials from both parties and media commentators from across the spectrum condemned the attacks and followed the President in calling evil by its rightful name, many faculty demurred. Some refused to make judgments. Many invoked tolerance and diversity as antidotes to evil. Some even pointed accusatory fingers, not at the terrorists, but at America itself.*

ACTA's report was perhaps the most blatant use of this frame to attack higher education, but the charges that higher education was too far outside the mainstream of American culture, too liberal to be safe, certainly still fit within the same frame. Across the country, these attacks shared a constant theme—the accusation that higher education is dominated by a dangerous left-wing bias and that someone needs to protect students from it. Most of these attacks follow a predictable pattern.

To begin their attacks, David Horowitz and his ideological allies will claim that faculty show a dominant left-wing bias. To prove this claim, they'll pull together a variety of examples and argue that they must prove a rule. Often this includes pointing to records of political contributions that show more checks going to Democrats than to Republicans, attacking faculty for

1 Interestingly, ACTA has removed "Defending Civilization" from the list of publications available on its Web site. Readers interested in reviewing this document (in its revised 2002 release) can find it online at **http://govdocs.evergreen.edu/defciv.pdf**.

provocative journal articles or online posts, highlighting a well-known liberal faculty member and the lack of an equally famous conservative, arguing that too many left-leaning speakers visit campus (regardless of who invited them) or pulling together a targeted selection of reading lists and arguing that the books are dominantly to the left of the political spectrum. Often the "proof" includes a list of departments whose names would lead someone to assume they must be left-leaning—from Women's Studies to Middle Eastern Studies.

Once these groups have "proven" that there is a left wing bias, they will then argue that the faculty must be pushing that left-wing bias onto students. They'll argue, often with no proof, that students are being punished with low grades for not parroting the professors' ideology, that they're being denied information that could contradict a left-wing view and that the professors are using the captive classroom audience to indoctrinate students.

Finally, in light of this "evidence," these groups will argue that *something* must be done to protect students from these dangerous professors. Nearly always, the groups' solutions involve having regulation of the classroom and hiring decisions, or severe scrutiny by legislators over what is taught in classrooms.

The claims against higher education persist despite ample evidence to the contrary. To begin, reason would tell you that college students are adults—old enough to vote, old enough to serve in the military, old enough to get married—a tough crowd to indoctrinate. In fact, studies are now showing that students' minds are nowhere nearly as impressionable as higher education's detractors would argue.[2] Research papers that claim to demonstrate a systematic bias have been thoroughly debunked.[3] Further research has demonstrated that most faculty members are rather moderate in their political views (and their ranks are increasing)[4] and that conservative faculty members actually do quite well in higher education.[5] Additionally, public opinion surveys show that college professors are respected by the general public for being ethical and honest in their work.[6]

Given the paucity of evidence to support their claims, why have opponents of the free exchange of ideas persisted in their attacks for the last seven years? Conservative critics would contend it's all about the students—who are being deprived of opportunities to hear *all* points of view, whose rights to self-expression are being suppressed, who are not being exposed to the intellectual diversity necessary to sharpen their critical thinking skills.

Underneath this veneer, however, resides the more base motivation for this campaign, which, quite simply, is to discredit higher education. At their core, colleges and universities are centers for independent thought that encourage critical examinations of authority, whether in the form of political leaders, canonical texts or conventional wisdom. Critics of that free

---

2 Fritschler, A.L. (2008). Closed Minds? Politics and Ideology in American Universities Washington: Brookings Institute Press. (article discussing the findings at **http://www.nytimes.com/2008/11/03/books/03infl.html?_r=1&scp=9&sq=woessner&st=cse**).

3 Lee, J. (2006). "The 'faculty bias' studies: science or propaganda?" American Federation of Teachers on behalf of Free Exchange on Campus. Available at **http://www.freeexchangeoncampus.org/index.php?option=com_docman&task=cat_view&gid=22&Itemid=25**.

4 Gross, N. & Simmons, S. (2007). "The social and political views of American professors." Available at **http://www.wjh.harvard.edu/~ngross/lounsbery_9-25.pdf**.

5 Simmons, S. (2008). "Ascriptive Justice: The Prevalence, Distribution, and Consequences of Political Correctness in the Academy," The Forum 6(2). Available at: **http://www.bepress.com/forum/vol6/iss2/art8**.

6 Saad, L. (2006). "Nurses top list of most honest and ethical professions." Gallup News Service. Available at **http://www.gallup.com/poll/25888/Nurses-Top-List-Most-Honest-Ethical-Professions.aspx**.

exchange of ideas are threatened not only by the subjects they disagree with in higher education but also by the very act of teaching students—future leaders in America—to question and examine the status quo and conventional wisdom. The conservative campaign against higher education seeks to undermine the credibility and authority of the professoriate, to force faculty members to self-censor when it comes to presenting material that runs counter to their worldview, and to impose an artificial and arbitrary ideological balance of views in the classroom, whether these views are relevant to a particular course's material or not. In short, the goal of this campaign is to *politicize higher education*—a goal that stands in sharp contrast to the campaign's rhetoric.

KEY PLAYERS

A variety of individuals and groups have been involved in attacks on academic freedom and the free exchange of ideas. While not openly coordinating their activities, their campaigns are often complementary and are linked through conservative philanthropic foundations that fund their activities. This section will examine the main proponents behind attacks on the free exchange of ideas, the organizations that have supported these attacks, and the organizations that have funded them.

Although several organizations and individuals have been involved in attacking higher education over the last seven years, there are two groupings that stand out as being the main drivers behind the legislative attacks and "indoctrination" narratives during that period.

