

ILLINOIS ACADEMIE

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PRESIDENT'S CORNER

Standardized Testing: A Political Agenda

By Leo Welch

President,
AAUP-Illinois



It appears that Charles Miller, former head of the Education Secretary's Commission on the Future of Higher Education, is going to get his way – at least in Texas. When the commission started meeting, the fear was that a call would be made for some type of mandatory standardized testing for college and university undergraduates. Miller was a major proponent of standardized testing and apparently will see his wish implemented in Texas.

Texas governor, Republican Rick Perry, has announced increased financial support for public higher education, but this is coupled with testing requirements for graduating seniors. Testing would include licensure exams or Education Testing Service exams for various college majors. Although the results of these tests will not be required to graduate, they will effect the state funding of the institution. Governor Perry claims that the exit exams are required "to protect the integrity" of tax supported institutions.

As expected, faculty took a dim view of funding public higher education based on standardized tests. Charles Zucker, executive director of the Texas Faculty Association, stated: "I'd give a flunking grade to the testing proposal. There is now a widespread consensus in Texas that all of the K-12 standardized testing that we have done has not really worked. We've had massive amounts of teaching to the test going on, and now that there's a consensus that has failed, the governor wants to institute the same plan for higher education."

The major fields test will be provided by the Educational Testing Services (ETS) in fifteen undergraduate majors and MBA programs. It will be somewhat difficult to teach to the test because ETS tests for history but not philosophy, music but not art, and sociology but not anthropology to name a few examples. Raymond Paredes, commissioner of higher education in Texas, said that other tests would be needed to fill in these gaps.

Neither Paredes nor the governor discussed the financial impact of their agenda. All of the ETS tests cost \$25 per student and will be purchased by the institution. There was no mention of the administrative costs which also will be significant. In all-too typical fashion, an unfunded mandate has been dumped on the Texas higher education community.

How does this initiative in Texas relate to Illinois? Illinois has already agreed to participate in a pilot project directed by the National Forum on College-Level Learning and funded by the Pew Charitable Trusts. This project involved testing of public community college and public university students. This pilot program was authorized by the Illinois board of Higher Education. The results of the testing were reported in *Measuring Up 2006* with cautionary notes such as: results should be treated with caution because of the small number of test takers, and the scores of four-year institutions should be qualified because of a limited number of institutions participating. Nevertheless the results were published and the causal reader could easily assume their validity.

Margaret Miller, Project Director for the National Forum, has stated that she supports a "No Child Left Behind

PRESIDENT'S REPORT continued on page 2

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Annual Meeting, Illinois AAUP

Saturday, April 14, 1pm, Chicago

John Marshall Law School

315 S. Plymouth Court, Room 300

1pm: "Defending Academic Freedom in Reactionary Times: Doing Controversial Academic Scholarship in a Time of Global Crisis."

Speech by Matthew Abraham, assistant professor of English at DePaul University.

2pm: Illinois AAUP Business Meeting

PROPOSED BY-LAW AMENDMENT

The following By-Law Amendment is being proposed in order to bring the Illinois AAUP in compliance with federal rules and to avoid the expense of a mail ballot to select delegates

Addition to By-Laws, Article VI State Council of the Illinois Conference of the American Association of University Professors:

"By the nature of their position, members of the state council are eligible to serve as delegates to the Annual Meeting of the American Association of University Professors, the Annual Meeting of the Assembly of State Conferences and the meetings of the Collective Bargaining Congress."

BECOME A PART OF THE IL-AAUP

Nominate an individual to be an officer of the Illinois AAUP or a member of the AAUP State Council.

Volunteer to help revitalize or start an AAUP chapter on your campus.

Email Pan Papacosta at ppapacosta@colum.edu.

Inside This Issue

ETHICS IN ILLINOIS

Controversy over a quick quiz.

articles on pages 2-3

STANDING UP FOR FUNDS

Ken Andersen examines the fight for education funding.

column on page 3

HOROWITZ AT DEPAUL

David Horowitz comes to DePaul, and engages in a debate about freedom of expression.

articles on pages 4-5

DEBATING THE KALVEN REPORT

University of Chicago officials and students debate Sudan divestment.

letters on pages 6-7

American Association of
University Professors of Illinois

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ISU President Al Bowman on the Ethics Quiz

Dear Executive Inspector General Wright:

Recently, hundreds of Illinois State University employees received a letter from your office notifying them that their governmental ethics training certificates of completion were invalidated on the grounds that they completed the training in an inappropriately fast period of time.

As a result, my staff and I have received numerous complaints from university personnel regarding the tone of the notice as well as the poorly communicated provision that the testing time was monitored. I, along with employees of this academic community, am offended that one would be penalized for the ability to read and comprehend information quickly when these same skills are a necessity to succeed in an environment of higher learning.

The only failure is that the Inspector General's office exhibited an alarming lack of judgment and common sense. In my 28 years as a professor, I have never given a failing grade to a student for taking an exam too quickly. It is groundless and insulting to accuse employees of cheating simply because they finished the exam in less than 10 minutes.

Please note that while disappointed in how some aspects of this training have been administered, I recognize the importance of the training and appreciate all good-faith efforts to educate the Illinois State University community on the provisions of the State Employees Ethics Act. As a University, we will continue our work to ensure compliance with the Act.

Sincerely,
Al Bowman
President, Illinois State University

President's Report continued from page 1

Act" for higher education. I view this pilot test in Illinois and Kentucky, Nevada, Oklahoma and Nevada as a preliminary effort to do just that. Not surprisingly Charles Miller, former chair of the Education Secretary's Commission on the Future of Higher Education, was one of the participants in the original meeting of the National Forum on College-Level Learning held at PepsiCo Headquarters in Purchase, NY in November of 2001.

Ten of the twenty one participants at the national Forum meeting in November of 2001 were CEOs of corporations who, I think, are looking for college graduates who meet their current work force requirements. If corporations are the driving force of "educational reform" in the form of standardized testing then I will argue that these tests will be modified to train students in the needs of the corporation at the expense of liberal learning.

According to an Associated Press article released on February 13, 2007 Texas Governor Rick Perry is using his political muscle to push his agenda. Wayne R. Roberts, Perry's senior advisor for higher education e-mailed dozens of university regents, chancellors and presidents to urge them to endorse his higher education reform plan.

Craig McDonald, director of Texans for Public Justice, said he believes the e-mails inappropriately set out "marching orders" for administrators. McDonald's group tracks the effect of money and corporate power in politics.

A top university official, who spoke on the condition of anonymity, said Perry's office called members of his system's board of regents and told them to get system administrators to endorse the plan.

I have continued to argue the nation-wide movement for standardized testing is a political agenda and not an educational one. I would further argue the events taking place in Texas will be copied elsewhere, and we already have a good start in Illinois.

The traditional role of faculty in assigning student grades, designing the curriculum and other responsibilities of the professoriate are in jeopardy. Of course, faculty design and administer tests, but utilizing one-size-fits-all standardized tests for the purpose of funding is entirely different.

I would call on faculty to oppose this model that is proposed for Texas. After all, there have been enough bad things recently coming out of Texas.

Sources: Fort Worth Star Telegram; Illinois Board of Higher Education; InsideHigherEd.com; The National Forum on College Level Learning

Testing Ethics in Illinois

By Tony Williams

As readers of *The Chronicle of Higher Education*, *The Chicago Tribune*, and *The Chicago Sun-Times* know, over 5,000 Illinois state employees have had their successful certificates of compliance with the State Ethics Test removed. Their "crime" involved completing the test in less than ten minutes. Executive Inspector General Spokesman Jimenez publicly accused those responsible of cheating by using "cheat sheets." Although legal and constitutional questions exist over surveillance techniques used by the State to monitor these tests, those who do not sign a form admitting "non-compliance" face penalties "up to and including termination of employment." After Thanksgiving Break some 65 SIU faculty members and over 100 civil service employees were warned that failure "to complete the offline training by the due date will be subject to potential disciplinary action."

It appears that SIU Administration expects employees, who passed the test originally (and have certificates of compliance) to sign a document incriminating them. Although they may escape dismissal by the State by signing, they make themselves liable for future disciplinary action by the University and lose all right of appeal against any decision made against them.

To its credit, the SIU Faculty Union filed a grievance against the University as well as pursuing further legal action. At the same time, the very question of an Ethics Test introduced by a Democratic Governor under investigation by the Attorney General's Office on charges of possible corruption raises several issues. Apparently, this ten-minute minimum time limit was never invoked previously. Instead, it was suddenly introduced immediately after the Governor's re-election. Significantly, former Democratic Senator and current SIU President Glenn Poshard waited until this re-election to fire Chancellor Walter Wandler (whose sympathies were never 'Democratic') before his contract expired. Something rotten is clearly happening in the state of Illinois on both government and SIU levels.

