

Academic Freedom and the New McCarthyism

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One of the few institutions remaining in the United States that encourages critical thinking is academia. Yet its vitality is under assault. In a nation that is consumed with power, a sense of imperial destiny, and a unilateralist, preemptive approach to global domination, it can be a perilous journey for radical intellectuals who challenge the core values of an increasingly militaristic and ideologically intolerant nation. In American history, frustration with establishing empire abroad has frequently led to suppression of progressive intellectuals at home. Thus, McCarthyism emerged in the 1950s as a response to the alleged failures of America's containment of Communism. The Korean War, China's successful communist revolution in 1949, the Soviet detonation of its first atomic-fission bomb in the same year, and sensational spy scandals such as the Alger Hiss and Klaus Fuchs cases, all provided the impetus for scapegoating internal "fifth columns" that were vulnerable to charges of disloyalty and communist affiliation.¹

The resistance against the Vietnam War was the first sustained counterattack against the stultifying conformity of McCarthyism. Emerging a decade after the Army-McCarthy Hearings and the censure of Senator Joseph McCarthy by the Senate, the antiwar movement was potentially more threatening to the ruling elites than merely opposing an aggressive and

genocidal war against non-white national-liberation movements in Indochina. Although the antiwar movement constituted a challenge to Pax Americana, it represented the possibility of a more systemic attack on the domestic power elites that had only partially surrendered white-apartheid rule with the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act.

The antiwar movement challenged governmental abuse of power as evidenced by the draft, the suppression of dissent and the restriction on women's rights. It demanded a sweeping revision of university curricula by rejecting racist, Eurocentric pedagogy with its emphasis on the progressive triumphalism of western civilisation. The resistance also confronted the unwarranted influence of the military, the media, the university and corporate capitalism. It drew inspiration, in part, from President Dwight D. Eisenhower's 1961 admonition of a military-industrial complex with its "disastrous rise of misplaced power", leading to the "prospect of domination of the nation's scholars by federal employment, project allocation, and the power of money."² It defied the unbridled materialism of a cruel and immoral, competitive capitalism that had abandoned the Great Society of the 1960s for Cold War visions of US hegemony attained through war.

The antiwar movement began to dissipate after the Ohio National Guard murdered four persons during antiwar protests at Kent State University on May 4, 1970, and President Richard Nixon's cynically orchestrated withdrawal of American combat forces. Vietnamization merely changed the body count from American to Asian as pulverising, cowardly Air Force bombing intensified. Although the Vietnam War ended in April 1975 with the liberation of Saigon (Ho Chi Minh City) by Viet Cong and North Vietnamese forces, the "culture wars" - then called "the generation gap" - have today reemerged in the guise of what I propose should be called the New McCarthyism.

This conservative counterattack, energised by a popular two-term president, Ronald Reagan (1981-1989), emerged with its jingoistic, militant nationalism in the late 1980s.³ Many of the baby-boomers of the 1960s resistance that had pursued advanced degrees to avoid conscription were now tenured, senior members of the professoriate. But under Reagan, reactionary forces sought to free academe from the clutches of anti-Americanism, politically correct studies programmes and an all-encompassing left-wing radicalism.⁴ Academia was under significant assault from the enemies of free speech, and self-styled superpatriots who desired to impose their ideological agenda on the academy. Moreover, the capacity of

the American left to pursue critical thinking and pursue teaching as a moral act is under attack once again

The New McCarthyism is opposed to affirmative action and claims reverse discrimination when elite institutions of higher learning seek to produce a more ethnically diverse student body. To its adherents, academia is infected by tenured radicals who are cosmopolitan, internationalist, Marxist, antiwar, and critical of western values and American exceptionalism.⁵ Take the American Council of Trustees and Alumni. This patriotism-policing organization was founded by Lynne Cheney, the former director of the National Endowment for the Humanities and spouse of Vice President Dick Cheney. While claiming to be defenders of academic freedom, ACTA's mission is to "ensure that the next generation receives a philosophically balanced, open minded, high-quality education," which will eliminate political correctness and stifle those "professors who once preached objectivity [but] now celebrate subjectivity."⁶ Another superpatriot organisation is Accuracy in Academia [AIA]. Its mission is "the reassertion of traditional academic ethics in our universities," to which end they publish a monthly *Campus Report* that "publicises political bias within the academy" which denounces "a progressive ideological orthodoxy."⁷ Sara Russo, then acting executive director of AIA, claimed that my condemnation of military service and America's wars – which I will recount below – incensed "patriotic citizens," as if criticism of American imperialism were unpatriotic. In the obligatory mode of McCarthyism, she accused me of the rather appropriate act of having "frequently supported left-wing causes over the years" and cited a seven-year old *Chicago Tribune* biography of me as "evidence."⁸