David Horowitz

The David Horowitz Freedom Center, and Students for Academic Freedom

Horowitz initially made a name for himself in the late 1960s as an editor for the New Left publication Ramparts. After the murder of his friend Betty Van Patter in 1974 (which he has blamed on the Black Panthers), Horowitz had a "road to Damascus" moment in which he shifted his political allegiances to the far right. In 1988, he co-founded the Center for the Study of Popular Culture (renamed the David Horowitz Freedom Center in 2006) with his frequent collaborator Peter Collier. The Horowitz Freedom Center attempts to promote conservative values through popular culture. The online journal Frontpagemag.com serves as the primary mouthpiece (aside from his prolific catalog of books) by which Horowitz promulgates his views.

Horowitz's involvement in campus politics predates 9/11. In early 2001, he paid for an article against reparations for the descendants of slaves,1 which ran in several college newspapers across the country. The publication of this article led to an enormous controversy on campuses around the country—college newspaper editors were threatened and whole print runs were stolen, among other affronts to free speech. The reparations episode has proven

1 Horowitz, D. (Jan. 3, 2001). "Ten reasons why reparations for blacks is a bad idea for blacks—and racist too." *Frontpagemag.com*, available at **http://www.frontpagemag.com/Articles/Read.aspx?GUID=23D875B0-65A3-44A3-A27B-14831CCB4107**.

to be something of a template for Horowitz's subsequent forays into campus politics: He begins by baiting campus communities with an over-the-top newspaper column, event or speech; when students and faculty react negatively, he dons the victim hat and points to the reaction as further evidence of the need for his particular program.
Horowitz's attacks on academic freedom and the free exchange of ideas began in earnest in 2002, the year in which he founded the organization Students for Academic Freedom and began promoting the Academic Bill of Rights. In the following years, Horowitz was a regular on the college speaking circuit, attracting controversy wherever he went. The high-water mark for Horowitz's involvement on this issue came in 2005-06, when his "Academic Bill of Rights" and related pieces of legislation were introduced in 18 states and hearings were held by the Select Committee on Academic Freedom in Higher Education in Pennsylvania.

American Council of Trustees and Alumni (ACTA)

ACTA was founded in 1995 by Lynne Cheney and others to work with "college and university trustees to ensure responsible management of higher education resources, end grade inflation, establish a solid core curriculum, and restore intellectual diversity on campus."2 ACTA's president since 2003 is Anne Neal, one of the organization's co-founders and a colleague of Cheney's dating back to their tenure at the National Endowment for the Humanities during the first Bush administration.

ACTA began its work against "leftism" on college campuses shortly after the 9/11 attacks with the publication of the Defending Civilization report. 3 In 2005, ACTA published Intellectual Diversity: Time for Action,4 which laid out the proposals that subsequently would be used as the model for the intellectual diversity bills, the first of which was introduced in South Dakota in early 2006.5 That year also saw the publication of How Many Ward Churchills?,6 which continued the promotion of narrative pegging the American professoriate as extremely radical (explicitly linking this group with the inflammatory and now disgraced University of Colorado ethnic studies professor Ward Churchill). In 2007 and 2008, intellectual diversity bills based on the ACTA model were introduced in 10 states, some versions of which were rebranded as the Higher Education Sunshine Act.

While Horowitz and ACTA have provided the backbone for the attacks on the free exchange of ideas through their legislative campaigns, they have been able to rely on a loose network of organizations to support their work and message. These organizations have trained campus activists, sponsored lawsuits attracting media and legislative attention to their allegations, provided "intellectual" justifications through the issuing of reports and participation in conferences, and acted as an echo chamber for the movement by providing campus speakers, media appearances and other publicity.

2 http://www.goacta.org/about/mission-and-history.cfm
3 http://govdocs.evergreen.edu/defciv.pdf
4 https://www.goacta.org/publications/downloads/IntellectualDiversityFinal.pdf
5 http://legis.state.sd.us/sessions/2006/bills/HB1222p.htm
6 https://www.goacta.org/publications/downloads/ChurchillFinal.pdf

Alliance Defense Fund

The ADF is a Christian legal organization that specializes in protecting religious freedom. The ADF maintains the Center for Academic Freedom to support Christian students on campus in their fights against bias and discrimination.[7] The ADF has been involved in at least five lawsuits targeting universities where there already was a proposal to restrict classroom content.[8] One example was a lawsuit against Temple University in which a student claimed he was dismissed from his master's program for his political beliefs. Although this lawsuit did force Temple to do away with its campus speech code, the court dismissed the student's claim of discrimination in his dismissal,[9] finding that he had been dismissed for academic reasons.[10] ADF's strategy has been to take advantage of the few alleged grievances that do exist, moving straight into litigation before campus-based investigations and grievance procedures have concluded and aggressively pursuing media attention around those lawsuits.

American Enterprise Institute

AEI is a major neoconservative think tank whose roll of scholars and fellows reads as a "who's who" of American conservative politics. Current fellows include John Bolton, Lynne Cheney, Newt Gingrich, Charles Murray, Christina Hoff Sommers, Paul Wolfowitz, and John Yoo.[11] In 2007, AEI sponsored "Reforming the Politically Correct University," a day-long examination of the pervasiveness of liberal politics in the university, which attracted such notable panelists as Anne Neal (ACTA), Stephen Balch (National Association of Scholars), John McWhorter (Manhattan Institute), and Christina Hoff Sommers (AEI).[12]

American Legislative Exchange Council

Established in 1973, ALEC is a nonprofit organization that brings together conservative state legislators to discuss legislative issues, network and promote model bills to take back to their respective states.[13] Both the "Academic Bill of Rights" and the "intellectual diversity" bills were introduced as model legislation at ALEC in 2004 and 2006, respectively. The intellectual diversity legislation was reintroduced in 2007 in its rebranded form, the Higher Education Sunshine Act. Some of the legislators who have championed these bills are also ALEC members, notably state Sen. Jane Cunningham in Missouri who repeatedly introduced ALEC-supported legislation.