No time limit was ever specified on the Ethics Test instructions. But it did mention that subjects "should" spend between thirty minutes to an hour doing this test. Note that a subjunctive verb is used here, one allowing choice rather than a coercive verb such as "must". One then wonders why those who spent 11 to 29 minutes doing this test did not have their certificates of compliance revoked.

The Unethical Ethics Debate

The following letter was written in 2007 by John Bambenek, an academic professional at the University of Illinois at Urbana, to the Illinois Executive Inspector General. Bambenek is suing the state for refusing to acknowledge his passage of the ethics quiz.

I have received your office's letter stating that I was non-compliant on my ethics training dated December 15th, 2006. It is this letter which is the subject of my writing today. Your allegations, regardless of being stated with certitude and finality, that I did not complete my ethics training and have violated the law are both factually and legally without merit.

I take questions of my integrity and honor very personally. As an information security professional I am trusted to keep my word and meet my obligations strictly. Questions on my integrity run to the heart of whether I can be trusted in that industry. Frivolous accusations and assertions challenging my integrity are very damaging, personally and professionally.

You state that because I spend only 8.78 minutes in reviewing the program training materials prior to completing the quiz that I did not carefully review the subject material in the ethics exam and have not complied with the law. This assertion, on its face, is an accusation that I have committed a class A misdemeanor according to 5 ILCS 430/5-10. This accusation is laid as a matter of fact in which I have been provided no opportunity to challenge, refute, or confront witnesses. Further, in order to become compliant, I must assert that I, in fact, have committed a crime without the benefit of a hearing, trial, seeing the evidence, or otherwise challenging your claims. Your office, in coordination with the University Ethics Office, sent a packet which included a form on the back page that I must sign. This form reads:

"Acknowledgement of Participation in: Ethics Orientation for Noncompliant Employees of the Agencies of the Illinois Government..."

I have enclosed a revised form that I signed to certify I completed the program online and have read your additional materials. The revised form passes constitutional

Threatening letters were issued to "non-compliant" employees immediately after Thanksgiving. The situation is more serious for international faculty. According to immigration law, they may be deported for the most minor criminal offense. Also, they could be permanently excluded from applying for American citizenship since evidence of a "good moral character" is a major requirement.

SIU's Ethics Office has violated the "reasonable accommodation" clause of the 1990 American Disabilities Act on at least one instance. When this test was first imposed, a faculty member requested the alternative of doing it on hard copy rather than on the computer due to eyesight problems concerning reading material on the internet over a long period of time. This was abruptly refused. This presented no problem during the initial phase of the Ethics Test but it has now due to the arbitrary imposition of the ten minute rule. When the problem was brought to the attention of Associate Chancellor for Diversity, Dr. Seymour Bryson and Ethics Officer Corey Bradford, they both refused to recognize that an error had been made and denied the applicant's request that a letter be written to the Governor's Office pointing out that a mistake had been made. Instead, they hid behind "the letter of the law" pointing out that since the individual was not then registered under the ADA Act, the request was invalid. Both administrators showed no sympathy for the problems the applicant would face with the INS concerning being "criminalized" by the removal of a certificate of compliance for a test that had been successfully passed.

Some faculty might face disciplinary action. But I wonder if students will be content knowing that other instructors, who have passively signed a document admitting guilt over a test they originally passed, are the right people to teach them anything about personal freedom, intellectual integrity, and standing up for their rights. Again, SIU Administrators have shown how well they can be trusted with the future of this campus. After all, if they don't discipline "non-compliant" faculty, Governor Rod might not give them any more money for their Sports Stadium.

Tony Williams teaches at SIU, and was one of the faculty who refused to sign the form after having his ethics exam passage revoked. On January 26, he received a letter from the SIU ethics office declaring that it "found that there is sufficient evidence of your successful completion of the training requirements of the Act."

muster and doesn't violate my rights or make any factual inaccuracies as to the allegations in your December 15th letter. I have enclosed the revised form not because I believe your claims have any merit whatsoever and they should not be construed as an admission of guilt. I include them only because of the public's right to know that public employees are meeting their obligations, independent of what other government officials unjustly say about them.

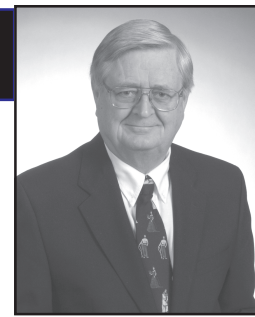
Your letter constitutes several significant breaches of the state of Illinois constitution and the federal constitution. For the sake of brevity, I will not cover the violations of state statutory law, federal statutory law, or international law.

First, if I am accused of a crime I am entitled to due process according to Article I Section 2 of the Illinois State Constitution. This right is also required by the Fifth Amendment of the Constitution of the United States of America, made applicable to the State through the Fourteenth Amendment. What you have provided is not due process, you have provided no process. The case law surrounding this right is substantial.

Second, if I am accused of a crime, I am entitled to a hearing according to Article I Section 7 of the Illinois State Constitution. This right is also required by the Sixth Amendment of the Constitution of the United States of America, made applicable to the State through the Fourteenth Amendment. You have provided no opportunity for such a hearing where I can refute the charges unjustly and incorrectly levied against me. The case law surrounding this right is substantial.

Third, if I am accused of a crime, I am entitled to the right against self-incrimination according to Article I Section 10 of the Illinois State Constitution. This right is also required by the Fifth Amendment of the Constitution of the United States of America, made applicable to the State through the Fourteenth Amendment. You are requiring that I admit wrongdoing in order to rectify this situation by publicly stipulating that I am non-compliant, when I am, in fact, in compliance. The case law surrounding this right is substantial.

UNETHICAL ETHICS continued on next page



Speak Up! Link Up!

Is this the year the Illinois Legislature and Governor will address the structural deficit and backlog of economic shortfalls covered by smoke and mirrors that characterize recent legislative activity? Hope springs eternal. . . But this year there may be grounds for hope.

The *Chicago Tribune* has run a series of editorials on education along with responses by individuals such as Gretchen McDowell, past president of the Illinois PTA, and Sharon Voliva, Chair of the Better Funding for Better Schools Coalition (read the entire series at <http://www.ieanea.org/chicagoTribuneSeries.aspx>). National and local newspaper and magazine articles have commented on the pension problems and underfunding in Illinois.

HB/SB 750 has been reintroduced in the legislature with its trade off of higher income and corporate taxes and reduced property taxes yielding an increase in revenue for the state. Discussion by an informal group under the rubric of the "Saturday Morning Dialogue Group" is seeking to build a coalition of stakeholders focused on improving education quality and accountability while suggesting use of a Gross Receipts Tax adopted by such states as Delaware, Wash-

ington and Ohio. It would sharply reduce or eliminate a number of other taxes and since it is not an income tax might meet the Governor's standard of no income tax increase.

WILL IT HAPPEN?

If individuals such as you and I sit back and depend on the kindness of strangers, it will not happen. Only if we speak up and make the needs for higher education funding and tax reform known will it happen. We need to contact legislators, preferably one-to-one, write letters to the editor, and otherwise make this a concern to all Illinois citizens to make it happen.

National attention continues to be focused on improving educational quality in an increasingly competitive world economy. Business is calling for college graduates with better critical thinking skills, better communication skills, and greater ability to work as members of a team. Improving the quality of teachers is a key concern nationally and the subject of a recent paper by the Faculty Advisory Council to the IBHE.

SPEAK UP!

Recent changes in the Illinois Board of Higher Education might lead them to follow former University of Illinois President Stanley Ikenberry's advice to them in October of 2005 to serve as an advocate for higher education. Newly appointed Board Chair Carrie Hightman, former president of AT&T Illinois, stated: "Creating and advancing higher education programs that promote an educated workforce is of critical importance to Illinois' long-term economic viability."

LINK UP!

We need to form coalitions with other groups just as was the key to success back in previous campaigns. Remember, we are doing this for all of Illinois citizens. Education is not a private good—it is a vast public good in every sense. Think what the GI Bill did to enhance the quality of life in this country for all individuals. Where is that awareness of the value of higher education to the public good today?

St. Augustine Faculty Vote "No Confidence" in President

By Lee Maltby

On November 13, 2006, the faculty of St. Augustine College resoundingly voted "no confidence" in President Z. Clara Brennan, who was appointed president of St. Augustine in July 2002. While complaints against the president had been growing for some time, recent events in the Fall 2006 semester proved too problematic to be ignored.

Enrollment—St. Augustine's primary source of revenue has always been tuition. In Fall 2002, total student enrollment was 1642 students. In Fall 2006, 1279 students were enrolled. Already strapped for revenue, the semester enrollment figures mean that cuts in staff and faculty appear inevitable. The decline in revenue also means that the college will have great difficulty paying its annual debt obligation, which totals around eight million dollars.