Progressive curriculum changes were also resisted by such organizations, particularly within my own discipline of History. The battle over whether the history of Western Civilisation should be privileged over World Civilisation sparked considerable controversy, precisely because the teaching of history was seen as the acid test of patriotism. The devaluation of a Eurocentric worldview was condemned as an academic nihilism that minimised the contribution of white Euro-American culture, whereas it actually challenged a consensus that had monopolised a racist and xenophobic historiography for generations. Why study Tecumseh more and Benjamin Franklin less? Why elevate the great abolitionist Frederick Douglass and not Thomas Edison? Why reject a presidential synthesis of history in favour of the underside of American history? The defence of the "bardic" narratives of William Prescott, George Bancroft, Francis Parkman and Samuel Eliot Morison, which chronicled America's wondrous

expansionism, Manifest Destiny and “civilising” mission, were arrayed against the “analytic” approach of New Left Cold War revisionism, women’s history, Afro-American history, and social and cultural history.⁹ Aggressive nationalism clearly contributed to this resentment of critical thinking and intellectual radicalism within the academy. As American hegemonic tendencies became more unfettered with the demise of the USSR, the New McCarthyism strengthened. With the 1960s antiwar movement castigated as ‘disloyal’, radical academics were also vilified for creating pockets of secular-Wahabism in their classrooms, where student vassals supposedly cringed powerless amidst an unrelenting anti-Americanism.

Then there were the horrific attacks against the United States on September 11, 2001 in which hijacked aeroplanes flew into the Pentagon in Washington, D.C. and the towers of the World Trade Center in New York City. Similar to the McCarthyism of the 1950s, a new virulent strand of the New McCarthyism emerged from a sense of frustration and panic that America’s enemies had not been subjugated and that the empire could strike back. Since the largely unsuccessful wars against the Taliban and Al Qaeda in Afghanistan in October 2001, and the Anglo-American invasion of Iraq in March 2003, the United States has been in the throes of a militant-nationalistic crusade fueled by war. This crusade has been cynically exploited by enemies of academic freedom to silence challenges to the Pax Americana. Similar to the impetus behind Cold War McCarthyism, with the perceived capacity to dominate external affairs being challenged by unexpected opposition, an internal reckoning beckons as alleged sympathizers with “the enemy” and with “terrorism” are hounded and coerced. As challenges to Cold War containment begot McCarthyism, so challenges to the preemptive imperialism of neoconservative America has spawned waves of partisan attacks on dissenting intellectuals.

Let us list only the most infamous examples. After September 11, 2001, Richard Berthold, then professor of Classical History at the University of New Mexico, told a class of approximately 100 students in his Western Civilisation course, “Anybody who blows up the Pentagon gets my vote.” Although this was an articulation of an opinion spoken by an instructor in front of his students, Professor Berthold was reprimanded and prohibited from teaching future sections of Western Civilisation.¹⁰ Dispirited and frustrated, he took early retirement at the end of the 2002 fall semester.¹¹ Nicholas De Genova, an assistant professor of Anthropology and Latino Studies at Columbia University, spoke at a teach-in against the Iraq war on March 27, 2003 and advocated the defeat of American forces.¹² “I personally

would like to see a million Mogadishus (in Iraq)...The only true heroes are those who find ways that help defeat the U.S. military.” One hundred and four Republican Party members of the House of Representatives demanded that President Lee Bollinger dismiss the professor.¹³ Alumni threatened to withhold their financial support; death threats were rampant and Professor De Genova required police protection while on campus. Bollinger, who was recently president of the University of Michigan and dean of its law school, refused to punish the non-tenured professor. While describing Professor De Genova’s teach-in statements as “shock[ing]” and “crossing the line,” Bollinger reaffirmed the right of academic freedom and stated that the professor “was exercising his right to free speech.” “[T]here are few things more precious on any University campus than freedom of thought and expression. That is the teaching of the First Amendment and I believe it should be the principle we live by at Columbia University.”¹⁴

And then there is my own case, which I shall present in some detail, since it is surely symptomatic of this New McCarthyism. On the 31st of October, 2002, I received from Cadet Robert Kurpiel, of the United States Air Force Academy, a spam e-mail that was sent to dozens of professors. It asked them to promote a vaguely identified “annual Academy Assembly” by disseminating fliers and advertisements in “local publications.” If one were to include e-mail, website, blogs, newspaper, magazine, television and radio coverage, my response to the cadet was probably one of the most widely circulated e-mails in Internet history.

