## Silenced Stages

The Loss of Academic Freedom and Campus Policy Debates

# SILENCED STAGES

The Loss of Academic Freedom and Campus Policy Debates

George R. La Noue

RESEARCH PROFESSOR OF POLITICAL SCIENCE RESEARCH PROFESSOR OF PUBLIC POLICY SCHOOL OF PUBLIC POLICY UNIVERSITY OF MARYLAND, BALTIMORE COUNTY



CAROLINA ACADEMIC PRESS Durham, North Carolina Copyright © 2019 George R. La Noue All Rights Reserved

See catalog.loc.gov for Library of Congress Cataloging-in-Publication Data

ISBN 978-1-5310-1602-9 e-ISBN 978-1-5310-1603-6

Cover design Revere La Noue, rl@reverelanoue.com falconbridge.collection.com

The research grant on which this book is based was administered by the Maryland Institute of Policy Analysis and Research. This book is a major extension and updating of papers given at the Policy History Association, the American Political Science Association, and the American Legislative Exchange Council conferences in 2016 and articles published in *Academic Questions* and by The Heterodox Academy and the James G. Martin Center.

While the opinions expressed are those of the lead author alone, he is greatly indebted to the project's student research team (Kamilla Keldiyarova, UMBC School of Public Policy, MPP student (liberal arts colleges); David Song, Stanford University School of Education, Ph.D. student (top private and public universities); Dan Smyth, UMBC School of Public Policy MPP graduate (liberal arts colleges); Matthew Speake, University of Baltimore Law School, J.D. student (regional public and private universities); and Adam Shulman, UMBC School of Public Policy, Ph.D. student (religious universities).

> Carolina Academic Press 700 Kent Street Durham, North Carolina 27701 Telephone (919) 489-7486 Fax (919) 493-5668 www.cap-press.com

Printed in the United States of America

## Contents

#### Synopsis vii About the Author xi

#### I. INTRODUCTION 3

- A. Campus Controversies 9
- B. Constitutional Law 32
- C. Campus Perspectives on Controversial Speech 41
- D. Debates in American Historical Context 45

#### II. CAMPUS SURVEY RESEARCH METHODOLOGY 49

- A. Research Results 53
- B. Empirical Conclusions 61
- C. Normative Conclusions 70

#### III. CREATING AND COMMITTING TO A CULTURE OF DEBATE 105

- A. Trustee and Legislative Accountability 108
- B. Faculty and External Funding 111
- C. Students and Families 113

Bibliography 115

### Synopsis

Recently, many American higher education institutions have endured politically motivated disturbances undermining academic freedom. Unlike the wave of disruptions under the expanded "free speech" banner in the Sixties, these new protests have often sought to limit the speech of invited speakers, campus spokespersons, and the media with whom they disagreed. In response, many prominent persons, including former President Obama, university leaders, and faculty senates have sought to restore the primacy of open dialogue as an academic ideal.

The barking dog of censorship usually creates attention. This book discusses incidents that created national publicity at Amherst, Brown, City University of New York, Evergreen, Lewis and Clark, Michigan, Middlebury, New York University, Reed, Seattle, Yale, UC Berkeley, University of Pennsylvania, University of Washington, Vanderbilt, Wesleyan, and Williams. But, if that guard dog just silently patrols the fences of acceptable campus discourse, nothing may be heard in the vacuum created. Many speakers will not be invited and many public policy issues will be thought too controversial for open discussion. Even tenured faculty may avoid expressing ideas that will upset their colleagues or campus activists. For free speech, the problem may be more often what is omitted from campus discussions, the silenced stages, than overt suppression.

This book reports on original research about the topics and participants in on-campus policy debates or forums where divergent viewpoints were presented regarding 24 national policy areas. Accessing campus calendars for 2014 and 2015 in a stratified national sample of 97 universities and colleges and 28 law schools enrolling 991,802 students annually, the results show a paucity of such events, except at very elite wealthy institutions or law schools. For most students in American higher education, the opportunity to hear on-campus debates about important public policy issues does not exist. Free speech for controversial speakers dominates the press coverage, but the more important story of the absence of debate and divergent opinion is missed.

Since almost all higher education institutions affirm as part of their mission the training of engaged citizens and almost all students can vote, what accounts for such limited planned policy discourse on campus? This book suggests several theories. (1) Academic management has become more corporate and seeks to avoid controversy. (2) Despite the proliferation of campus administrators, no one is responsible for seeing that a well-balanced political discourse exists. (3) Campus cultures vigorously promote attractive student living, recreational activities, and career preparation with little organized focus on informed citizenship. Their ethos also emphasizes tolerance and inclusion for all, while fearing disturbing ideas that might arguably create a hostile learning environment for any group. (4) Faculty reward structures do not incentivize them to organize or participate in policy debates. (5) Professors, in fields most concerned with policy issues, are increasingly politically and ideologically homogeneous and may not see the need for their views to be debated.