NCA site visit—The second issue that undermined support for the president was the inability of the college to prepare its self-study in anticipation of a site visit in 2007. It was 1999 when the college was last re-accredited by the NCA of the Higher Learning Commission. Preparations to begin the self-study for the site visit were slow starting. Then once preparations began, it became obvious that the college was not ready to perform the self-study. This discovery resulted in Dr. Brennan requesting a one-year delay in order to better prepare for the crucially important accreditation site visit.

Faculty concerns—A third long term issue has been the

working conditions for faculty, which have historically been very poor at St. Augustine. Faculty pay, workload, and the academic calendar are more difficult when compared with other two-year schools. While faculty understands that it is difficult to compete with publicly funded community colleges for salary and benefits, St. Augustine faculty rank in the 99th (probably 100th) percentile (the bottom) of faculty compensation, while living in one of the most expensive areas for housing in the country. Not surprisingly, many faculty members have side jobs, teach extra courses to make ends meet, or they migrate to other schools, such as the Chicago city college system. For years, the college has suffered a 'brain drain' as many of its faculty find better positions elsewhere.

Academic freedom—When Dr. Brennan interviewed for her position at St. Augustine, she promised to improve faculty working conditions. Upon her arrival she was given a draft of a faculty manual. That manual has not been completed. The current (and past) condition for contracts is that faculty are issued a ten month contract annually. Thus, faculty receives no guarantee of a job the following year should their actions displease the administration. Furthermore, faculty members have never had any significant role in governance at the college. Any exercise of academic freedom has always been at the discretion of the administration. Obviously, the lack of academic freedom has made it

very difficult for faculty members to speak and act against administration's actions. The threat of no contract for the following year is a very serious reason to keep one's mouth closed and eyes averted even when faculty are and have been treated in an uncaring, unprofessional, and unethical manner. Academic freedom has always been an idea—not a reality at St. Augustine.

Library, etc.—The library is another area of serious concern at St. Augustine College. Understaffed and underfunded, the recent and positive advances made in the library are now at risk. There are also many other issues related to management, personnel, organization, and 'people' skills. The fact that the faculty was able to unite to hold this vote, and then to vote so strongly against the president, demonstrates the depth of the problems at the college. The faculty now hopes that the Board will listen.

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

UNETHICAL ETHICS continued from page 2

Fourth, if I am accused of a crime, I am entitled to a trial by jury according to Article I Section 13 of the Illinois State Constitution. This right is also required by the Fifth Amendment of the Constitution of the United States of America, made applicable to the State through the Fourteenth Amendment. In the effort to rush towards punishment, your office skipped the trial, the hearing, even the presentation of evidence and moved straight to sentencing. The case law surrounding this right is substantial.

Fifth, I am protected by right against ex post facto legislation according to Article I Section 16 of the Illinois State Constitution. This right is also required by Article I Section 9 of the Constitution of the United States made applicable to the State through the Fourteenth Amendment. Your standard for evaluation whether I spent enough time on the test was come up with after every government employee has taken the test. Further, I find no documentation as to what the standard actually is. If you are going to enforce a regulation, the regulation needs to be published somewhere and it needs to be in place before the fact. The case law surrounding this right is substantial.

Sixth, the allegations in your letter are factually false. If your office wishes to audit my understanding of ethics law applicable to my position, it could do so easily with another exam. Instead, without trial, jury, or any process whatsoever, you have found me guilty and assigned a punishment. The facts are that: (1) I can read fast, (2) I am relatively intelligent, and (3) I am morally sound. I am very familiar with the ethics laws of this state independent of the annual train-

ing. I finished the test too quickly because I'm too familiar with the law (as well as I can read very fast). Being non-compliant because of too much knowledge on the subject is novel and interesting, but unconvincing.

In no way should this letter constitute an exhaustive defense in this case. I reserve the right, should you decide to meet your obligations under both constitutions, to add further defenses and facts as I see fit.

The material is the substantially the same as last year and contains very simple and easy to understand concepts. I am familiar with the process of filing ethics complaints and of whistle blower protections because I have filed ethics complaints in the past. I am familiar with the fact the stealing University equipment and property is wrong, not because it's written in a law book somewhere, but because I have common sense and a sound moral compass. I realize this may be a rare commodity among our elected officials and their bureaucrats in Springfield; however, that does not translate to the educated individuals on university campuses. For the record, I don't need to read the sexual assault statutes to know that I shouldn't walk up to women, punch them in the face and rape them too.

That statement that Gilbert Jimenez made to the press that "it's not humanly possible" to read and comprehend the material quickly and therefore cheated shows that either he only associates with unintelligent people, he looks down at us "unintelligent plebes" as rubes, or he is unaware of the actual contents of the material. Nevertheless, to further lob the charge of cheating to the press is slander-

ous on its face. If this were a comment by a prosecutor in an open case, it would be cause for an ethics complaint, as the prosecutor in the Duke rape case has seen.

My instructions are as follows:

1. Either provide me the evidence used against me and make arrangements for a hearing or,
2. Immediately remove me from whatever lists you have of "non-compliant" employees and clear any record of this event from any record on me.
3. Gilbert Jimenez will send a personal and public apology to me for his slanderous and false accusation in the press that I and others in my position are cheating on an extremely simple exam.
4. Strike any claims made against me for violations based on ex post facto rules or regulations.
5. You will refrain from further threats of criminal or civil action until such time as you deign to meet with your constitutional obligations to levy such charges and threats.

If someone from the ethics office wishes to verify the facts, they can at their leisure come to Champaign and I will read the balance of the ethics training and take the test. As a public employee accountability is important and I remain open to anyone who wishes to verify my honesty and knowledge in comprehending the ethics code. Please contact me if you wish to avail yourself of my time in this way.

If you wish to rewrite the form you asked me to sign in such a way as to not admit wrongdoing, I will sign it. I have enclosed a copy of a revised form that doesn't violate my rights under the constitution and the laws of this state.

A Brief People's History of Free Speech at DePaul

By Matt Muchowski

Conservative commentator David Horowitz recently visited DePaul University in Chicago to rant and rave about how allegedly the school was persecuting conservative students and faculty. Someone from the outside like him can only hear the tip of the iceberg about free speech at DePaul through conservative blogs complaining about how Zionist professor Klocek didn't have his contract renewed or how an anti-affirmative action bake sale was shut down an hour early. I've spent the last nine months researching what I call "a People's History of DePaul." A lot of Horowitz's claims about liberal and leftist indoctrination in academia, and DePaul specifically, are more hot air than actual fact.

Consider what happened in 1986 when the speakers series decided to invite then-president of the National Organization for Women, Eleanor Smeal. She was promptly disinvited by the higher ups of the school because she was pro-choice and DePaul is Catholic. I personally read several of the hundreds of letters the school received, many written on cute Christian letterhead, defending the decision, and deriding academic freedom as giving people like Smeal an opportunity to speak. Ultimately, students and faculty got organized and forced the school to back down, and while it still refused to fund the event, students organized to raise the money to have Smeal speak.

A similar event happened in 1996 when the school refused to allow students to form a pro-choice advocacy group on campus, even though student government, faculty council and a student referendum all supported the creation of the group. A few years later, our school newspaper, the DePaulia printed an anti-choice advertisement. The DePaulia tried to claim that it was just paid space but admitted that the school prohibited them from running ads which countered Catholic teaching, such as "pro-choice clinics, tobacco ads or other 'immoral' things."

Since the beginning of this decade, students have hosted an annual performance of the Vagina Monologues, a feminist play. While it's enormously popular, featuring sold-out crowds every time it is performed, in 2006 fundamentalist activist mailed hundreds of postcards that read, "'academic freedom' no excuse for promotion of sin on a Catholic campus."

In 1996, the women's center invited Jocelyn Elders to speak. Elders was the Surgeon General under Clinton and was fired because she promoted masturbation. As a result, the director of the center received 18 death threats for having the audacity to invite a pro-masturbation speaker.

A similar thing occurred last year when a person Horowitz debated, Ward Churchill, came to DePaul. Conservative students and outside activists attempted to have his speech canceled and there was at least one bomb threat, but the event went on.

This is all very personal to me because in 2003, as a freshman, I ran for student government. On my promotional flier I had statements against the PATRIOT Act and Coca-Cola, and called to make student government more democratic and to "allow a diversity of political ideas to flourish." Elections by-laws required us to have the Elections Operations Board (EOB) approve the fliers. We submitted them expecting no problems. Instead we received a letter from Charles Marshall, the EOB chair. It read, "there are some glaring problems with your submissions which must be corrected before I can consider them for posting and distribution... The statement about the Patriot Act could be considered a political statement and therefore cannot be used on materials. The statement referring to Coca-Cola could be considered a political statement and therefore cannot be used on materials. The statement suggesting that SGA become more political is in its very essence a political statement and therefore cannot be used on materials."