---

7 http://www.centerforacademicfreedom.org/main/default.aspx

8 *Adams v. The Trustees of the University of North Carolina-Wilmington, et al.; Brooker v. Franks, et al.; Orit Sklar, et al. v. G. Wayne Clough, et al.; Fluehr v. Pennsylvania State University, et al.; Christian DeJohn v. Temple University, et al.*

9 http://www.alliancedefencefund.org/news/story.aspx?cid=4104

10 http://www.freeexchangeoncampus.org/index.php?option=com_content&task=view&id=531&Itemid=54

11 http://www.aei.org/scholars/filter.all/scholar_byname.asp

12 http://www.aei.org/events/eventID.1595,filter.all,type.upcoming/event_detail.asp

13 http://www.alec.org/AM/Template.cfm?Section=History&Template=/CM/HTMLDisplay.cfm&ContentID=3786

Discovery Institute

The Discovery Institute is a Seattle-based think tank that has been prominent in efforts to push the teaching of intelligent design into science classrooms.[14] Recently, its tactics have turned to legislatures, using confusion over the term "academic freedom" to have the state regulate who can teach, how they can grade and what can be taught—substituting the Discovery Institute's agenda for education standards.[15] These efforts have been targeted primarily at public K-12 schools, although 2009 saw legislative efforts to restrict higher education as well. The Discovery Institute also has taken a prominent role in defending college science professors who have attempted to introduce nonscientific materials into their courses.[16] [17] It should be noted that the Discovery Institute agenda is not directly tied to the Academic Bill of Rights campaign, but the institute's recent prominence in debates about higher education does demonstrate that the watering down and/or misinterpretation of what actually constitutes academic freedom is having a pernicious effect.

Leadership Institute

Founded in 1979, the Leadership Institute has been a lead organization in recruiting and training young conservative activists on college campuses.[18] Through the LI's National Field Program, young activists are trained on how to "fight political correctness and classroom bias."[19] Often these activists are the same students who run the local "Students for Academic Freedom" chapter.

Manhattan Institute's Center for the American University

The Manhattan Institute is a right-leaning think tank based in New York City. The institute's Center for the American University supports the de-politicization of higher education, returning it to its "traditional" role. The CAU has been very involved in criticizing university diversity programs. The center has an online media outlet, *Minding the Campus* (**www.mindingthecampus.com**), which aggregates news relevant to CAU's mission and provides an outlet for conservative opinion about higher education. Center fellows have participated in panel discussions about higher education and have been published in major media outlets such as the *Wall Street Journal* and *Forbes*.[20]

---

14 Though not directly tied to efforts in Dover, Pa., to literally require the teaching of intelligent design in science classrooms, the Discovery Institute provided the school district legal advice and media support. Nonetheless, the courts ruled that requiring the teaching of intelligent design was akin to teaching creationism in classrooms.

15 **http://www.academicfreedompetition.com/freedom.php**

16 **http://www.discovery.org/a/4343**

17 **http://www.nature.com/nature/journal/v434/n7037/box/4341062a_BX1.html**

18 **http://www.leadershipinstitute.org/AboutUS/**

19 **http://www.thecampusright.com/NFP/**

20 **http://www.manhattan-institute.org/html/cau.htm**

Middle East Forum's Campus Watch

An organization headed by conservative scholar Daniel Pipes, Campus Watch monitors and heavily criticizes Middle Eastern studies scholars, especially those critical of current U.S. policy in the Middle East.[21] CW has produced a list of "nonbiased" scholars in this particular field [22]; Pipes is a frequent contributor to David Horowitz's *Frontpagemag.com*.

National Association of Scholars

NAS was founded in 1987 by Stephen Balch. Although nominally nonpartisan, the group has been involved in promoting a number of conservative positions on higher education, including critiques of the diversity in higher education and of university schools of social work.[23] In 2008, NAS launched the Argus Project, a program that solicits volunteers to "monitor" college professors in the classroom and report any suspect behavior.[24]

Young America's Foundation

YAF got its start in the 1960s in reaction to the campus protest movements spawned by the civil rights movement and opposition to the war in Vietnam. The foundation currently focuses on training young conservative activists, fostering conservative activism on college campuses and providing networking opportunities for these activists. YAF also provides a conservative speakers bureau for on-campus speakers and has featured David Horowitz at some of its events. YAF claims to support "balance in education" and decries the campus influence of "leftist radicals who seek a monopoly on what is said and thought."[25] To break this "monopoly," YAF suggested in its 2007-08 Campus Conservative Battle Plan that YAF members write their professors offering a 12-inch by 18-inch American flag that they could display in their classrooms, counting those who rebuffed this offer as unpatriotic or anti-American.[26]

21 **http://www.campus-watch.org/about.php**
22 **http://www.campus-watch.org/endorsements.php**
23 **http://www.nas.org/index.cfm**
24 **http://www.nas.org/polArgus.cfm?Doc_Id=140**
25 **http://yaf.org/mission/index.cfm**
26 Coyle, Patrick X. (2007). *2007-2008 Campus Battleplan: Your Month-by-Month Plan to Activism on Campus.* Herndon, Va.: Young America's Foundation, pp. 29-30.