You are a disgrace to this country and I am furious you would even think I would support you and your aggressive baby killing tactics of collateral damage. Help you recruit? Who, top guns to rain death and destruction upon nonwhite peoples throughout the world? Are you serious sir? Resign your commission and serve your country with honour.

No war, no air force cowards who bomb countries without AAA, without possibility of retaliation. You are worse than the snipers. You are imperialists who are turning the whole damn world against us. September 11 can be blamed in part for what you and your cohorts have done to the Palestinians, the VC, the Serbs, a retreating army at Basra. You are unworthy of my support.¹⁵

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Before this became a national story, the cadet and I had exchanged subsequent apologies in several amicable and substantive e-mails.¹⁶ Indeed, the successful conflict resolution I had initiated with Cadet Kurpiel initially satisfied then-Saint Xavier University President, Richard Yanikoski. The latter even declared, “it seems as though you have found a pen pal.”¹⁷ Captain Jim Borders, the faculty sponsor of the Academy Assembly event, published an e-mail I sent to him in a press release that contained his apology as well. Mine was for the personalised tone but not the substance of the e-mail, and the Air Force cadet and captain’s apologies lamented the unauthorised and widespread public dissemination of what was intended as a private e-mail.

The extraordinary public interest in my e-mail, that escalated into worldwide attention, can be understood in the matrix of the culture wars. Neither the Air Force Academy nor myself anticipated that an e-mail exchange between a cadet and a professor from a small, Midwestern, Catholic university, would become a major ideological furore over academic freedom, free speech and the rights of academics to challenge the military and denounce its conduct in war. The unprecedented online circulation of an e-mail demonstrated the remarkable power and rhapsodic speed of the Internet in which large numbers of individuals can rapidly coalesce around an issue.

On November 1, 2002, I began receiving large numbers of e-mail from the cadet wing at the Air Force Academy. Most were professional, well-written and contained poignant and impressive argumentation that reflected well on the intellectual ability of the cadets. However, one cadet chastised me for not demonstrating enough deference to a future officer. I was not aware that American citizens, living in a supposedly civilian-dominated democracy, were obligated to display deference when addressing an Air Force officer, much less an officer-in-training. Clearly infuriated academy cadets were encouraged to respond *en masse* to my pacifist condemnation of those whose mission is to kill from the skies.

Later that day, the volume of e-mail intensified as it became apparent that the cadets were escalating their campaign against me, by circulating my e-mail throughout the United States. Friends and family of cadets were now my primary interlocutors, and e-mail began arriving to President Yanikoski demanding my condemnation and dismissal. With the volume of e-mail escalating rapidly into the tens of thousands, I was being subjected to a well-orchestrated global Internet attack. In addition to the university president and the Vice President for Academic Affairs, Christopher Chalokwu, significant numbers of faculty and staff received highly prejudicial e-mail that

supported my dismissal and demanded public castigation. The university switchboard was inundated with calls for my termination, and veterans groups such as Chicago's Windy City Vets threatened to march on campus to protest my depredation of the sacrosanct military.¹⁸

Conservative websites reproduced the October 31st e-mail. They encouraged website visitors to inundate me with e-mail and pressure President Yanikoski to revoke my tenure and purge me from academe. Neal Boortz, a syndicated, conservative radio talk-show host from Atlanta, posted on his website, www.boortz.com, what was to become a widely circulated, if partially inaccurate version.¹⁹ He also broadcast on his WSB AM750 show a denunciation of my views, and encouraged his listeners to besiege me with online missives. Other radio talk show programmes from Colorado to Texas to Alaska aired my e-mail to Cadet Kurpiel and announced my e-mail address on talk radio.