At an SGA debate between my friend Guisepppe and a conservative student, the moderator announced: "Seeing as how Student Government is the voice of the students at DePaul University, any criticism of student government will be taken as slander against the entire student body of DePaul and the offending candidate will be written a warning."

We saw this as a clear abridgment of our free speech and ability to have a democratic student government and handed the fliers out anyway. We were then disqualified for handing those fliers out. This happened despite the history of a student government which took political stands on issues. In 1970 after Kent State, they endorsed shutting down the school for a day of protest. In 1973 they endorsed the boycott on California grapes in solidarity with the United Farmworkers Union and Cesar Chavez.

So my question for Horowitz is: where were you then? Where were FIRE's statements about DePaul threatening free speech during all these incidents? Where were the articles in Front page magazine? If these incidents I just listed are examples of right-wing indoctrination, why doesn't your network take them up with the vigor that they do with supposed left wing indoctrination? For example, in his blacklisting book "The Professors," Horowitz spent a whole chapter on Norman Finkelstein, whose parents survived the Nazi Holocaust, but Horowitz did not even spend a whole page on Arthur Butz, the engineering professor at Northwestern who has written a book denying that the Nazi Holocaust happened.

Is it possible that Horowitz is not concerned with free speech as a whole but rather only defending a narrow spectrum of speech? If so, what is included in that spectrum? What kind of speech are you really defending? Let's look at conservative DePaul student Nick Hahn III, who moderated and helped host Horowitz's appearance at DePaul. Hahn had posted on his public facebook account a series of notes where he calls Islam and homosexuality barbaric. He calls Chicago's gay pride parade the scourge of America and armpit of Chicago and describes the satisfaction he received from flipping off a participant in the parade.

What about Thomas Klocek's speech? Saying that Palestine does not exist and implied that my friend Salma Nassar isn't Palestinian? Saying that "not all Muslims and Arabs are terrorists but all terrorists are Muslim"? Really? I had no idea that Timothy McVeigh was a practicing Muslim, let alone George Bush. But more than his speech, let's look at his actions, shouting at students, making a questionable hand gesture, and throwing their literature back at them.

Let's look at what the libel groups like the ADL say about Finkelstein, and which Horowitz allows writers like Stephen Plaut to print in his magazine. The ADL calls Finkelstein a Holocaust denier, but consider this quote from his book, *The Holocaust Industry*: "My original interest in the Nazi holocaust was personal. Both my father and mother were survivors of the Warsaw Ghetto and the Nazi concentration camps. Apart from my parents, every family member on both sides was exterminated by the Nazis." Hard to deny it happened if you're admitting your parents survived it, right? Why weren't you defending Finkelstein while he was being fired from colleges in New York because of his commitment to setting the record straight about Israeli human rights abuses against Palestinians?

Also consider Horowitz's book where he declares that DePaul professor and head of the Global Islamic Studies Department, Aminah Scott McCloud, was a member of the Nation of Islam. Well, she's Black, and she's Muslim, but she's not a member of the Nation of Islam.

Let's also not forget Horowitz's statements about slavery, that it was only white Christians that created an anti-slavery movement. So I guess the whole slave rebellion in Haiti was just my professors indoctrinating me.

If you want to talk about indoctrination, just look at ROTC and business schools, which Front Page magazine never attacks. Horowitz might claim that they teach the truth — what works. I would show you the half-dozen homeless people I passed today. I would show you the starving in countries crippled by debt to the World Bank and IMF, and ask if what these economics classes are actually doing is brainwashing students to believe that capitalism works.

There is a difference between civil discussion, and hate-motivated harassment, between legitimate public discourse and libel. Libel like numerous racist things the DePaulia has printed over the years. In 1993, the DePaulia ran the same photo of the annual Black Student Union MLKJ day peace march two weeks in a row. The first week, was about the march. The next week ran the same photo but with the headline, "DePaul Student Arrested for Battery." Two years later they ran an article about a fight that broke out at a party sponsored by a black student group. They misrepresented the facts, quoted only police officers and none of the student organizers, and made it seem as though the fight occurred because it was black students. Students took action and occupied the DePaulia offices, preventing the publication of the paper for two weeks. While every major newspaper in the area condemned the occupation as abridging the free speech of the newspaper, members of Concerned Black Students explained, "Black students can no longer allow the DePaulia to manipulate DePaul's community in thinking that they are an ethical, dependable and unbiased means of information. The community must be presented with the facts! They must also understand the detriment of biased and incomplete journalism. Printing editorials and articles based on falsehoods and untruths is not an expression of 'free speech'. It is nothing more than bad journalism."

Free speech and dissent do have a legitimate role in a liberatory educational setting. However, bigotry and falsehoods do not. In 1998 one student, James Rowe, who admitted that "Drag queens and queer kiss-ins make me sick," wanted to form an anti-gay group called "Values DePaul," to "promote heterosexual values and ensure equal representation of heterosexuality on campus." Because you know drag queens are always beating football jocks with baseball bats on campus.

The group was denied its creation. The DePaulia lamented that the denial of the group was a bad thing since some students might be afraid to voice their views because they might be labeled homophobic. I think that was the right decision because bigots should be afraid to be bigots.

In the end of the day, conservatives like Horowitz appeal to a Constitution that belonged to rich, white, slave owning men who are now dead, to defend a concept of "free speech" which has little actual bearing to material reality.

Their concept of free speech assumes we live in a society without class exploitation, without racism, without the things that divide us. Just because the declaration of Independence and Constitution says that all men are free and equal, does not make it

so.

But, like they say in Alcoholics Anonymous, the first step to solving something is admitting you have a problem. Let's admit that under capitalism, we are not free and equal, and thus do not have free speech. From there we can struggle to create a society where we are free.

Under capitalism, people are deprived of their livelihoods, then forced to pay for the necessities of life, so they apply for a job. While it appears as a voluntary act, it is in its essence sacrificing one's will. As Locke said, "the authority of the rich proprietor and the subjection of the needy beggar began not from the possession of the lord, but the consent of the poor man who preferred being his [proprietor's] subject to starving."

You do not elect your boss in the farm field, or on the sweatshop floor or in your store; rather they select you from a reserve pool of labor. Similar to how Congress draws district lines. If you speak up, try to exercise any of that "free speech" as a maid, a janitor, a car assembly worker, an electrician, and try to demand a better wage, health insurance, a union— your ass gets fired, unless you overpower your boss.

Which is what has happened in certain sectors of academia. Those who educate with a mind towards liberation overpowered the hurdles placed in front of them in order to become respected members of the academic community. Even at a private Catholic school like DePaul, the degree to which literal interpretations of the Bible and church dogma have been subverted is truly heroic: a gay studies program, Muslim prayer room, a Jewish prayer room, member of the Worker Rights Consortium. There are steps to go still — there is still an unelected and unaccountable board of trustees, the school doesn't allow condoms to be passed out on campus, we still have to kick ROTC off campus, and we still need to pay reparations to Puerto Ricans gentrified out of Lincoln Park partly because of DePaul.

Horowitz is trying to take away the gains we have made. But I still have hope in you David. You can still be a prodigal son and return to the left. I would recommend you start by signing this letter, defending the academic freedom of the vagina monologues. If you're feeling adventurous, you can sign this letter supporting Finkelstein's academic freedom as well.

Update: I presented this speech to David Horowitz at his appearance at DePaul. This version was slightly modified to be addressed to readers of Illinois Academe instead of David Horowitz. (To read sources for this article, go to www.ilaaup.org.) When I started to read this speech in the Q&A section of the event, I read up to the banning of the pro-choice club in 1996 before I was shouted at and told that my speech was too long and threatened to have the microphone taken away from me. I jumped to the end and offered to have Horowitz sign a letter defending the Vagina Monologues and if he was really adventurous, a letter defending Norman Finkelstein. He took both letters but refused to sign either.

Illinois Academe invited David Horowitz to reply to this article. Read his response on page 5.

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.

Gagged at DePaul: A Report about Horowitz's Visit

By John K. Wilson

Thomas Klocek had his silly gag on again. And he had a little trouble getting it off when it was his turn to speak. He brought the gag to the podium, declaring: "it may very well be put on again." In the past, Klocek had seemed vaguely embarrassed at appearing for a press conference about his suspension by DePaul University wearing a gag. But now he was parading it again for the five videocameras in the room.

A crowd of 200 packed a lecture hall at DePaul University the evening of January 24 to hear from fired instructor Klocek and famed ex-radical David Horowitz. Although there were a lot of Horowitz critics in the crowd, there were no protests, and not even booing of Horowitz's most outrageous statements.

Klocek gave a rather boring short talk on scholasticism, on truth and wisdom, and Jesus. Klocek worried about "the loss of free speech as a hallmark of the Catholic university." He added, "the whole idea of a distinctive Catholic education is lost in the process."

