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Thursday, December 6, 2001

## Speech under fire

**Orange Coast College professor unfairly targeted by Muslim students**

Dec. 2, 2001

**By Steven Greenhut**  
The Orange County Register

Head through the various Web sites and listen to statements from the leading Muslim and Arab-American organizations since Sept. 11 and you'll find one item after another about the importance of respecting the First-Amendment and due-process rights of Muslims and people of Middle Eastern descent. It's unjust, these groups say, for the FBI to conduct wholesale investigations of people simply because of their ethnic background or religion, to deport Middle Easterners for minor visa violations or to punish Muslim professors or students for blaming American policy for the terrorist attacks.

These are issues that touch on the most fundamental aspects of what America is about, they argue. It's about the right to speak out, to be treated as an individual rather than as a member of a group, to be given a fair hearing and not railroaded because of one's ideas or beliefs. To which I wholeheartedly agree.

Yet an ongoing incident in Orange County is a grim reminder that ethnic-and religious-based "civil rights" promoters all too often only defend principles such as freedom of expression when it suits their purposes and affects their people - not when it applies to anybody else. National attention recently has descended on Orange Coast College in Costa Mesa, where tenured Professor Kenneth Hearlson was hastily put on leave by OCC President Margaret Gratton after several Muslim students complained to the administration about things the professor supposedly said during a classroom discussion of terrorism.

An investigation into the matter is complete, and the administration - more mindful of avoiding bad publicity than in seeking justice - is expected to rule on the Hearlson matter at any time. Hearlson's contemporary politics class is the type of college seminar that teaches students to debate, to defend their positions, to speak out and engage in freewheeling discussions.

It is designed to be controversial on all sorts of topics and is one of the main reasons so many Orange Coast students take the class. On Sept. 18, during a classroom discussion about terrorism, Hearlson "raised a series of provocative questions in his

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weekly lecture," according to a New York Times account. "Why, he asked, had Muslim nations not risen with a single voice to repudiate Osama bin Laden? Why do leading Muslim figures seem to either deny the Holocaust or complain that Hitler had not killed enough Jews?"

Mr. Hearlson also condemned flyers that had appeared on campus last year, which showed a swastika plastered over a Jewish star, as 'hate-filled messages' from 'Muslim students on campus.'" As the Times and others point out, some Muslim students then protested to the administration, claiming they were singled out by the professor and essentially blamed for steering the planes into the World Trade Center.

A tape of the events made by a student in the class confirms Hearlson's explanation of what happened, according to a transcript I read. There's no evidence that Hearlson called a student a terrorist, as alleged. One student objected to Hearlson's use of the word "you" when discussing the issues. But the professor corrected himself and made it clear that the "you" was referring to Arab nations and not to the student personally. Furthermore, one student has since admitted that he may not have remembered the details correctly. Other students in the class have backed up the professor's account of the debate.

An Orange Coast trustee told the Register that, after reviewing the tape, it was clear that Hearlson wasn't calling the student a terrorist, although "he may have pointed his finger in the student's direction, and that's where the rub came in." Nevertheless, Hearlson remains on leave, barred from the campus where he has taught for many years. How dare he point a finger! The Muslim students, their organization on campus and other supporters in the Muslim community have not relented.

No Muslim or Arab group that I know of is speaking out against the unfair railroading of a well-respected professor or citing the First Amendment now. One student bringing the charges against Hearlson, Mooath Saidi, told The Los Angeles Times: "I don't want an apology. He needs to get fired, if not prosecuted for what he did."

Never mind that Hearlson clarified his words and that the remarks were made in the context of a class designed to prod students into debate. Justice must be done. A man's career must be destroyed. Heck, he ought to even be prosecuted for such crimes! Fortunately, Hearlson is being defended by a broad-based free-speech group called the Foundation for Individual Rights in Education (FIRE), based in Philadelphia.

Orange Coast College faculty members, even those professors who adamantly disagree with Hearlson's classroom style and personal beliefs, are rankled at the lack of due process afforded Hearlson. Without going through any of the procedures the school has established to handle students' complaints, the administration put Hearlson on leave - falsely telling him it was for his own safety.

Then, Hearlson told me last week, he found out later the school was taking the side of the students. He still hasn't received anything in writing after two months. He said he has received hate threats in front of other people at the school, yet the school administration has downplayed the incident. He believes the administration is targeting him for his born-again Christianity, his conservative politics and his focus on traditional values.

Hearlson is a true believer in free speech who gives plenty of time to those with dissenting views. He even called to offer support to a south Florida Muslim

professor who was accused of having terrorist sympathies. None of that carries any weight with students bent on stifling speech, getting revenge for an insult.

"Sept. 11 was horrible, horrible for all of us," OCC history Professor Susan Smith told me. "The administration really dropped the ball. They didn't even get around to putting out a memo on how to deal with this until 10 days later." In the meantime, Hearlson held his class and was as passionate, she said, as he is on every issue. "He actually did nothing the president of the United States hasn't done, saying one is either with us or against us."

She found it "chilling" that a group of students could force a tenured professor out of the classroom "without any attention put on the grievance process." It was a unilateral decision made by administrators involved in "panic and pandering."

I talked to Hussam Ayloush, leader of the Southern California chapter of the Council on American-Islamic Relations, and someone I know and respect from my dealings with him on other topics. One CAIR official has said that it views this case as an important matter, and Ayloush said CAIR released one cautious statement on the students' behalf.

"Students should not feel offended or in any way humiliated because of their religious beliefs," Ayloush told me. Professors are in a position of power, he said, which makes students vulnerable. Although emphasizing the importance of academic freedom, he argued that the types of comments Hearlson allegedly made can cause a climate of fear, especially in the post-Sept. 11 world where Muslims and Arabs have been victims of hate crimes.

"This shows bad faith," responds FIRE Executive Director Thor Halvorssen. "Freedom also means freedom for those who oppose their views. This is what happens when you're unburdened by moral principle. ... These are no doubt the same people who oppose military tribunals." Halvorssen makes a valid point. It's hard to take seriously those organizations that insist on fair trials, free speech and academic freedom for themselves and members of their group, then try to deny it to others because some of their members have their tender sensibilities offended.

Being offended is no reason to shut down free speech. Imagine what this "offend not" standard will mean in the college classroom. "The message it sends to so many professors is don't bother," Halvorssen added. "You have everything to lose and nothing to gain. Who cares if students fall asleep in your class?"

If you detect a note of particular disgust in this column, you're correct. I've taken my share of guff for defending Muslims and Arabs unfairly targeted by the INS and the Justice Department, have adamantly opposed the military tribunals and expanded FBI powers that will no doubt lead to injustices against Muslims and Arab residents of America, as well as to others.

That's what really irks me about this case. People who frequently complain about being demonized and denied justice are part of a campaign to demonize a man and deny him justice. Then there's a college administration that is so lacking in backbone that it dispenses with the standard rules of law, decency and fairness in order to pander.

Frankly, it's sickening. The offended students need to act like adults rather than whining children and withdraw their complaint. The administration needs to reinstate Professor Hearlson and apologize for violating its own grievance procedures.

Time to grow up, move on and remember that we live in America, not some Middle Eastern police state.

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This is Steven's regular column. To reach him, call (714) 796-7823 or e-mail him at [sgreenhut@ocregister.com](mailto:sgreenhut@ocregister.com).

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