Charlie Daniels, whose eponymous Charlie Daniels Band ranks as one of the greatest country-music ensembles of the twentieth century, sent me a vituperative e-mail and posted my antiwar missive on his website, www.charliedaniels.com. David Horowitz, the former left-wing Cold War revisionist, who is now a conservative crusader against the left, posted the e-mail on his heavily visited online magazine, FrontPageMagazine.com that subsequently critiqued my politics and philosophy of pedagogy.²⁰

Even a pornographic website, 'Ernie's House of Whoopass', joined the public crusade for retribution. One would think purveyors of pornography would reject any abridgement of unfettered expression, given the appropriate criminalisation of child pornography, and less meritorious efforts to proscribe legitimate speech under the guise of suppressing pornography. Yet not so with Ernie Stewart Jr, who prior to becoming a pornographic-web-king, served in the United States Air Force (1991-1996) and posted this statement: "[A]s one might expect [the e-mail] sent me into a fucking tirade. I mean I saw seeing (sic) fucking stars. I wanted to kick my dog. I wanted to smack my television. I wanted to drive to Chicago and take a great big shit on ol Peter's car." When I was relieved of my teaching duties, Mr Stewart evinced considerable satisfaction with "'mission accomplished,' especially since he was suspended on Veteran's (sic) Day."²¹

I became a weblog (blog) favourite. Instapundit.com posted by prominent conservative blogger, Professor Glenn Reynolds of the University of Tennessee law school, repeating Campus Watch's description of me as "an apologist for terrorism:" "[Kirstein's] also blasting Campus Watch for 'McCarthyism,' but the fact that Campus Watch has named him an apologist for terrorism seems to do more to enhance than to detract from Campus

Watch's credibility."²² Sftt.org (Soldiers for the Truth), freerepublic.com, blogsofwar.com, nukevet.com, yorkieblog.com and Yahoo! Groups such as shakeandbakemarines joined the fray.

The influential conservative blogger Andrew Sullivan, the English-born former editor of *The New Republic*, sardonically presented the 2002 Sontag awards for "egregious anti-Americanism." These "honours" are named after writer Susan Sontag, who was vilified for her incisive commentary in *The New Yorker* on the causes of the September 11 attacks.²³ She claimed the suicide hijackers were warriors responding to the oppressive nature of American imperialism. Both Ms Sontag and I reached similar conclusions on the moral efficacy of deploying airpower against defenceless adversaries. While opposing a possible invasion of Iraq, I referred to the earlier Gulf War and Serbian conflicts: "No war, no air force cowards who bomb countries without AAA, without possibility of retaliation." Ms Sontag also compared the alleged pusillanimity of the September 11 aeroplane hijackers with the tactics of American airpower: "And if the word "cowardly" is to be used, it might be more aptly applied to those who kill from beyond the range of retaliation, high in the sky, than to those willing to die themselves in order to kill others."²⁴

Glenda Gilmore, a historian at Yale, received the award; John Pilger, the Australian born, London-based journalist, was runner-up, and I received the "Sontag Award Honourable Mention 2002."²⁵ While not as prestigious as the Nixon-era Watergate-enemies list, it was an honour to be identified with such illustrious progressives, and I display it prominently on my website, www.sxu.edu/~kirstein.

My struggle assumed global dimensions as the frenetic propagation of my e-mail reached American military forces stationed throughout the empire. From Okinawa, Italy, Germany, Kosovo, Afghanistan, and Saudi Arabia, from the Naval Academy to Air University at Maxwell Air Force Base in Alabama, from colonels to noncoms, from drill sergeants at Fort Leonard Wood in Missouri to grunts stationed in South Korea, from wives of service personnel in Massachusetts to a woman-Marine officer in Bosnia, impassioned e-mail arrived at my in-box. Many asserted I was unappreciative that my right to dissent emanated from military preparedness and the willingness of our soldiers to sacrifice their lives for our freedoms. Yet many simultaneously sent e-mail to President Yanikoski urging my banishment from teaching due to the expressing of opinions with which they did not concur.²⁶

It was inevitable that non-Internet sources would eventually cover the story. On November 9, 2002, the *Chicago Sun-Times* broke the story when it

printed the entire October 31st e-mail. The next day the *Chicago Tribune* reported the event, but generously mentioned that I had received the Saint Xavier University Teaching Excellence Award.²⁷ As noted, on Veterans Day, November 11, 2002, I was suspended and relieved of my teaching duties in the twelfth week of a fifteen-week semester. At this point, the elite-conservative press rendered spacious treatment to the witch-hunt. These included *The Weekly Standard*, *The National Review*, *The New Criterion* and *U.S. News and World Report*. *The Wall Street Journal* published two editorials claiming my e-mail was too radical and intemperate to merit the protection of academic freedom. The first editorial excoriated me as a “professor flush with his own moral afflatus,” and the second repeated a common refrain that “[f]ittingly, the suspension began on Veterans Day.”²⁸