Funding

Although these organizations differ in their primary missions (even if they overlap in their criticisms of higher education and their attacks on the free exchange of ideas), they have notable connections when their sources of funding are examined. Practically all of these groups receive sizable grants from a handful of conservative philanthropic organizations, philanthropies that have given millions of dollars to a panoply of right-wing causes. These foundations include well-known philanthropies like the various foundations run by Richard Mellon Scaife, the John M. Olin Foundation, and the Lynde and Harry Bradley Foundation, as well as numerous smaller foundations. The overlap in funding, in addition to the sheer volume of money disbursed, suggests that the attacks on academic freedom and the free exchange of ideas are part of a broader conservative strategy aimed at discrediting and reshaping higher education.

Dollars from Major Conservative Philanthropies Given to Groups Involved with Attacks on the Free Exchange of Ideas Since 2001[28]

Donor	John M. Olin Foundation	Lynde and Harry Bradley Foundation	Scaife Foundations*	Total $ Grants from Olin, Bradley & Scaife
ACTA (2001-2006)	$175,000	$420,000	$200,000	$795,000
David Horowitz Freedom Center (2001-2006)	$715,000	$2,090,000	$1,950,000	$4,755,000
Manhattan Institute (2001-2005)	$2,096,000	$1,435,000	$1,000,000	$4,531,000
National Association of Scholars (2001-2006)	$525,000	$490,000	$1,250,000	$2,265,000
American Enterprise Institute (2001-2006)	$1,046,040	$3,754,300	$2,045,000	$6,845,340
Young America's Foundation (2001-2006)	$0	$42,500	$0	$42,500
Leadership Institute (2001-2006)	$0	$220,000	$0	$220,000
Middle East Forum (2001-2005)	$0	$140,000	$0	$140,000
Discovery Institute (2001-2003)	$0	$0	$40,000	$40,000
American Legislative Exchange Council (2001-2006)	$0	$0	$270,000	$270,000
Total	**$4.56 million**	**$8.59 million**	**$6.76 million**	**$19.9 million**

* Included in the total amount for the Scaife foundations are grants disbursed by the Scaife Family Foundation, the Sarah Scaife Foundation, the Carthage Foundation and the Allegheny Foundation.

28 All dollar figures are taken from **http://www.mediatransparency.org/**.

STRATEGIES AND TACTICS

The current campaign against higher education shares many similarities with the attacks against alleged "liberal bias" in the media that reached a fever pitch in the mid-1990s. Both campaigns have labeled members of the offending professions as overwhelmingly liberal or leftist. Both have spun exaggerated or outright false accusations of misconduct into indictments against entire professions. At their root, both are public relations campaigns—geared more toward discrediting the institution and putting public pressure on it than actually passing policy changes. And like the campaign against the media, which sought to undermine journalists and impose ideological constraints on news coverage, proponents of the attacks on higher education share similar strategic goals:

- To undermine academic authority in the public sphere, whether it is expressed in the expert opinion of a professor on a matter of public policy in the press or in the content of a course syllabus; and
- To politicize higher education, either by injecting blatantly ideological content into the curriculum or by making some subject matter so toxic that professors will avoid using it.

To accomplish these goals, conservative critics of higher education have relied on several different tactics to discredit and intimidate academics, and these tactics have been used in a number of different venues. All of their tactics have these things in common:

- Their attacks are presented as attempts to preserve academic freedom or uphold academic integrity;
- The attacks are premised on innuendo, anecdotal evidence and disputed "facts";
- The attacks are generally made by people outside higher education; and
- The attacks tend to be made in or heavily utilize the media to make their case.

The tactics that right-wing culture warriors use against academic freedom and the free exchange of ideas can be clustered into four different categories:

- legislative attacks;
- public attacks against courses and disciplines;
- attacks leveled against individual professors; and
- litigation.

These tactics are not ends unto themselves. The point of these legislative, legal and institutional attacks is not primarily to pass bills, win lawsuits or have a particular professor pilloried (although right-wing critics of higher education would certainly welcome any of these occurrences). Rather, these tactical ends are used to construct a narrative that furthers their ultimate goals: These tactics tell a story that is serving to discredit higher education, undermine academic authority and politicize higher education.

Legislation against the free exchange of ideas

The highest-profile attacks have come in the form of legislation introduced in state legislatures around the country. The legislation has been introduced in two forms: as an Academic Bill of Rights (ABOR)[1] (promoted by David Horowitz and his proxy group, Students for Academic Freedom) and as "intellectual diversity" legislation[2] (promoted by ACTA). Together, these bills have been introduced in 30 states.[3]

Both versions of legislation are written to appear innocuous at first blush, and in fact some aspects of the bills are. The idea that professors should teach all of the viewpoints relevant to a particular course of study, that the student press should be free of administrative or other constraints and that student fees should be allocated according to viewpoint-neutral criteria are already embraced by almost all institutions of higher education. However, below these points are far more objectionable ones. The ACTA "intellectual diversity" bill requires changes to institutional mission statements and grievance procedures, yearly reporting to the state legislature of how classrooms are conducted and a forced ideological balance in campus speakers. Likewise, the ABOR legislation forces the state legislature into decisions of what is taught, how it is taught and who teaches it—inherently politicizing those decisions. Moreover, suggesting that these principles are goals to be met rather than current practices perpetuates the unsubstantiated narrative of an out-of-control faculty.