Horowitz had a very different idea of a Catholic education. After shamelessly sucking up to the crowd ("Go Bears") he gave his usual disjointed, rambling speech. According to Horowitz, "Academic freedom is not free speech. It's professional speech." And Horowitz has a pretty bizarre impression of what the academic profession means.

According to Horowitz, it means following the scientific method. Unfortunately, Horowitz has a strange notion of the scientific method. Horowitz claimed, "If there are critics of a theory, you present the critics." Of course, the scientific method has nothing to do with teaching, and it certainly has nothing to do with theories about the marketplace of ideas. It's bad enough that Horowitz doesn't understand scientific method. He actually believes, "it is obligatory for every professor to obey scientific method" under AAUP guidelines. In doing so, Horowitz confuses an ethical recommendation for teachers with an enforceable mandate.

Horowitz declared that DePaul's rules say that an instructor "must not introduce controversial matter that bears no relation to

Higher Education Legislative Coalition Report

Former teacher, legislator, congressman, Illinois gubernatorial candidate, and current President of Southern Illinois University, Glenn Poshard met with the coalition on January 9, 2007. He began by giving a history lesson. At the beginning of this nation, education was provided only to those of wealth at Christian based universities located in the Eastern United States. Education expanded beyond the wealthy via the Morrill Land Grant Act signed into law by President Abraham Lincoln in 1862. George Morrill created the Land Grant University System that opened up education for anyone wanting a higher quality of life. Since then government has understood the importance of education to self, society, the nation and the world. Poshard states this is no longer true with our state and federal government today. He cited the loss of \$13 billion in federal scholarship funds last year and state cuts to Illinois institutions of higher education. Even more startling was his statement that those in higher education do not want to engage politically, resulting in a misunderstanding among political leaders that may not know the value education plays in a modern society. When coupled with an unengaged constituency (parents, faculty, students, trustees, retirees, alumni, business community) there is serious trouble for public higher education.

the subject." According to Horowitz, "This is a rule in the faculty handbook." Perhaps Horowitz should try something crazy, like actually reading the handbook. In reality, the faculty handbook says nothing like this (oaa.depaul.edu/_content/what/documents/FacultyRightsandResponsibilities.pdf). It only declares that instructors have an obligation "to avoid significant intrusion of material unrelated to the course."

Horowitz claimed, "Everything I've done in my academic freedom campaign is entirely based on the AAUP statements." In reality, nearly all of his Academic Bill of Rights provisions are entirely different from the AAUP's current positions, and the language is only similar when Horowitz tries to take recommendations for teaching and turn them into imposed rules.

Horowitz denounced Women's Studies and Peace Studies at DePaul as a bunch of cryptomaxists and added, "This is what communism was about." According to Horowitz, "The entire Peace Studies Department is committed to the sectarian agenda of finding non-violent solutions to international conflicts."

Horowitz declared about women's studies, "it is a political party" based solely on its mission statement (<http://condor.depaul.edu/~wms>). According to Horowitz, this is "the longest-running disgrace in the history of the university." During the question period, Ann Russo, director of Women's and Gender Studies at DePaul, stepped forward to defend her department, declaring that "We encourage people to think for themselves" and "we do not have one doctrine." This did not sway Horowitz, who, unconcerned with the fact that he had no evidence for any of his claims, declared: "you indoctrinate students" and added, "You have a political party that has no claim to serious academic status."

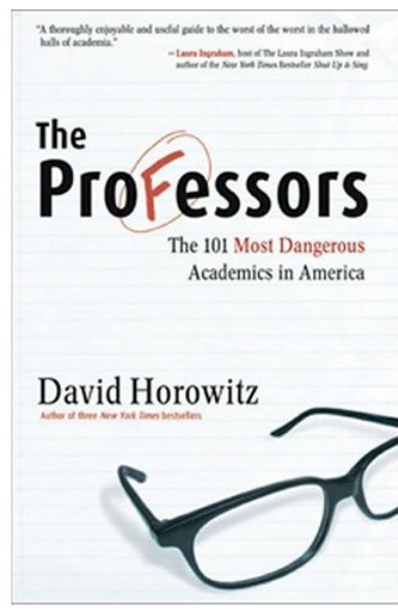
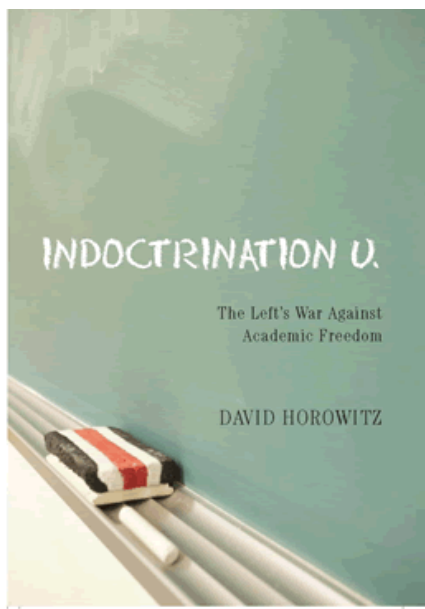
Horowitz thinks we should take lessons on civil discourse from someone who throws around wild accusations, lessons on avoiding politics from a Republican Party hack, lessons on intellectual standards from someone who doesn't even bother to read or accurately summarize the departments he denounces, and lessons on academic freedom from someone devoted to destroying it.

Judy Irwin, Executive Director of the Illinois Board of Higher Education, also spoke to the twenty two members of the coalition. She reiterated the message of Poshard, that unless that higher education constituencies are willing to put forward a much greater effort in the legislative arena, the general assembly will continue to keep higher education funding in a low priority status. She gave a direct charge to the coalition to use the strength of coalition members present at the table to increase our collective efforts.

One of the topics discussed in response to Poshard and Irwin's comments was how to engage the college and university presidents in the efforts of the coalition. In general they have not expressed any interest in personally being present at coalition meetings, but some have authorized their lobbyist to attend. Many on the coalition feel that their presence would be helpful and would strengthen positions taken by the coalition.

One of the major items of business was to move the Lobby Day from April 18 to April 25. So mark your calendars and plan on meeting in Springfield on April 25. Details on the Lobby Day will follow. Contact me at leo.welch@swic.edu.

Leo Welch
Legislative Officer
President, AAUP Illinois Conference



Horowitz's Reply

By David Horowitz

One of the less pleasurable aspects of being a public figure is having to walk around with a target on your back. Matt Muchowski's attack on me is a case in point. Muchowski has done some research on the difficulties encountered by left-wing speakers at DePaul. Fine. But he has not bothered to acquaint himself with what I stand for and have done, and from the evidence of this piece he either wasn't listening to my talk at DePaul or was unable to understand a word I said.

I find particularly distasteful Muchowski's anti-Semitic slur against Thomas Klocek. Someone who defends Israel against people who want to destroy it – which was the subject of his altercation with the Palestinian leftists on campus – is not a "Zionist," but a defender of the right of Jews to exist in a state that is theirs.

Muchowski is also anti-Catholic. Several of his complaints are directed at DePaul's efforts to maintain a Catholic identity and his self-acknowledged crusade is to destroy DePaul's doctrinal identity as a Catholic institution. I do not share DePaul's sectarian agendas, including its pro-life dogmas, but I do defend its right to preserve its distinctive identity. I also defend the right of private Women's Colleges to exclude men and vice versa. The freedom of the private sphere in our society is the basis of all our freedoms.

I am the most prominent supporter of intellectual diversity in the educational debate and have never called for or supported the banning of any campus speaker. I supported Ward Churchill's right to express his reprehensible views on the Internet without reprisal from his university. I appeared on a platform to debate him and personally raised his honorarium so he could do so. I have said and written this many times, in places easily accessible to Muchowski. Although I do not have a transcript of my remarks at DePaul, I am confident that I said as much from the platform, at a time when apparently Muchowski wasn't listening.

However, from the beginning of my campaign for academic freedom I have also recognized the right of private universities and religious institutions to define their academic agendas. If Muchowski had bothered to spend the two minutes it takes to read my Academic Bill of Rights, he would have found this clarifying statement: "These principles fully apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom. Private institutions choosing to restrict academic freedom on the basis of creed have an obligation to be as explicit as is possible about the scope and nature of these restrictions."

Ignorant of my words, my deeds and my personal history, Muchowski recklessly throws rhetorical bombs in my direction: "In 1970 after Kent State, they endorsed shutting down the school for a day of protest. In 1973 they endorsed the boycott on California grapes in solidarity with the United Farmworkers Union and Cesar Chavez. So

my question for Horowitz is: where were you then?" Actually, I was busy demonstrating against the war in Vietnam and boycotting grapes. If I had been aware of these incidents at DePaul I would no doubt have endorsed both actions. As for the present, I have no objections to student governments taking positions on political issues. (Muchowski also asks where Frontpage Magazine was on these and similar issues. The answer is it didn't exist before 1997.)