Surprisingly, the second editorial defended the first, as the paper received significant reader protest of its narrow interpretation of academic freedom. As academic-freedom advocate John K. Wilson wrote, “I can only imagine how you might react differently if a professor was forced to apologise for referring to abortion doctors as ‘baby killers.’”²⁹

The seminal document defending academic freedom in the United States is the American Association of University Professors’ (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure. It prohibits sanctioning academicians by declaring that when they “speak or write as citizens, they should be free from institutional censorship or discipline.”³⁰ The statement also contains several obligations on the part of the professoriate when engaging in extramural utterances. Accuracy is a requirement, and by any reasonable standard, this was adhered to in my e-mail. Professors are urged to exercise “appropriate restraint,” which I have acknowledged was lacking in some components of the e-mail. However, the assessment of acceptable rhetoric is a subjective exercise when one is condemning murder, collateral damage, the targeting of cities and the ruthlessness that characterises America’s wars. Despite widespread allegations that I had violated the 1940 Statement’s requirement that “one should show respect for the opinions of others,” my response was to an academic online flier that contained *no* opinion on war, the role of the military or any aspect of American foreign policy.³¹ AIA’s Ms Russo also made a wholly inaccurate assertion, which was subsequently removed, that I had conceded the e-mail suppressed student speech in the classroom.³² According to the 1940 Statement, professors are expected to “make every effort to indicate” their extramural utterances are not being issued on behalf of their university.³³ It was alleged, by President Yanikoski, I failed “to distinguish personal views from institutional positions *when*

necessary for the sake of clarity.”³⁴ While the conditional phrase, “when necessary,” does not appear in any AAUP guidelines, and was arbitrarily invoked in my situation, the formal disclaimer requirement is usually cited by university presidents to censor or inhibit controversial speech.

I also received a sweeping written reprimand charging that I did not adhere to *any* of the aforementioned Statement’s requirements, including an abjuration of speaking for the university.³⁵ However, I identified my faculty position, and never claimed to speak for Saint Xavier University. Rarely do academicians issue formal disclaimers when proffering extramural utterances through television, radio, letters-to-the-editor, lectures or teach-ins.³⁶

AAUP’s Committee A on Academic Freedom and Tenure dismissed a literal interpretation of the disclaimer standard when it investigated the firing of Professor Sami Al-Arian - a tenured Palestinian-Kuwaiti computer scientist at the University of South Florida. Although indicted by a federal grand jury, and arrested for supposed links to the Palestinian Islamic Jihad, Dr Al-Arian, at the time of this writing, has not been convicted of any crime. The University of South Florida’s administration cited Dr Al-Arian’s alleged lack of a formal disclaimer as an example of misconduct in their jaundiced interpretation of the 1940 Statement. Committee A boldly rejected a strict interpretation of the disclaimer standard in the Al-Arian case:

Professor Al-Arian obviously did not preface each of his off-campus interviews or appearances with a disclaimer - for example, “None of my remarks should be misunderstood to represent the views of the University of South Florida, or any division, department, or group associated with the university, its alumni, its administration, or its board of trustees” - but the investigating committee can find no reasonable warrant for such an extraordinary and gratuitous disclaimer, nor was the committee advised of any other instance in which this kind of disclaimer was expected of others.³⁷

Suspension from teaching is a major sanction that should never result from public pressure on a university. Although president of a Catholic, civilian university, Dr Yanikoski suggested my e-mail somehow threatened the world’s most powerful military. In a statement that he was considering the public’s clamour for punishment, Dr Yanikoski pledged to “uphold the integrity of both the university *and the military*.”³⁸ However, AAUP guidelines stipulate that “in a democratic society freedom of speech is an indispensable right of the citizen,” and punishment for extramural utterances, that allegedly violate the 1940 Statement, must only occur if

statements “raise grave doubts concerning the professor’s fitness for continuing service.”³⁹

The AAUP cautions against an abridgement of free speech through the sanctioning of faculty: “Extramural utterances rarely bear upon the faculty member's fitness for continuing service...and [i]n the absence of weighty evidence of unfitness, the administration should not prefer charges.”⁴⁰ Suspension, dismissal or other coercive measures should not be imposed upon a professor who is exercising academic freedom or other rights enjoyed by American citizens.⁴¹ It is not the right of university administrations to prevent its faculty from engaging in speech that the public may find objectionable.⁴²

The successful national campaign to remove me from the classroom was essentially a three-pronged attack. Firstly, the accusation that my tendentious denunciation of America’s persistent use of force in resolving international disputes exposed a bias that would inhibit free and unfettered student inquiry in my courses. Secondly, my pacifist critique of American militarism suggested derivatively that students who matriculated in my courses would not be evaluated objectively, but on ideological conformity with the instructor. Finally, the arguments raised in my two-paragraph e-mail - even though they were communicated outside the classroom to a non-Saint Xavier University student - revealed a lack of judgment and analytical skills that would preclude effective teaching.