On one level, these legislative attacks have failed. These bills have not made it past the legislative hurdles in any of the states in which they have been introduced. In Pennsylvania, the arguments used to advance the Academic Bill of Rights were spectacularly repudiated by a special legislative committee appointed to investigate the charges of indoctrination and liberal bias leveled by David Horowitz:

> *A second issue that deserves mention is the frequent misrepresentation of events and documents for the purpose of showing the existence of political bias on campuses.*
>
> *The premier example of this "bias" was the Resolution's prime sponsor's response to a question during the floor debate on the Resolution. When asked to give an example of political bias, the prime sponsor said that a biology professor had shown the film*

1 The full text for the Academic Bill of Rights can be found at the Students for Academic Freedom Web site, **http://www.studentsforacademicfreedom.org/documents/1925/abor.html**. The text for different legislative versions of ABOR is also available at **http://www.studentsforacademicfreedom.org/documents/2523/national-and-state-legislation-texts**.

2 This legislation is modeled on a program put forward in ACTA's 2005 document, *Intellectual Diversity: Time for Action*, available at **https://www.goacta.org/publications/downloads/IntellectualDiversityFinal.pdf**. In 2008, the same intellectual diversity bills were reintroduced in some state legislatures as "Higher Education Sunshine Acts."

3 A complete listing of bills dating back to 2005 can be found at the Free Exchange on Campus Legislation Tracker, located at **http://www.freeexchangeoncampus.org/index.php?option=com_content&task=section&id=5&Itemid=61.**

"Fahrenheit 9/11" just days before the 2004 election. After a thorough investigation of the alleged incident it was found that the film had not been shown on campus, let alone in a biology class.

Despite the refutation of this alleged event, the advocates of the resolution continue to assert the existence of similar incidents and a biased faculty who are assumed to be imposing some political orthodoxy on the students in their classes.[4]

The Pennsylvania Select Committee further stated:

Based on the testimony provided at four public hearings, the Select Committee came to the general consensus that legislation requiring the adoption of a uniform statewide academic freedom policy, which was referenced by several testifiers, was not necessary.[5]

Yet, while legislators have resisted the urge to intrude upon the affairs of academic institutions, the sheer attention that these bills have received in state media and the threat of these bills coming from legislators that control many of the purse strings for institutions have yielded untold consequences. For example, following the Pennsylvania Academic Freedom Hearings, two schools—Pennsylvania State University and Temple University—chose to update their academic freedom regulations in part to lend the appearance of responding to the committee members' criticisms.[6] In Georgia, after two rounds of legislative attacks on higher education, the Georgia University System conducted a student survey to assuage legislators' fears that they were insensitive to student rights.

Attacks on the curriculum

Largely as a public relations strategy, right-wing organizations also have attacked specific classes or departments as evidence of liberal bias in higher education. These attacks use cherry-picked quotations from syllabi and department Web sites, methodologically unsound "studies," and outright lies and misrepresentations to bolster their argument that college courses are, at best, unstintingly leftist or, at worst, hives of indoctrination. Missing from these critiques are actual testimonials from people who have attended these classes or matriculated in these disciplines.

David Horowitz, through his online publication *Frontpagemag.com*, has made something of a cottage industry from attacking individual courses based on a cursory examination of online syllabi. *Frontpagemag.com* has issued broadsides against the University of Southern California,[7] the University of Arizona,[8] and the University of Texas[9] predicated on little else than what is available on university Web sites. Horowitz ultimately synthesized these

4 "Report of the Select Committee on Academic Freedom in Higher Education Pursuant to House Resolution 177," Nov. 21, 2006, House of Representatives of the Commonwealth of Pennsylvania, p. 17. Document available at **http://www.freeexchangeoncampus.org/index.php?option=com_docman&task=doc_view&gid=49&Itemid=25**.

5 Ibid., p. 12

6 It is important to note, however, that neither institution implemented a policy that increased regulation of the classroom or faculty speech on campus.

7 Laksin, J. (Feb. 2, 2007). "Trojan Radicalism," available at **http://www.frontpagemag.com/Articles/Read.aspx?GUID=37FA54AD-AE99-4784-A77A-F89FDC3B783E**.

8 Horowitz, D. & Ryan, T. (Jan. 19, 2007). "Abusive Academics," available at **http://frontpagemag.com/articles/Printable.aspx?GUID=170E635D-64A4-4A9B-9E31-20D9BF0267CE**.

9 Horowitz, D. (Feb. 20, 2007). "The Two Universities of Texas," available at **http://frontpagemag.com/Articles/Read.aspx?GUID=DDB1904A-6001-4469-A607-6E1181F60900**.

attacks in his book, *One Party Classroom*.[10] While none of these "studies" calls outright for ending women's studies departments or canceling a particular class, they have garnered enough media attention to help foster the impression that there is some problem with the content of higher education.

Reading through these attacks, one will quickly notice that nearly all of the courses criticized are found in the humanities and social sciences, and that the vast majority are located within a few disciplines. Especially singled out for criticism are the interdisciplinary area studies, such as women's and gender studies and ethnic studies. Conservatives argue that these disciplines are openly involved in indoctrination and skirt the rigorous standards for research and teaching to which other academic disciplines adhere. In vilifying these disciplines and the scholars who engage in them, critics rely upon distorted caricatures and the public's unfamiliarity with the subject matter to promote their agenda. For example, critics repeatedly have accused women's studies scholars of ignoring issues surrounding women and Islam and thus engaging in a cultural and moral relativism that stems from a deep-seated anti-Americanism within the discipline.[11] David Horowitz has criticized women's studies for its adherence to and reliance upon theories of social construction, which he makes out to be a fringe theory, going so far as to claim that this theory states that sex differences aren't real.[12] Neither criticism has any basis in reality.[13]

The American Council of Trustees and Alumni also used the spurious methodology of cherry-picking syllabi to produce its anti-indoctrination report "How Many Ward Churchills?"[14] But perhaps the most outrageous attempt to paint the curriculum as dangerously liberal belongs to the National Association of Scholars, which attempted to show the leftist slant of faculty by comparing the frequency that the terms "diversity" and "freedom" came up on Google searches of college and university Web sites.[15]

Attacks against individual professors

Another avenue that the political right has pursued in its vendetta against higher education comes in the form of attacks against individual professors. To be clear, both liberal and conservative faculty members have had their academic freedom come under attack for nothing more than their ideology; however, the vast majority of the recent attacks have been against those who are perceived as left of center, and ideological attacks against conservative faculty have been used to provide evidence of a "liberal bias."