After reviewing relevant judicial decisions on free speech, the role of debate in the formation of our political institutions, and some useful campus experiments in intellectual diversity, this book turns to the question of what can be done about the failure to promote actively these values across higher education.

The solutions must be scalable, inexpensive, and most of all compatible with the announced values of the academy. First, trustees and legislatures should ask the institutions accountable to them for annual reports describing what campuses have done to expose all their students to diverse opinions about the great policy issues relevant to casting an informed vote. Second, institutions should designate some administrative office or faculty committee to plan and evaluate whether scheduled campus-wide events fulfill the mission of diverse civic education for all students. Third, institutions should be certain their campus activities calendars are accessible and maintained, so that programming efforts and balanced intellectual diversity can be observed by everyone in the community. If a campus does not have the resources to provide balanced programming, research centers, think tanks etc. should provide up-to-date materials on the Internet for local use. Fourth, funders should ask the question of whether campuses are fulfilling their announced civic missions in considering support. Fifth, students and parents in evaluating the intellectual climate of a campus should ask for information assuring them that diverse viewpoints on public policy issues are expressed and respected.

The withdrawal of campuses from a culture of vigorous political debate does not auger well for the future of American democracy, where dependence on rational and civil consideration of complex policy alternatives is essential.

## About the Author

George La Noue is Research Professor of Political Science and Research Professor of Public Policy at the University of Maryland Baltimore County. He served as Director of Policy Sciences, one of the largest programs in the graduate school enrolling about 180 Masters and Ph.D. students, for eighteen years. Prior to coming to the University of Maryland, he was Director of the Teacher's College-Columbia University Graduate Program in Politics and Education. He has taught at American University, the University of Chicago, the University of Miami, and the University of Strasbourg (France).

He graduated *magna cum laude* from Hanover College in 1959 and received his M.A. in 1961 and Ph.D. in 1966 in Political Science from Yale University. He has been awarded three national fellowships (the Woodrow Wilson, Danforth, and Public Administration) and two international fellowships in Sweden and Germany.

Dr. La Noue's research has focused on education policy, civil rights law and public program analysis. He has published five books and numerous articles. His book, *Academics in Court: the Consequences of Academic Discrimination Litigation*, University of Michigan Press, was funded by the Carnegie Corporation of New York. His book, *The Politics of School Decentralization* was published by D.C. Heath. Earlier he edited a book, *Educational Vouchers: Concepts and Controversies*, for Teachers College Press. His most recent book, *Improbable Excellence: The Saga of UMBC*, was published in 2016 in connection with that University's 50<sup>th</sup> anniversary. He is the author of four encyclopedia entries: "School Decentralization," *Encyclopedia of Education*, "Political Science," *Encyclopedia of Educational Research*, and "Affirmative Action," *World Book Encyclopedia* and in the *Encyclopedia of Political Science*. He is the author of eleven law review articles.

Professor La Noue has served as President of the Politics of Education Society, as a member of the Editorial Board of *Education and Urban Society*, as a member of the Maryland State Commission on Public School Athletics, the Maryland Department of Education's Commission on Charter Schools, the Maryland State Commission on Equal Pay, the Faculty Advisory Committee of the Maryland State Board for Higher Education, the Truancy Reduction Project of the Administrative Office of the [Maryland] Courts, and chaired the Task Force on Higher Education of the United States Equal Employment Opportunity Commission. He was appointed by Baltimore Mayor Kurt Schmoke to serve as a member of the Mayor's Task Force on School Choice. He was also the academic member of the National Institute for Government Purchaser's Universal Certification Committee which certifies procurement officers in the United States, Canada, and Ireland. He has been Vice-Chairman of the Maryland Civil Rights Advisory Committee.

A frequent witness in Congressional testimony, Dr. La Noue is also a wellseasoned trial expert on civil rights cases in federal courts. He has been an Assistant to the Executive Director of the U.S. Equal Employment Opportunity Commission and has been the U.S. Department of Labor's principal trial expert in academic equal pay litigation. He has also served as consultant on a wide variety of educational and legal problems to the American Civil Liberties Union, the American Alliance for Rights and Responsibilities, the Association of Governing Boards, the National Council of Churches, the U.S. Department of Education Office of Civil Rights, the U. S. Commission on Civil Rights, and several state governments and universities.

Sponsored by the U.S. Information Agency, the Swedish government, the German government, the Fredrich Ebert Foundation, and others, Dr. La Noue has had the opportunity to do research and lecture in sixteen countries.