In addition to my suspension, Dr Yanikoski wanted to convene an extraordinary three-person Evidentiary Committee to undertake a comprehensive and summative review of my teaching. As a tenured professor, I protested vigorously during a two-hour unannounced disciplinary hearing. I argued such a review could place my academic career in jeopardy, and that it was unconscionable to initiate such a punitive action. I emphasised the national campaign against me was ideologically motivated; it did not arise from a student complaint, nor did it involve a Saint Xavier student. The administration ultimately agreed to a different post-tenure review. Alan Charles Kors is president of the Foundation for Individual Rights in Education (FIRE). He is Professor of History at the University of Pennsylvania, and was appointed to the National Endowment for the Humanities by President George H. W. Bush. Professor Kors heroically challenged the various sanctions imposed upon me. While FIRE is generally perceived as a conservative organisation, it has become increasingly non-partisan in its defence of academic freedom. FIRE communicated directly with the university president on this matter.⁴³

Professor Kirstein's words...were protected expression. Politics educes passion, on issues of war and peace...[W]e must respond to speech that we abhor with further speech, with moral witness, and with disapprobation - not with coercion or with official sanction. Universities are not too weak to live with freedom.⁴⁴

FIRE also defended me in major media, such as Milt Rosenberg's Chicago WGN "Extension 720" radio programme, and *The Chronicle of Higher Education*.⁴⁵ Professor Kors charged that it is inappropriate to make assumptions about a professor's teaching performance based upon statements outside the classroom:

There is a categorical difference between a professor's introducing what the AAUP terms "extraneous materials" during a class, on the one hand, and, on the other, a professor's speaking on matters of public concern outside of the class...The professors at a university should be judged...by their teaching *in* a classroom.⁴⁶

The battle over academic freedom in the United States, and the desire among some conservatives to purge the academy of progressive intellectuals, is a struggle for the hearts and minds of the nation's students. If the academy is restricted to a nationalistic, jingoistic orthodoxy, then future generations of students will be carriers of an American ethnocentrism and an antipathy toward diversity. They will become the newest myrmidons for American hegemony and xenophobia.

What I am calling the New McCarthyism wishes to delegitimise leftist professors for being enemies *d'état* and extirpate their academic freedom. Yet, in *Keyishian v. Board of Regents*, 385 U.S. 589 (1967), Supreme Court Justice William J. Brennan wrote: "Our Nation is deeply committed to safeguarding academic freedom [and]...the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom...The classroom is peculiarly the marketplace of ideas."⁴⁷ Instructors may share their life experiences, passions, hopes, dreams, ethics, values and opinions with their students. They may fervently construe teaching as a moral act, and a legitimate venue for social change. While professors should avoid "persistently intruding material which has no relation to their subject," they are encouraged to introduce controversial material in their classes that challenges the canon and the academic disciplines.⁴⁸ AAUP, as a means of endorsing novel pathways to knowledge, endorses controversy. Intimidating faculty into ideological submission eviscerates the essence of the educational enterprise and must be resisted.⁴⁹

Students in the United States have rights as well. Academic evaluation of students should be confined to performance, and exclude criteria that are

“prejudiced or capricious.” Assessment of student work must disregard previously stated opinions or activities that are not relevant to the assignment. Furthermore, students are permitted to take “reasoned exception” to opinions and data that are presented in class, and instructors should allow any student the right to “reserve judgment about matters of opinion.”⁵⁰ Professors should encourage debate and dissent within their classes. A major purpose of teaching is to stimulate critical thinking. The professor should not control the outcomes of that process.

Academicians should defy institutional or external pressures to teach or articulate ideological viewpoints that are contrary to one’s ethos; neither should students be pressured into echoing or accepting a professor’s approach to her subject matter. While professors should proffer a range of argumentation, this is not a quantifiable exercise, or a compulsory one every time an opinion is uttered. Professors should determine, for themselves, what constitutes an appropriate balance of disparate views. As seen in the Berthold case, professors in the United States can be punished for supporting attacks against United States interests. Yet they must demonstrate in their classrooms a tolerance for views that they themselves may be denied outside it. If professors aren’t free, however, neither are their students. Education is a sine qua non for societal progress, and academic freedom, both within and without the classroom, is a fundamental requisite for a brighter future and a dialectics of liberation.