10 Horowitz, D. & Laksin, J. (2009). One party classroom: how radical professors at America's top colleges indoctrinate students and undermine our democracy. New York: Crown Forum

11 Dogan, S. (Oct. 9, 2007). "Women's Studies Departments Ignore the Plight of Women in Islam," available at **http://frontpagemag.com/Articles/Read.aspx?GUID=1279967E-7032-49C9-882C-18DE14FFC38B**.

12 Horowitz, D. (March 19, 2007). "Secular Creationism," available at **http://www.frontpagemag.com/Articles/Read.aspx?GUID=3A1C87E4-3EE6-4148-AF36-FF142F9B479D**.

13 For an excellent overview of what the discipline of women's studies actually looks like, read the Free Exchange on Campus interview with Allison Kimmich, executive director of the National Women's Studies Association, available at **http://www.freeexchangeoncampus.org/index.php?option=com_content&task=view&id=805&Itemid=72**.

14 Document available at **https://www.goacta.org/publications/downloads/ChurchillFinal.pdf**.

15 Not surprisingly, the report no longer appears on the National Association of Scholars Web site. A story reacting to the report can be found at **http://www.freeexchangeoncampus.org/index.php?option=com_content&task=view&id=205&Itemid=55**.

While each of the individual attacks against a faculty member can appear to be a small matter—it technically only affects that one instructor—opponents of academic freedom will often aggressively market these outlying cases to the media. This PR campaign in turn not only serves to discredit higher education in the eyes of the public, but to intimidate faculty without strong job security from taking risks.

While the proximate causes for these attacks are varied, the victims of such attacks often are at a point in their academic careers when they are particularly vulnerable to attack, such as during the tenure review process or hiring process.

One of the more well known and vicious attacks against faculty members can be found in David Horowitz's 2006 book, *The Professors: The 101 Most Dangerous Academics in America*.[16] Purportedly an exposé documenting leftist bias and indoctrination in the classroom, this sloppily researched volume presents no evidence of in-class impropriety while haranguing the featured academics for their research and public, out-of-class statements (often quoted out of context).[17]

Horowitz's broadside notwithstanding, attacks against professors have generally followed one of two patterns. The first pattern is generally one of ad hoc attacks made against professors for incidents that occur in the classroom. Though there certainly are not many of these cases for opponents of the free exchange of ideas to use, they have made the most of them by aggressively marketing both the incident and their take on it to the media.

The case of Steve Bitterman is illustrative of this pattern. Bitterman, an adjunct instructor at Southwestern Community College in Iowa, was dismissed from that institution in 2007 after students complained of being offended that he didn't present the story of creation in the Book of Genesis as literal truth in a course on Western Civilization. Said Bitterman: "A few of the students thought I was knocking their religion by not promoting it."[18] Although the Bitterman incident was not amplified by any national organization, it does demonstrate how the intimidation tactics used by these organizations have percolated down to the local level, where they are enthusiastically wielded.

Horowitz and his allies are also quick to pick on mistakes made by inexperienced teachers as evidence of "bias," as highlighted by two recent cases at Pennsylvania State University. In one instance, a French language graduate instructor showed a portion of the film *Sicko* to highlight the French healthcare system, but failed to provide critical materials or time to discuss the film in her class. Another graduate instructor, this time in a communications and speech course, informed a student, who had delivered a speech on the now-famous cartoons depicting the Prophet Muhammad that some classmates found offensive, that if his future speeches were deemed offensive, he would receive lower marks for his performance.[19] Penn State did find that these instructors acted inappropriately, but it did not find

16 Horowitz, D. (2006). *The professors: the 101 most dangerous academics in America*. Washington, D.C.: Regnery Publishing, Inc.

17 A thorough debunking of *The Professors* can be found in the Free Exchange on Campus report, "Facts Count:An Analysis of David Horowitz's *The Professors*," available at **http://www.freeexchangeoncampus.org/index.php?option=com_docman&task=doc_view&gid=26&Itemid=25**.

18 Jaschik, S. (Sept. 24, 2007). "Adjuncts and God: Why Are 2 Instructors Out of Jobs?" *Inside Higher Ed*, available at **http://www.insidehighered.com/news/2007/09/24/adjuncts**.

19 Wilson, R. (July 23, 2008). "Using new policy, students complain about classroom bias on 2 Pa. campuses." *The Chronicle of Higher Education*, available at **http://chronicle.com/daily/2008/07/3938n.htm**.

a clear case of political bias. Instead, what the university found were pedagogically defensible activities (teaching about a specific aspect of French culture in the former; teaching appropriate communication techniques in the latter) that were applied poorly.

What is remarkable about these types of attacks against professors is not that students were offended, nor is it that instructors made mistakes in their teaching that were prejudicial against certain students and required corrective action. What is remarkable is that the mistakes of a handful of incidents were aggressively marketed to the media in order to frame the entire academic profession as systemically biased against conservative students. While a misdiagnosis by a doctor certainly wouldn't be seen as evidence of the systemic failure of the medical profession (in fact, it's likely the misdiagnosis wouldn't be considered news at all), these few allegations were repeatedly marketed as evidence of an overall failure in higher education.