Muchowski then asks: "If these incidents I just listed are examples of right-wing indoctrination, why doesn't your network take them up with the vigor that they do with supposed left wing indoctrination?" This just shows that Muchowski doesn't know what he's talking about. None of the examples qualify as classroom indoctrination, which is the only kind of indoctrination I have ever written or spoken or agitated about. And yes, I have defended left-wing students against right-wing indoctrination.

Professor McCloud may or may not be a member of the Nation of Islam, but she is a Farrakhan supporter and someone whom Farrakhan and the Nation of Islam have celebrated. Whether she is a card-carrying member – assuming they have cards – is irrelevant to the fact that she has embraced views that are racist and anti-Semitic.

Muchowski's ignorance is also on display in this statement: "Let's also not forget Horowitz's statements about slavery, that it was only white Christians that created an anti-slavery movement. So I guess the whole slave rebellion in Haiti was just my professors indoctrinating me." The point which Muchowski misses was that the idea that slavery as an institution was morally wrong was indeed an idea that originated with white Christians at the end of the 18th Century. Of course there were many slave rebellions long before — Moses, Spartacus etc. But the idea of these rebellions was always – "Let my people go" – not that slavery itself was immoral. The Haitian revolution was inspired by these ideas of freedom that originated with white Christian males in the 18th Century.

It is true that Muchowski asked me to sign letters defending Norman Finkelstein's "academic freedom," which Muchowski's document claimed was threatened by those wanting to deny him tenure. As I explained to Muchowski then, I am not qualified to pass judgment on Finkelstein's tenure application and I don't see how, at this stage of the process, it is an academic freedom issue. The Vagina Monologues issue falls under the principle stated above: DePaul is a private Catholic institution. It has a right to preserve its identity as a Catholic institution, just as a privately funded University of Marxism would have a right not to assign The Gulag Archipelago to its students. I would not send my child to such a university, but to destroy the private sphere – which is what latter-day totalitarians like Muchowski are determined to do – would destroy our personal liberties as well.

Debating Divestment and the Kalven Report at the University of Chicago

Read the 1967 Kalven Report online at <http://www.uchicago.edu/docs/policies/provostoffice/kalverpt.pdf>

University of Chicago response to crisis in Sudan

Feb. 2, 2007

From: President Robert J. Zimmer

Subject: Response to Divestment Proposal

I appreciate your willingness to engage in deliberations over the past months about the Sudan divestment proposal. I write today to review the context of those deliberations, to provide a summary of the range of views I heard on this issue, and to inform you of the decision of the Board of Trustees on the proposal.

Over the last two years, trustees, faculty, students, and administrators at campuses across the country have debated whether there is an effective stand universities can and should take with respect to the actions of the Sudanese Khartoum Regime. These deliberations have taken place in the context of a growing recognition that, despite considerable attention and effort in this area, few if any of the actions taken in the international political and economic arenas appear to have halted or even reduced the atrocities in the Darfur region of Sudan.

The campus discussions have been driven in large measure by a student movement that grew into a national network of campus-based STAND (Students Take Action Now: Darfur) chapters, each working to mobilize local resources in an effort to have an impact upon the violence in Sudan. The students involved in the University of Chicago chapter have argued that universities can play a positive role in the Sudanese conflict by divesting investment holdings in companies whose business activities are understood to be supporting the Khartoum Regime and thereby capacitating its activities in Darfur. They have also argued that, because the University has historically not acted as a corporate body on social and political issues, acting in this case would persuade other universities to look carefully at their own investment policies.

For the last forty years, the University of Chicago's response to proposals for an institutional stand on political and social issues that do not have a direct bearing in the University's mission has been informed by the work of the 1967 Kalven Committee. The report of this faculty committee, written during debate about the University's response to the Vietnam war, stated that the University "should not... permit itself to be diverted from its mission into playing the role of a second-rate political force or influence." The Kalven Committee noted that "A university has a great and unique role to play in fostering the development of social and political values in a society," a role that is carried out by individual faculty and students engaged in scholarly work and any political or social activity in which they individually or in groups engage. Indeed, the work of faculty and students at the University of Chicago has been very influential in shaping public policy and national values around the world. This distinctive contribution that the University has made and continues to make is the result in large part of an institutional culture that promotes and preserves free inquiry and the expression of the fullest range of perspectives. Since the writing of the Kalven Report, the University has been steadfast in its protection of this culture, thereby preserving and extending the capacity of the University faculty and students to contribute to social and political issues over the long term.

The severity of the situation in Darfur raises reasonable questions as to whether the Sudan case is so exceptional that the University should act to divest despite its long-held adherence to the principles outlined in the Kalven Report. For even the Kalven Committee acknowledged that "In the exceptional instance... the corporate activities of the university may appear so incompatible with paramount social values as to require careful assessment of the consequences."

To understand the views of the campus on this issue, I led a number of conversations with faculty, students, administrative leaders, and trustees. These discussions took place with students leading the divestment campaign and included a face-to-face meeting with those students and the Chair of the Board of Trustees. They took place during regular sessions of the Committee of the Council, in meetings of school and divisional deans, and in many one-on-one meetings. I had the opportunity to hear from students and alumni on this topic as part of a broader set of discussions about the future of the University. The Board of Trustees, which has responsibility for the University's investment policy, considered the issue at four separate meetings, three at the Executive Committee and one involving the full Board.

These deliberations reveal a diversity of opinions about a University response to the proposed divestment strategy. On the one hand, there is some sympathy for the divestment position, although those in favor of this direction comprise a clear minority of those involved in discussions. Some argue that the divestment movement is gaining traction, and it is the most effective action a university can take in this instance. There are also those who argue that divesting is an important moral and symbolic stand, even if it would have limited practical effect on the international crisis. Others argue that precisely because divestment is likely to have little or no practical effect, especially when the University's holdings in targeted companies may on any day be nonexistent or de minimis, the University should not venture onto the slippery slope of taking institutional stands on social or political issues. Others raise serious questions about the efficacy of divestment efforts overall and of the value of economic sanctions in influencing the behavior of rogue states. The preponderant view is that the University should identify ways to contribute to this important issue only through means that comport with the mission of the University — open and free inquiry in the creation and dissemination of knowledge — which have been and will be the basis for the University's most important contributions to addressing political and social issues.

Some asked, for example, if there are research or educational programs that the University could support that might lead to a greater understanding of genocidal behavior and how to eradicate it? Would it be useful to support research on the efficacy of divestment as a lever for international political change? Would greater study of rogue states lead to new options for bringing about positive change through legal, diplomatic, economic, or military interventions? Should the University provide additional support for human rights internships to help educate and train the next generation of leaders and to broaden our understanding of global human rights initiatives? Would support for conferences, speaker series, or visiting faculty deepen knowledge on these issues and influence public policy? How do these considerations apply to Sudan?

The Board of Trustees considered these different arguments and options for moving forward. After lengthy discussions on this topic, the Board determined that it would not change its investment policy or its longstanding practice of not taking explicit positions on

CHICAGO continued on next page

Open Letter in Response to the University of Chicago Board of Trustees' Rejection of Divestment

http://www.uchicagostand.org/articles/open_letter/

February 5, 2007

To the University of Chicago community:

President Zimmer's office released a memorandum Friday afternoon announcing the Board of Trustees' decision to reject the proposal calling upon the University to divest its assets from companies currently financing the Sudanese government's perpetuation of the ongoing genocide in Darfur. The proposal was signed by over 1,500 students, 110 faculty, and the eminent historian and last surviving member of the Kalven committee, John Hope Franklin.

STAND is extremely disappointed by the Board of Trustees' decision to remain complicit in genocide. If President Zimmer and the Board of Trustees have sought to set the University apart, they have succeeded. In their rejection of divestment they have set the University apart not as a leader, but as dangerously far behind and out of touch with widespread acceptance of corporate social responsibility and the role of the modern university in world affairs. While our peer institutions, including Harvard, Yale, Stanford, and Columbia, answered calls for divestment from the genocide in Sudan and Apartheid in South Africa, the University rejected both, demonstrating time and time again that it does not feel beholden to the same moral standards that all other responsible academic institutions accept.

By invoking the Kalven Report in their justification to reject divestment, the Board of Trustees has demonstrated their indifference towards the report's core values and has surrendered the moral authority to interpret it. We firmly believe in the core values of academic freedom of expression espoused in the the Report, and believe that divestment from genocide is consistent with them. Genocide seeks to destroy and silence a people, a culture, or a society. John Hope Franklin, the last surviving drafter of the Kalven Report, agreed that the genocide in Darfur qualifies as an "exceptional instance" under its terms. The genocide is incompatible with "paramount social values" mentioned in the Report, and Franklin "had no difficulty concluding that divestment is consistent with the core values of our report and the mission of the University." Reaching the threshold of an exceptional instance under the Kalven Report does not merely give the University the option to act, but creates a moral imperative to do so.