Endnotes

¹ Howard Zinn, *A People’s History of the United States* (New York: HarperCollins, 2003), 428-31.

² “Eisenhower’s Farewell Address,” January 17, 1961, cited in Henry Steele Commager and Milton Cantor, eds., *Documents of American History: Since 1898*, Vol. 2 (Englewood Cliffs, NJ: Prentice-Hall, 1988), 653.

³ Allan Bloom, *The Closing of the American Mind* (New York: Simon and Schuster, 1987).

⁴ Roger Kimball, “Academia v. America,” *American Legion: The magazine for a strong America*, April 2003, 35-38; and my response, Peter N. Kirstein, “New McCarthyism,” *American Legion*, June 2003, 4-6.

⁵ Roger Kimball, *Tenured Radicals: How Politics Has Corrupted Our Higher Education*, Rev. ed. (Chicago: Ivan R Dee, 1998).

⁶ American Council of Trustees and Alumni website:
http://www.goacta.org/about_acta/mission.html

⁷ “What is Accuracy in Academia?” Accuracy in Academia, <http://www.academia.org/about.html>

⁸ Sara Russo, “Professor Disparages ‘Baby Killing’ Military; Calls Cadet a ‘Disgrace,’” Accuracy in Academia, http://www.academia.org/campus_reports/2002/december_2002_2.html

⁹ Alfred Crosby, *The Columbian Voyages, The Columbian Exchanges, and Their Historians* (Washington, D.C.: American Historical Association, 1987), 1-13, 21-25.

¹⁰ “Professor Reprimanded for Joke,” *Houston Chronicle*, December 10, 2001. Online edition.

¹¹ Richard M. Berthold, “My Five Minutes of Infamy,” HNN, November 25, 2002. <http://hnn.us/articles/1121.html>

¹² *Columbia Daily Spectator*, March 31, 2003.

¹³ *The Chronicle of Higher Education*, April 18, 2003. In Somalia, October 1993, as a result of mission creep within this war-wracked, impoverished nation, some eighteen United States Special Forces were killed with the downing of a Blackhawk helicopter.

¹⁴ *Columbia News, the Public Affairs and Record Home Page*, March 29, 2003: <http://www.talkingproud.us/Eagle032903A.html>

¹⁵ Peter N. Kirstein to Cadet Robert Kurpiel, e-mail, October 31, 2002.

¹⁶ Peter N. Kirstein to Robert Kurpiel, e-mail, November 2, 2002; Robert Kurpiel to Peter N. Kirstein, e-mail, November 2, 2002; Peter N. Kirstein to Robert Kurpiel, e-mail, November 2, 2002; Robert Kurpiel to Peter N. Kirstein, e-mail, November 2, 2002; Peter N. Kirstein to Robert Kurpiel, e-mail, November 2, 2002.

¹⁷ Richard Yanikoski to Peter N. Kirstein, e-mail, November 2, 2002.

¹⁸ I would have been happy to address them, having served in the United States Army Reserves during the Vietnam War. My father was also an Army captain and medical officer in combat in the Aleutian Islands during World War II.

¹⁹ Boortz’s version of my e-mail was used by journalists and even the Saint Xavier University administration to condemn my alleged ignorance when denouncing the tactics of war. I wrote: “No war, no air force cowards who bomb countries *without* AAA...” [Emphasis added]. The Boortz version contained “with AAA.” Clearly fighters and bombers do not use anti-aircraft artillery, and the US waged war against Iraq, Afghanistan, Bosnia and Serbia that were powerless to engage American aircraft with AAA. On this correction and a defence of my pacifist, leftist views see, Peter N. Kirstein, “Kirstein Strikes Back,” *The Weekly Standard*, January 20, 2003, 5.

²⁰ [Frontpagemag.com](http://frontpagemag.com), November 11, 2002, January 8, 2003, March 28, 2003.

²¹ <http://ehowa.com/mythoughts/kirstein.html>

²² [Instapundit.com](http://instapundit.com), November 6, 2002. Reynolds also posted the Boortz version.

²³ *The New Yorker*, September 24, 2001:

http://www.newyorker.com/talk/content/?010924ta_talk_wtc

²⁴ Peter N. Kirstein to Cadet Robert Kurpiel, e-mail, October 31, 2002; *The New Yorker*, September 24, 2001.