Although the above attacks represent how Horowitz and his followers took advantage of the rare student complaint, we also have seen a series of attacks against faculty members not for their teaching, but for their research, publications and public statements. Opponents of the free exchange of ideas will typically launch attacks against these faculty members exactly when it can hurt their careers and intimidate other faculty. These generally take place during hiring and promotion decisions.

Given the political climate of the last seven years, it should not be surprising that scholars who focus on the Middle East have been disproportionately targeted. Norman Finkelstein, a former professor of political science at DePaul University, was denied tenure in 2007 despite an impressive research portfolio and teaching record. After his department overwhelmingly approved his tenure case, critics outside of DePaul waged a public campaign to have this decision overturned. Led by Harvard law professor Alan Dershowitz, this campaign was highly critical of Finkelstein's views of Israeli policy and his work on what he terms the "Holocaust Industry." While the official reason for the ultimate denial of his tenure case was a lack of collegiality, there is little doubt that Finkelstein's political views and the reaction they prompted played a major role in the decision.[20] At around the same time, a similar uproar developed around the tenure case of anthropology professor Nadia Abu El-Haj at Barnard College, although she ultimately was given tenure despite the public campaign against her.[21]

Critics also have used the hiring process to target scholars. In 2006, University of Michigan history professor Juan Cole was approved at the departmental level for a joint appointment in history and sociology at Yale University. After a media campaign that highlighted Professor Cole's vociferous and very public criticisms of U.S. policy in the Middle East,[22] the senior appointment committee at Yale ultimately rejected him for the post.[23] While not as damaging as the denial of tenure (Cole still retains his position at Michigan), this case is a

20 Jaschik, S. (June 11, 2007). "DePaul rejects Finkelstein." *Insider Higher Ed*, available at **http://www.insidehighered.com/news/2007/06/11/finkelstein**.

21 Jaschik, S. (November 5, 2007). "Barnard tenures scholar opposed by massive campaign." *Inside Higher Ed*, available at **http://www.insidehighered.com/news/2007/11/05/elhaj**.

22 Professor Cole has a very well-read blog, *Informed Comment* (**http://www.juancole.com/**), which served as an outlet for much of his public criticism.

23 Jaschik, S. (June 5, 2006). "Blackballed at Yale." *Inside Higher Ed*, available at **http://www.insidehighered.com/news/2006/06/05/cole**.

clear example of the politicization of hiring decisions at the expense of academic freedom.

Litigation

Conservative opponents of the free exchange of ideas also have used the courts both to attack higher education institutions and to promote their argument that something is amiss in higher education. The Alliance Defense Fund (ADF), a Christian legal organization, has been behind nearly all of the lawsuits in which students have claimed to be the victims of harassment and bias in the classroom—the two highest profile involving Missouri State University social work student Emily Brooker[24] and Temple University graduate student Christian DeJohn.[25]

Much like the attacks on individual faculty members, the litigation strategy arguably has more to do with drawing public attention to an outlying faculty member than it does with actually resolving the problem a student faces. In fact, many of the states that have had serious legislative battles over the "academic bill of rights" or "intellectual diversity" legislation have had a pending lawsuit at the same time.

At issue here is not whether there is a sufficient cause for student complaints. Missouri State University quickly settled its case (within two weeks of the suit being filed)[26] and conducted an investigation of its social work program that recommended some important changes,[27] while a court found in favor of one part of DeJohn's case involving Temple University's speech code (although the court did dismiss charges of retaliation against him).[28] Rather, it is again the willingness of critics of the free exchange of ideas to spin isolated and contained instances of misconduct into evidence of a systemic problem that does not exist. In commenting upon the resolution of the Brooker case, ADF senior legal counsel David French stated, "I only wish other administrations would respond as quickly to violations of students' rights,"[29] implying that similar cases are languishing unresolved at a number of other institutions.

The Brooker case raises another important issue: Many of these lawsuits jump prematurely to the legal process rather than exhausting the existing (and usually not media-worthy) university grievance processes to resolve classroom disputes. An examination of the legal complaint in the Brooker case indicates that she did use a grade appeals procedure to remedy a grade that was inappropriately awarded and won that appeal. However, in the later, more serious episode that makes up the bulk of her case, there is no indication that she attempted to inform the university administration of any harassment or discrimination against her. Instead, she filed a lawsuit some six months after graduating and even though she complained to a low-level administrator within the social work program, she never

24 The legal complaint in *Brooker v. The Governors of Missouri State University et al* is available at **http://www.telladf.org/UserDocs/BrookerComplaint.pdf**.

25 The legal complaint in *DeJohn v. Temple University et al* is available at **http://www.telladf.org/UserDocs/DejohnvTempleUniversitycomplaint.pdf**.

26 "Missouri State settles lawsuit with Emily Brooker," (Nov. 8, 2006), press release available at **http://www.news.missouristate.edu/releases/27833.htm**.

27 Smith, C.P. (April 6, 2007). "Micromanaging Missouri," available at **http://www.freeexchangeoncampus.org/index.php?option=com_content&task=view&id=513&Itemid=47**.

28 Zalot, M.A. (Sept. 2, 2008). "Student wins $1 in free speech suit." *The Temple News*, available at **http://temple-news.com/2008/09/02/student-wins-1-in-free-speech-suit/**.

29 "Missouri State U. quickly settles lawsuit with student punished for opposing homosexual adoption," (Nov. 13, 2006), press release available at **http://www.alliancedefensefund.org/news/pressrelease.aspx?cid=3916**.

brought her complaint to the university administration. While there is evidence to suggest that Missouri State University would have been responsive to any such grievance (MSU President Michael Nietzel stated, "We acted on these allegations as soon as we became aware of them the afternoon of Oct. 30. Although our investigation did not support all of the allegations made in the lawsuit, we were concerned about some of the actions that we did learn about."[30]), the fact that a lawsuit was considered prior to the exhaustion of the university's internal processes suggests a more partisan motivation.

