

January 10, 2005

President Lee C. Bollinger  
Columbia University  
535 West 116th Street  
New York, New York 10027

Sent by U.S. Mail and Facsimile (212-854-9973)

Dear President Bollinger:

As you can see from our directors and board of advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, academic freedom, due process, legal equality, freedom of religion, voluntary association and, in this case, freedom of speech and expression on America's college campuses. FIRE is a nonpartisan and consistent defender of academic freedom nationwide, at both public and private universities. Our web page, [www.thefire.org](http://www.thefire.org), will give you a greater sense of our identity and of our activities.

We are writing to provide an additional perspective following the New York Civil Liberties Union's December 20, 2004, letter to you regarding the ongoing controversy arising out of the David Project's film *Columbia Unbecoming*. FIRE has enormous respect for the NYCLU and for its commitment to civil liberties, including academic freedom. Unfortunately, however, the NYCLU's summary of the academic freedom interests implicated in this controversy suffers from several shortcomings. It is important to draw the lines properly in this situation, and to distinguish between the requirements of academic freedom as properly understood, the requirements of adhering to professional teaching standards, and the necessity of emphasizing teaching rather than mere political indoctrination. FIRE has considerable experience in dealing with these problems on many campuses, and we wish to bring our considered thoughts on the subject to your attention. We would particularly like to point out where we differ from NYCLU's position, lest that position be reflexively taken as *the* "official" position of the civil liberties/academic freedom advocacy community.

The NYCLU's letter understates the appropriate levels of student academic freedom and overstates the primacy of professors in the academic process. It also understates the university's own academic freedom to define its own mission and to construct a faculty that advances that mission. To be sure, both FIRE and the NYCLU agree on several points. Both FIRE and the NYCLU recognize and

applaud Provost Alan Brinkley's statement that "[s]tudents have a right to learn in an atmosphere that permits an open exchange of ideas." Both groups believe that the threats issued by various public officials have been inappropriate. Yet if the university follows the NYCLU's counsel, it may actually diminish student freedoms and increase the chance of future abuses.

We will not repeat the NYCLU's summary of the allegations contained in *Colu-dav5*



As Columbia investigates the allegations in *Columbia Unbecoming*, it should determine whether

donor should be fooled into applying to or supporting a university that promises a liberal arts education but delivers rank political indoctrination. If what Columbia delivers is in dispute, a clear disclosure of the facts is crucial so that society can make judgments, draw conclusions, and act accordingly. Sunlight, as Justice Brandeis said, is the best disinfectant.

open and welcoming of a variety of views, including those which clash with the views of a majority of the members of a given academic department. Liberal arts institutions must avoid the tyranny of established orthodoxies that do not allow for difference, much less for vigorous dissent. This kind of openness is essential in order to avoid falling into the trap of indoctrination in lieu of education.

At present, the allegation is that Columbia's MEALAC department is dominated by an "anti-Zionist" viewpoint. If true (and FIRE has seen no compelling evidence indicating the presence of strong alternative viewpoints in the MEALAC faculty), the question is whether such dominance is an expression of Columbia's goals for this department. Because FIRE has seen nothing in Columbia's promotional literature to suggest that it prides itself on the uniform thinking of any of its departments, it is incumbent upon the university to take steps to investigate if this ideological dominance is the case, and, if the accusations appear justified, what steps can be taken – consistent with respecting the academic freedom of current faculty – to provide for more diverse points of view.

In the case of racial homogeneity, it is often assumed that uniformity occurs as a result of overt discrimination. FIRE makes no such assumption in this case, but it may be reasonable to assume that conservative or pro-Israeli scholars view Columbia as inhospitable to their point of view. It would not violate academic freedom to take immediate steps (through aggressive recruitment or decisive public statements) to remedy this perception and to let the public, students, alumni, and donors know that Columbia is a liberal arts institution in the finest sense of that term – that it welcomes a variety of intellectual and academic positions even on the most contentious issues of the day.

President Bollinger, as a highly regarded scholar of the First Amendment, you are no doubt familiar with the magisterial opinion penned for the Supreme Court by Justice Robert Jackson in *West Virginia Board of Education v. Barnette*, in which the Court made it clear that the government did not have, and should not have, the power to impose upon its students any official, orthodox position as to what is correct in politics or any other area of human knowledge and belief. Hence, the government could not force a student to pledge to the flag in violation of religious belief and personal conscience. If Columbia chooses to embrace intellectual diversity and openness, it should heed the underlying moral principle in *Barnette* and avoid establishing a political orthodoxy to which its students are effectively forced to adhere. It hardly violates institutional or professorial academic freedom to insist that a university president has an obligation to prevent campus repression and indoctrination.

FIRE's recommendations in this case are simple. First, Columbia should affirm the students' right to dissent but should reard.822.r anapismudocch its shaunide.lyfing for tra2.631civ51th0.0009 Ta9al ortl

inquiry are important values, it should state that clearly and then take steps to ensure that it delivers such diversity. Scholars with dissenting viewpoints should be sought out and welcomed into the Columbia community, and the MEALAC department (as well as all departments) should strive to become a true marketplace of ideas, not simply a vendor for the dominant ideology.

Thank you for taking the time to read and consider the arguments in this letter. FIRE is happy to answer any questions or to meet to discuss any or all of these issues.

Sincerely,



David French  
President

cc:

Alan Brinkley, Provost, Columbia University  
David Stern, Chair, Board of Trustees, Columbia University  
Evan Davis, Vice Chair, Board of Trustees, Columbia University  
Michael Patterson, Vice Chair, Board of Trustees, Columbia University  
The Members of the Board of Trustees, Columbia University  
Arthur Eisenberg, New York Civil Liberties Union  
Charles Jacobs, President, The David Project  
Nat Hentoff