²⁵ [Andrewsullivan.com](http://andrewsullivan.com), December 2002.

²⁶ Professor Berthold received similar communication and also noted the irony. See Berthold, “Five Minutes.”

²⁷ *Chicago Tribune*, November 10, 2002. Many of the major Chicago network-affiliate TV stations aired broadcasts: Channel 2 (CBS, Viacom), Channel 32 (FOX).

²⁸ *Wall Street Journal*, November 12, 2002, November 19, 2002.

²⁹ *Wall Street Journal*, November 18, 2002. Mr Wilson’s website contains the most extensive primary source documentation of this case: <http://www.collegefreedom.org/kirstein.htm>

³⁰ American Association of University Professors, *Three Statements from Policy Documents & Reports* (Washington, DC: AAUP, 2001), 2. The document has been endorsed by more than 180 professional organisations and societies.

³¹ “The Air Force Academy is going to be having our annual Academy Assembly. This is a forum for mainly but not only Political Science majors, discussing very important issues dealing with politics. Right now we are in the planning stage for advertising and we would appreciate your help in the follow (sic) areas. Do you know of or have methods or ways for interschool advertising and or communications? What would be the best way for us to advertise at your

school whether it is sending you the fliers and you making copies or by perhaps putting an advertisement in your local publication? We would appreciate your input and the cost of what you recommend. Thank you for your time and consideration.” Cadet Robert Kurpiel to Peter N. Kirstein et al., e-mail, October 31, 2002.

³² Russo, “Professor Disparages.” To her credit, Ms Russo removed this statement after a collegial e-mail exchange in June 2003.

³³ *Three Statements*, 2.

³⁴ President Richard Yanikoski, Automated e-mail Response, November 6, 2002; [Emphasis added]

³⁵ Richard Yanikoski to Peter N. Kirstein, December 23, 2002.

³⁶ Peter N Kirstein, “Responses to September 11,” *Academe*, May-June 2002, 4.

³⁷ “Academic Freedom and Tenure: University of South Florida Report,” *Academe*, May-June 2003, 66.

³⁸ President Richard Yanikoski, Automated e-mail Response, November 6, 2002. [Emphasis added.]

³⁹ “Committee A Statement on Extramural Utterances,” *AAUP Policy Documents and Reports, “Redbook,”* 9th ed. (Baltimore and London: The Johns Hopkins University Press, 2001), 32.

⁴⁰ *Ibid.*

⁴¹ “Recommended Institutional Regulations on Academic Freedom and Tenure,” *AAUP “Redbook,”* 25.

⁴² Judith Jarvis Thomson and Matthew W. Finkin, “Academic Freedom and Church-Related Higher Education,” cited in William W. Van Alstyne, ed., *Freedom and Tenure in the Academy* (Durham: Duke University Press, 1993), 424.

⁴³ Professor Berthold described FIRE as “a group to be cherished by every real academic.” See Berthold, “Five Minutes.”

⁴⁴ Alan Charles Kors to Richard A. Yanikoski, November 20, 200

⁴⁵ Richard Morgan, “Saint Xavier U. Suspends Professor for E-Mail Message,” *The Chronicle of Higher Education*, December 6, 2002. WLS AM890, another major Chicago radio station, devoted hours of talk-radio to the incident.

⁴⁶ “Tests for Academic Freedom in the Time of War,” *The Chronicle of Higher Education*, April 17, 2003. In this specific instance, Professor Kors was addressing the De Genova case at Columbia University. <http://chronicle.com/colloquylive/2003/04/speech/> [Emphasis added]

⁴⁷ *Keyishian v. Board of Regents*, 385 U.S. 589 (1967), cited in Thomas L. Tedford and Dale A. Herbeck, *Freedom of Speech in the United States*, 4th ed. (State College, Penna.: Strata Publishing, 2001), 312.

⁴⁸ “1970 Interpretive Comments on 1940 Statement of Principles on Academic Freedom and Tenure,” *Three Statements*, 3.

⁴⁹ The Saint Xavier University AAUP chapter, as a result of my case, published a widely disseminated document affirming academic freedom for extramural utterances. See Richard Fritz et al., “St. Xavier AAUP Response to Peter Kirstein Case,” *Illinois Academe*, Fall 2003, 2. An online version may be seen at <http://www.collegefreedom.org/sxufac2.htm>

⁵⁰ “Joint Statement on Rights and Freedoms of Students,” *AAUP “Redbook,”* 262.