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Dartmouth trustee vote raises controversy

Some say academic freedom is central issue in the contentious election of alumni trustees

By **JASON SCHWARTZ**
 May 13, 2005

While Penn prepares to graduate a new class, alumni of Dartmouth College hope to finally see the end of a controversy over trustee elections.

Unlike at Penn -- where all new trustees are selected by the current board -- Dartmouth alumni vote directly to elect seven of the 17 members of the Board of Trustees.

With two such seats up for grabs this year, campaigning and politicking have reached unprecedented levels in Hanover, N.H.

Much of the intensity stems from the fact that although Dartmouth's Alumni Council, a group mostly made up of class- and alumni-group leaders, originally nominated four candidates to fill the vacancies, two petition candidates have crashed the ballot largely by trumpeting issues of free speech and academic freedom.

There has been some concern that the election of these write-in candidates could lead to a conservative takeover of the Board of Trustees. As a result, dueling Web sites have sprung up -- one attacking the petition candidates and the other supporting their right to be on the ballot.

Both David French, president of the Foundation for Individual Rights in Education, and Penn University Secretary Leslie Kruhly -- who is present at all Penn trustee meetings -- agreed, however, that political philosophy does not play a large role in making decisions about the welfare of a university.

The first of the petition candidates -- labeled "insurgents" by sympathetic media -- is Peter Robinson, a fellow of the Hoover Institute at Stanford University and a former Ronald Reagan speechwriter. Robinson is the author of what was perhaps Reagan's most famous line: "Mr. Gorbachev, tear down this wall!"

The other candidate is Todd Zywicki, a visiting professor at Georgetown University Law School and a contributor to the Volokh Conspiracy, a

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libertarian-oriented Web log.

By focusing on freedom of speech, Robinson and Zywicki are following in the footsteps of Silicon Valley tycoon T.J. Rodgers, a petition candidate who was elected to Dartmouth's Board of Trustees last year.

French sees the election as a battleground for academic freedom on college campuses.

"This could represent the beginnings of a real free-speech movement at Dartmouth," he said, adding, "Any trustee who's willing to defend free speech vigorously, we would like to see."

Over the last year, French said, FIRE has been working with Dartmouth to remove any ambiguity from the college's policy on free speech.

As a result of these efforts, he said, Dartmouth joined Penn on Monday as the only two schools in the Ivy League that do not have speech codes. According to FIRE's Web site, speech codes serve to "outlaw free speech and free expression that [do] not conform to various new campus orthodoxies."

Such controversy is unlikely ever to unfold at Penn, Kruhly said, not only because Penn has, in the last few years, not had to deal with the same freedom-of-speech issues as Dartmouth, but because of the method by which trustees are selected.

Although there is the possibility for alumni to petition to be put up for consideration to fill a trustee position -- signatures of 5 percent of the about 250,000 living alumni are required, amounting to some 12,500 names -- all final votes rest with the University Board of Trustees.

"It's a system that works. The trustees are the individuals best able to evaluate the needs of the board," she said.

Balloting concluded in the Dartmouth election on May 6, and administrators expect to know the results within the next week.

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