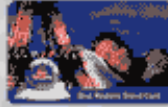


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UMass failing constitutional test

By David French/ As you were saying...
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For years, debates have raged about the state of higher education. To critics, campuses have been captured by oppressive political correctness - an ideology that permits only one point of view about the critical issues of the day. Defenders of the contemporary university establishment argue that the problem is exaggerated or that the criticism is itself repressive, designed to silence the "progressive" voice.

Occasionally, however, a university administration acts with such breathtaking audacity, such brazen double standards, that the debate - at least for that campus - is settled. Civil liberties, democratic ideals and the rule of law take a back seat to an unreasonable and hyper-politicized ideology. Political favoritism trumps consistency, common sense and fairness, and even innocent students must be sacrificed on the altar of an Orwellian definition of "tolerance."

The University of Massachusetts at Amherst is in the grips of just such a scandal. In March, during a heated race for the student presidency, members of a minority student organization, ALANA, accused candidate Patrick Higgins of racism. His crime? He opposed a mandatory set-aside program that would guarantee ALANA seats in the student government. Never mind that the university's own attorneys later determined that such a set-aside was unconstitutional; it was still "racist" to oppose the program.

On the eve of the election, Higgins and eight other students gathered in the student government offices for a party. Alcohol was apparently served, and one of the party-goers drew a caricature of the grand wizard of the Ku Klux Klan. The purpose of the caricature was to satirize ALANA's racism allegation by drawing Higgins in a Klan robe. The satire was obvious. The grand wizard was drawn with his eyes crossed and his tongue hanging out - hardly the pose of a person the students seek to emulate.

Months after the party, pictures of the dry-erase caricature circulated, and ALANA reacted with outrage. Students demonstrated, demanding sanctions (including criminal charges and expulsion) against the party-goers. The administration's response was swift and decisive.

And what was that response? Recall that earlier this year, UMass graduate student Rene Gonzalez celebrated the death of Patrick Tillman, the NFL player turned Army ranger, writing that "this was a GI Joe guy who got what was coming to him." Gonzalez's column in the UMass newspaper outraged readers across the country.

In an admirable demonstration of the axiom that the best answer to bad speech is more speech, UMass System President Jack Wilson denounced the column as "a disgusting, arrogant and intellectually immature attack on a human being who died in service to his country." However, Wilson affirmed Gonzalez's right to

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free speech, stating, ``While I recognize Rene Gonzalez's right of free speech, I must also assert my right of free speech to criticize what he said."

Given this response, one would think that UMass' reaction to the dry-erase caricature would be similar. It is difficult to argue that an unflattering, satirical drawing of a Klansman is as offensive as the blatant celebration of U.S. casualties during wartime. UMass had the right to criticize the expression but had an obligation to defend the student's First Amendment rights.

Instead, UMass Vice Chancellor Michael Gargano declared, ``I have the authority to remove these people from student government office . . . I could give them 500 hours of community service, have them conduct an open-forum discussion; I have a variety of sanctions at my disposal. I'm not ruling out dismissal."

Alleging ``harassment," UMass has sought to impose penalties that far outweigh typical sanctions for first-time alcohol offenders.

UMass now faces a critical test, one that too many schools have failed. It can defend the First Amendment and take a decisive stand for free expression, or it can become Exhibit A of the contempt for basic student rights and ferocious double standards of the modern American academy.

(David French is president of the Philadelphia-based Foundation for Individual Rights in Education. As You Were Saying is a Herald feature. We invite readers to contribute pieces of no more than 600 words. Mail to the Boston Herald, P.O. Box 2096, Boston,)

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