The Zimmer Memorandum expressed concern that by deciding to divest from Darfur, the University would be "venturing down a slippery slope of taking institutional stands on political or social issues." The slippery slope argument is a fallacy, appropriate perhaps for sophists, but not for a world-class academic institution. The University takes positions on social and political issues on a daily basis, but chooses to consider the "slippery slope" argument only when it suits its needs. During our conversation with Board Chairman James Crown, we pointed out that there were many bright lines the University might draw if they sought to avoid precedent for taking positions on all political and social issues. They could have set that line at crimes against humanity, or more narrowly at genocides in progress as defined by UN Convention Against Genocide. If the University felt those too broad and that some genocides were perhaps more permissible than others, they could have defined the threshold more narrowly still to apply only to genocides in progress as declared by the United Nations and the President and Congress of the United States of America. The genocide in Darfur meets all of the criteria above. In truth, it is difficult to imagine an instance with a greater degree of moral clarity. If the genocide in Darfur does not qualify as the exceptional instance that violates our paramount social values, then we challenge the President Zimmer and the Board of Trustees to define what does.

As if the Board of Trustees' decision was not injurious in and of itself, the language used in the Memorandum was belittling to all of those affected by the genocide in Sudan. The University's statement fails to term the situation in Darfur as a genocide, a fact the United States Congress, President Bush, and the United Nations have all acknowledged. The Memorandum's language of "atrocities," "violence," and "genocidal behavior" echo Former Secretary of State Madeline Albright's characterization of the 1994 Rwandan genocide as "acts of genocide," a terminology the United States used to excuse their inaction in the face of crimes against humanity. The University's failure to acknowledge the truth of Darfur is a similar attempt to whitewash the horrific state of affairs to which the University is now decidedly a party. It is a mechanism deployed to justify their tolerance of the intolerable. By once again distinguishing itself as a leader in denial, the University has set a precedent for other institutions to remain deliberately indifferent towards the slaughter of 400,000 innocent people in Darfur.

Instead of divesting, the University has proposed to set up a fund that is, at one point, proposed to "contribute to greater understanding of the conflict in Sudan" and at another point is suggested to address a much more broadly defined goal, to "encourage creative and entrepreneurial thinking about University-based activities that will broaden knowledge and help prepare students... to advance human rights and the well-being of people around the world." While we appreciate the university's generosity in setting up a fund which may or may not go to Sudan-related projects, this is not what we asked for. The academic sector has been approached nationwide to do one thing — and one thing only — to help stop the genocide by divesting from the corporations funding it. Committees, conferences, and papers will do nothing to stop a genocide that is ongoing. Future research will have no effect on a tragedy that the world agrees is happening today.

The University's choice of investments speaks not only to its values, but in actuality, affects the lives of people around the world. President Zimmer and the Board of Trustees, although not state actors, find themselves in the rare position of possessing the power and the ability to make a profound moral statement in the ongoing discourse surrounding Darfur. They have the obligation to use this power to influence other universities and corporations to alter their investment policies. In this increasingly globalized world it is essential for the University to consider their role as a moral actor beyond the Midway. By choosing not to divest, the University is as culpable as those corporations that directly fund genocide.

The University stated that they would maintain their "longstanding practice of not taking explicit positions on social and political issues that do not have a direct bearing on the University." What the University fails to state is that they have taken a position on the genocide in Darfur; it would be impossible not to do so. Investment is support, and divestment is condemnation. There is no morally neutral ground.

STAND continued on next page

STAND continued from page 6

The University nonetheless defends its investment choices, not for any pragmatic or economic reasons, nor because it is obligated to do so by the requirements laid out in the Kalven Report. We know this decision is not motivated by economic considerations because they tell us, explicitly, that “the University’s holdings in targeted companies may on any day be nonexistent or de minimis.” We know this decision is not compelled by a formal policy requiring silence in the face of genocide, because the University admits that the Kalven Report allows for divestment in exceptional circumstances. The University could easily have concluded that the mass extermination of 400,000 innocents qualifies as exceptional. But they chose not to. They chose, instead, to make a moral argument in defense of their decision to remain complicit in genocide.

One hundred and fifty years ago, here in Illinois, Abraham Lincoln faced Stephen Douglas in the debates over slavery. When Douglas refused to take a moral stand on the issue of slavery, instead appealing to the democratic process to solve the crisis, Lincoln saw the argument for what it was. It “is perfectly logical” to remain morally neutral on a question like slavery, Lincoln said, “if there is nothing wrong in the institution; but if you admit that it is wrong, [one] cannot logically say that anyone has a right to do wrong.” As Lincoln knew then, so we know now, that devotion to neutrality and “utter indifference” is the equivalent of complicity with injustice and “unqualified evil.”

The Board of Trustees’ decision is symptomatic of their disregard for the wants and aspirations of the community they claim to serve, and their lack of accountability to its members. The Memorandum’s intimation that “those in favor [of divestment] comprise a clear minority of those involved in discussion” speaks not to the lack of popular support for divestment, but to the lack of diversity of those allowed to participate in those discussions.

Though only a few parties were involved in discussion, the student support for divestment was widespread throughout the undergraduate and graduate student populations, especially the Law School, Medical School, and Humanities and Social Sciences divisions. Some of the 110 faculty members who have officially lent their support to the campaign include such prominent professors as Drs. James Bowman, Mary Mahowald and Eugene Goldwasser of the Medical School, Saskia Sassen, Dipesh Chakrabarty and Moishe Postone of the Division of Social Sciences, Wendy Doniger of the Humanities Division, as well as the four department chairs and one dean. The movement for divestment from Darfur has been the broadest and most vocal expression of student opinion since the University dealt with the question of divestment from Apartheid.

Although the University decided not to divest from South Africa in 1987, the Board of Trustees allowed a student-faculty delegation to address them at their meeting, and President Gray even publicly debated students and faculty about the merits and demerits of adopting a divestment policy. Since that time, the University has demonstrated an even greater disregard for community concerns. In the movement for divestment from Darfur, our request to send a joint faculty-student delegation to a board meeting to answer questions about the targeted divestment model was summarily dismissed. After repeated requests, administrators refused even to release to us the dates of trustee meetings.

As President Zimmer acknowledged, this campaign successfully accomplished the University’s core value of “engaging the broadest range of perspectives” on divestment. But we must ask ourselves, what is the value of this free discourse held so sacred by the University, if it does not lead us to adopt a humane and moral view of the world? What is the purpose of engaging this broad range of perspectives if the decision-making body of the University, the 49 members of the Board of Trustees, is not accountable to anyone?

The reality of genocide in our time is as tragic as it is undeniable. The horror of these crimes against humanity is only compounded and exacerbated by the fact that our University is complicit in genocide. Free inquiry and diversity of opinion are certainly laudable goals, but these principles neither imply nor demand that institutions of higher education profess neutrality in the face of atrocity. It is truly a rare moment when we are presented with the opportunity to make a powerful moral statement against injustice in the world. With their decision to reject divestment in Darfur, the University has squandered that opportunity. Their deliberate indifference to the massacre of 400,000 innocents amounts to a policy of tacit approval, and their choice to justify that policy in moral terms makes the decision all the more reprehensible.

Sincerely,

University of Chicago STAND

A Student Anti-Genocide Coalition

CHICAGO continued from page 6

social and political issues that do not have a direct bearing on the University. The Board believes that the University of Chicago’s distinctive profile in higher education and its greatest potential for influencing social and political issues is determined by its unyielding commitment to free inquiry and to fostering a community of scholars with a great diversity of perspectives. The Board reaffirmed the principles on taking institutional positions on social and political issues articulated in the Kalven Report that have served the University well and can be expected to do so in the decades ahead if followed assiduously.

The Board also shared the widely held view that the University should seek to identify means to contribute to greater understanding of the conflict in Sudan in ways consonant with the University’s mission, with the hope of adding value to ongoing efforts to end this international crisis. The Board left it to the Administration to consider how to proceed in this regard.

It is clear that at our University programs that could be developed or enhanced to meet this goal would need to arise out of the interest and work of faculty and students. With that in mind, through University resources and the personal financial contribution of the Chair of the Board, I have established a fund initially in the amount of \$200,000, to be administered by the Provost, which will support faculty and student work and activities on these issues. The Provost will develop and promulgate guidelines for the fund, which I hope will encourage creative and entrepreneurial thinking about University-based activities that will broaden knowledge and help prepare our students — through real world experiences and scholarly work — to advance human rights and the well-being of people around the world.

I understand that the decision not to divest will be a disappointment to some, especially to the students who have given great time, thought, and energy to their proposal. At the same time, the campus deliberations on this topic have reaffirmed for me the extraordinary value in our University’s commitment to engaging the broadest range of perspectives. This is a commitment we must attend to and promote if the University is to maintain an environment of open discourse and extend its rich history of influencing social and political values across the globe through the work of its faculty, students, and alumni.