30 "Missouri State settles lawsuit with Emily Brooker," (Nov. 8, 2006), press release available at **http://www.news.missouristate.edu/releases/27833.htm**.

CALL FOR ACTION

The Free Exchange on Campus coalition has been working with faculty members, students, administrators and legislators to help campus communities and higher education decision-makers understand how the far right's campaign against academic freedom and open intellectual discourse can adversely affect higher education. Although the campaign has taken on multiple forms, it has been successful in defeating all formal attempts to impose the Academic Bill of Rights and its associated measures because students, teachers, administrators and their allies have been adamant about responding to duplicity with the truth about the free exchange of ideas in higher education.

There simply is not a systemic problem of political bias in higher education

As we've shown throughout this report, claims of indoctrination and liberal bias are based either on outright falsehoods or incidents that have been distorted and whose ramifications have been grossly exaggerated. Contrary to these outlandish claims, every day the overwhelming majority of college professors approach their teaching and research activities with professionalism and an eye toward providing their students with the best possible education—and students respond to the innovative ways in which faculty members engage them in their education. Moreover, on every college campus, conversations are being had among teachers, students and administrators about how to best provide a high-quality education that exposes students to the vibrant debates which animate not only their academic disciplines, but the world in which they live.

Colleges and universities already have policies and procedures in place to protect students and faculty

It would be naïve, of course, to assume that mistakes don't happen or that classroom misconduct never occurs. Institutions of higher education recognize this and have formulated a variety of policies and procedures, ranging from grade appeal procedures to grievance systems to processes for dealing with harassment and discrimination that can adequately address problems as they arise. These tools are readily available in the student handbooks and college catalogs that are distributed to incoming students every year, as well as online. Those outside of higher education who are trying to impose extracurricular processes for

dispute resolution are less concerned about solving problems and more interested in making political hay.

The campaign against academic freedom only distracts from the real issues that confront higher education

Having to respond to every false or overblown charge of bias or indoctrination takes valuable time away from fixing the very real problems that vex American colleges and universities. Making sure that students have access to an affordable college education and that institutions of higher education have the funding to fulfill their missions is far more important than engaging in wild goose chases looking for agents of indoctrination.

Despite the lack of evidence to support their charges, there's little reason to doubt that far-right opponents of higher education will continue to attack the free exchange of ideas on campus. Continuing the attacks costs them little to nothing. More important, if they keep repeating their allegations—and if people fail to respond to them—the ideas that they peddle may at some point gain traction. After fighting David Horowitz, ACTA and their allies on this for the last four years, the Free Exchange on Campus coalition has extensive experience responding to the far right's attacks, and offers the following recommendations about how to remain vigilant in protecting open intellectual discourse on college and university campuses:

- **Continue to review academic freedom and student rights policies.** As has been demonstrated, the large majority of colleges and universities have policies and procedures in place that preserve the academic freedom of faculty and protect the rights of students to participate in the free exchange of ideas in pursuit of their education. Colleges and universities should periodically review these policies to determine their efficacy in facilitating open intellectual discourse and either avoid or rescind policies, such as so-called free speech zones or prior review of student publications, that negatively affect free speech on campus.
- **Build coalitions.** The damage an Academic Bill of Rights would cause is not limited to one group. Limiting academic freedom not only places limits on the important ideas that faculty can explore through their research and teaching, it also circumscribes what students are exposed to in the classroom and places limits on what institutions of higher education can offer to the public. The conservative campaign is not targeted at a mythical "out of control" faculty; it is aimed squarely at the whole of higher education, and any response should make clear that *everyone* involved with higher education will be negatively affected.
- **Keep the free exchange of ideas robust.** Nothing would please opponents of the free exchange of ideas more than if professors stopped doing innovative and creative things in their classrooms to engage students. It's imperative that faculty members continue to let their students navigate the difficult and controversial issues and opinions that make participation in higher education so exciting and worthwhile.

- **Recognize institutional autonomy and differing education missions.** There is no cookie-cutter higher education institution. There are a broad range of different colleges and universities serving different populations and performing different educational missions. It is important to let state legislators know that one-size-fits-all policies for higher education won't work and that important decisions about the curriculum and faculty need to remain at the institutional level.

- **Don't overreact when opponents of academic freedom show up on campus.** If David Horowitz is shouted down or forced from the stage on a college campus, it only underscores the point he's trying to make, and it is decidedly contrary to open intellectual discussion to engage in these sorts of behavior. As the saying goes, the answer to bad speech is more speech. Let their bad ideas fail under their own weight.

CONCLUSION

For seven years, conservatives have intensely targeted public institutions of higher education with relatively little to show for it aside from a handful of scalps taken from "controversial" professors. The conservatives' legislation has failed in every state in which it's been introduced, independent investigations of the evidence for liberal bias have turned up nothing, enrollments at public institutions continue to grow, and professors have maintained their public esteem.

However, so long as a campaign exists that causes college instructors to fear retribution for their teaching, a truly free exchange of ideas cannot exist, a prospect that harms no one more than students. Faculty members and students must be free to engage in open intellectual discourse, bounded only by the rigorous methods of inquiry employed by academic disciplines. If we as a nation are to maintain a system of higher education that is the envy of the world, we must be free to pursue the real challenges that confront this system rather than worrying about a campaign of intimidation that prevents the free and open exchange of ideas on college campuses.