Robert J. Zimmer

President, The University of Chicago

An Open Letter Calling on the University of Colorado at Boulder to Reverse its Decision to Dismiss Professor Ward Churchill

The militarist reflex to rely on the war option for post-9/11 security is daily proving itself disastrously dysfunctional, and as its failures become more manifest, those American leaders responsible reaffirm their extremism, relying on a brew of fear, demonization, and global ambition to pacify a nervous, poorly informed, and confused citizenry at home. And where there are expressions of significant, principled opposition, the impulse of the rulers is often repressive. In such a setting it is hardly surprising that academic freedom is menaced, but not less troubling.

The relentless pursuit of and punitive approach of the University of Colorado at Boulder to Professor Ward Churchill is a revealing instance of the ethos that is currently threatening academic freedom. The voice of the university and intellectual community needs to be heard strongly and unequivocally in defense of dissent and critical thinking. And one concrete expression of such a resolve is to oppose the recommended dismissal of Ward Churchill from his position as a senior tenured faculty member. Faculty across the country are encouraged to circulate this letter among colleagues; send letters of protest and concern to the new Chancellor (Bud Peterson, Peterson, Bud.Peterson@colorado.edu) and President (Hank Brown, OfficeofthePresident@cu.edu), as well as to the Privilege & Tenure (P&T) Committee (Weldon Lodwick, Chair of the P&T Committee, weldon.lodwick@cudenver.edu); and in general publicize and mobilize within and beyond the academy in opposition to the attempted dismissal of Churchill.

In a recent statement calling for the CU administration to reverse the pending recommendation of the former Interim Chancellor to dismiss Professor Churchill, the American Association of University Professors at Boulder wrote, “In February, 2005 the Colorado House of Representatives unanimously adopted a resolution condemning Churchill, and State Governor Bill Owens called publicly for him to resign for statements he made regarding the World Trade Tower disaster. When a University-appointed committee rightly ruled that these resolutions violated Professor Churchill’s First Amendment right to free speech, charges of academic misconduct immediately surfaced — from the same and similar sources — despite the fact that similar charges had been raised at least two years earlier, and were never followed up by the University. Against this background, an inquiry was conducted, in circumstances marked by constant inflammatory, ad hominem, and even obscene attacks, on and off the CU campus, against Professor Churchill, anyone who appeared to support him, and even against some members of the ad hoc Investigating Committee, two of whom resigned soon after the investigation began....[W]e believe that the investigation now is widely perceived to be

a pretext for firing Churchill when the real reason for dismissal is his politics.”

It is the most honorable calling of institutions of higher learning to provide safe haven for unpopular and distasteful views, including highly critical appraisals of national policy, especially at moments of crisis. Without nurturing critical thought, learning tends toward the sterile and fails to challenge inquiring minds. For this reason alone, it is crucial that we who belong to the academic community join together to protect those who are the targets of repressive tactics, whether or not we agree with the ideas or expressive metaphors relied upon by a particular individual.

We should similarly be wary of opportunistic attacks on scholarship that are disguised means of sanctioning critics and stifling the free expression of ideas. It may be that aspects of Churchill’s large body of published writings were vulnerable to responsible academic criticism, but the proceedings against him were not undertaken because of efforts to uphold high scholarly standards, but to provide a more acceptable basis for giving in to the right-wing pressures resulting from his 9/11 remarks. Churchill’s reputation within the university was sufficiently strong that he was appointed by administrative officers to be chair of ethnic studies just a few years before the controversy surfaced, a position he voluntarily resigned after the flare-up. The Churchill case epitomizes a mood that threatens the vitality and integrity of the atmosphere of universities much beyond this case.

The need to be this concerned about academic freedom is itself a warning bell. Ideally, academic freedom should function as the oxygen of the life of the mind—indispensable, yet invisible and so strongly presupposed that its defense is superfluous. As with oxygen we become acutely conscious of academic freedom when it is not present in sufficient quantities for normal, healthy breathing. When academic freedom is threatened, the most sustaining response, is vigorous defense on principle.

Noam Chomsky, Massachusetts Institute of Technology

Juan Cole, University of Michigan

Drucilla Cornell, Rutgers University

Richard Falk, Milbank Professor of International Law Emeritus, Princeton University

Irene Gendzier, Boston University

Rashid Khalidi, Edward Said Professor of Arab Studies; Director – Middle East Institute; Columbia University

Mahmood Mamdani, Herbert Lehman Professor of Government and Anthropology, Columbia University

Immanuel Wallerstein, Senior Research Scholar, Department of Sociology, Yale University

Howard Zinn, professor emeritus, Boston University

ILLINOIS AAUP ANNUAL MEETING

SATURDAY, APRIL 14, 2007, 1PM

JOHN MARSHALL LAW SCHOOL, CHICAGO

315 S. PLYMOUTH COURT

FOR MORE INFORMATION, EMAIL:

COLLEGEFREEDOM@YAHOO.COM

Illinois AAUP News

by John K. Wilson,
collegefreedom.blogspot.com

Missouri Stem Cells

A new Health Sciences Research and Education Center at the University of Missouri-Columbia will not be funded by the state legislature because of the fear that stem cell research might be conducted. The legislature actually included a ban on stem cell research at the facility, but because Missouri voters passed their support for stem cell research last fall, Missouri Right to Life fears that the provision would be overturned in the courts and opposes allowing any new science buildings to be constructed

Chapter Reports

Saint Xavier University

The Saint Xavier University chapter of the American Association of University Professors is pleased to announce the election results for its Executive Committee. These terms will run until January 2009:

Jacqueline Battalora, President (Criminal Justice)

Ann Filipski, Secretary (Nursing)

Norman Boyer, Treasurer (English)

Members at Large: Peter Hilton (Education); Aisha Karim (English); Peter N. Kirstein (History).

Loyola University Successes

- Intervened in a wrongful termination case for a tenured professor and assisted in a tenure appeal on procedural grounds

- Challenged the new annual "contract letter" sent to all LUC full-time faculty and helped in the decision to refer related issues to the Faculty Affairs UPC

- Participated in the challenge of an administrative decision to stop making retirement contributions on summer pay

- Appealed to the President to establish a task force to review the now-expired governance charter

(www.aaup.luc.edu)

Free Press, Free Students

In Washington, students are campaigning to support a bill that would protect freedom of the press in both public colleges and high schools. California's new law protecting freedom of the campus press went into effect January 1. In the wake of the Hosty v. Carter case in Illinois, this state is the one where this kind of legislation is most needed, but no legislation has been introduced yet.

What Would Jesus Ban?

AAUP president Cary Nelson wrote on InsideHigherEd.com in December about his experience of being banned from teaching about religious poetry at a religious group's secular program. The program, sponsored

by the Illinois Humanities Council, is supposed to protect free expression, but the Reverend in charge decided to protect the men in the class from hearing critical ideas.

Arizona's Professors Under Fire

What's the price of free speech. In Arizona, it might be \$500. A proposal bill in Arizona would impose a \$500 fine on any college instructor who commits the following thoughtcrimes: "Endorse, support or oppose any pending, proposed or enacted local, state or federal legislation, regulation or rule" or "Advocate one side of a social, political or cultural issue that is a matter of partisan controversy."

Contingent Faculty Measured

In the *AAUP Contingent Faculty Index 2006*, the American Association of University Professors provides data to document the increasing predominance of non-tenure-track faculty in America's colleges and universities.

The study by John W. Curtis and Monica F. Jacobe examines the causes and consequences of increasing reliance on contingent faculty.

Read the report and appendices providing data on each college at:

<http://www.aaup.org/AAUP/pubsres/research/conind2006.htm>.

IL AAUP Speakers Bureau

John K. Wilson, editor of *Illinois Academe*, will publish his newest book, *Patriotic Correctness: Academic Freedom and Its Enemies* (Paradigm Publishers) in August 2007. 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. Read his blog at collegefreedom.blogspot.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 Berry's 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. Read his blog, <http://english.sxu.edu/sites/kirstein>.

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, IL AAUP:

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.

Email collegefreedom@yahoo.com for more information on contacting a speaker or nominating someone to be a part of the IL-AAUP speakers' bureau.

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. Or join online at www.aaup.org, or call our membership department at 1-800-424-2973, ext. 3033.

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Daytime tel.: _____ Fax No.: _____

Email: _____ Tenured: Yes No

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Academic Field: _____

2007 Illinois AAUP Dues

- \$173** Full-Time Active Faculty Membership
- \$87** Entrant Active Faculty (new to the AAUP, non-tenured, first four years)
- \$44** Part-Time Faculty
- \$44** Graduate Student Membership
- \$131** Associate/Public Membership (administrators/others)

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