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## **FIRE founder discusses speech**

Posted By [David Pepose](#) On March 14, 2008 @ 1:50 am In [Front Page](#) | [Comments Disabled](#)



Henry Silverglate, founder of the Foundation for Individual Rights in Education, spoke to an audience of over 60 about the decline of the freedom of speech on campuses Wednesday. FIRE, a civil liberties non-profit group, was a vocal defender of Prof. Donald Hindley (POL), who was reprimanded by Provost Marty Krauss in November for alleged discriminatory remarks and ordered to attend anti-discrimination training.

"Free speech—the right to parody and free speech and vigorous debate—have died in American higher education," began Silverglate. "Universities, especially liberal arts universities, are among the least free places in our society...it used to be the opposite. How and why did this happen?"

Silverglate discussed free speech controversies at several campuses nationwide, attributing them to an increase of administrators over the past three decades. Quoting Louis Brandeis, Silverglate said, "it is the function of speech to free us from the bond of irrational fears." Still, he said, "when you make a mistake, as Prof. Donald Hindley and the students behind the Gravity publication have found, when you actually test these principles, they do not exist in practice, they exist in theory."

The first portion of Silverglate's speech dealt with parody, which he said "has taken more of a beating on campus than political debate." He began discussing a case at Tufts in 1989 where a student was put on probation and sentenced to 50 hours of community service after selling t-shirts saying "Why Beer is Better than Women at Tufts."

"I don't think you need a PhD to understand...that it was satirical," said Silverglate. "It was sophomoric, but what

can you say? He was a sophomore. [And] it was 100 percent protected by the Constitution.”

Following this, Tufts established “speech zones” where allegedly offensive views could be aired. When these measures resulted in controversy, Tufts repealed the speech zones and created “a series of codes which they claimed were to prevent harassment.”

“The transformation of Tufts is one of the great P.R. wonders of the age,” Silverglate added. “You could tell The New York Times and the Boston Globe...we have full academic freedom here, we just ban harassment. [But] if you read the codes, you find out what they really cover.”

Silverglate then described other on-campus freedom of speech debates. In each of the cases mentioned, Silverglate said, “as soon as there’s publicity the university backs down...if they’re afraid to say to the outside world what they’re saying on campus you know they think they’re wrong.”

Concerning last year’s controversial “Blackjerry” ad in Gravity Magazine, Silverglate saying it was clearly a parody. “The students in charge apologized, capitulated to mandatory diversity training. It’s the one thing that’s worse—more dangerous—than censorship,” he said.

Discussing the Student Union’s consideration of dechartering the magazine last semester, Silverglate said, “I don’t have a problem with lone students [condemning] another student’s speech. But having a student group that can censor a campus newspaper, that’s just wrong.”

“It certainly is a black mark on this campus,” he added. “I assume Justice Brandeis flipped in his grave...It was 100 percent protected by the Constitution. Not 99, not 99.5—100 percent protected speech.”

Regarding the Hindley case, Silverglate said he had little to discuss. “We know that Prof. Hindley used the word wetback, we know that it is germane to the subject matter,” he said. “Of course, Professor Hindley never had a hearing, so it could never be determined the context of what was said.” Still, he added, “the witch hunt never should have started.”

He also congratulated students for their involvement in the Hindley case: “You don’t have life tenure, but somehow you have more guts.”

Silverglate then opened the floor to questions. When Jordan Rothman ’09 asked if he felt campus pressure on conservative students constituted a freedom of speech violation, Silverglate responded, “My problem is when administrators put their thumbs on the scales [with] arbitrary rules and threats of punishment.” Otherwise, he said, “free speech is not convenient. We don’t want to say something hurtful, but free speech is hurtful...tell me an alternative. The Provost? No.”

Dan Ortnier ’10, meanwhile, asked about the role of power and its effects on administrator-student interactions. Silverglate clarified that “if a professor lowers a student’s grade because he doesn’t agree with the student’s views – as opposed to the student not making those views clear – he is violating his professional responsibility...if a professor says something that disturbs a student, that’s protected speech.”

Responding to Faculty Senate Chair Marc Brettler (NEJS) he added, “I think a teacher could be fired if he repeatedly showed disrespected for students by referring to them by epithets...personal, direct name-calling is unprofessional.”

Silverglate praised the Committee of Faculty Rights and Responsibilities, who challenged the Provost with several dissenting opinions in November and December: “That committee is a rarity on American campuses...[they] did a good thing and spoke truth to power, and power collapsed under the truth.”

Brandeis Democrats President David Emer ’09 asked one of the only dissenting questions of the evening, opposing Silverglate’s use of racial epithets in his speech. “Even though you and Prof. Hindley had the right to use those epithets, you didn’t have to. I ask you to apologize for using these epithets,” said Emer. “I feel the first use of the N-word was necessary, but the other three were gratuitous...just because you can use these words, don’t make it right, and I think that’s what the other half of the [argument] is thinking.” As several students murmured both for and against Emer’s proposal, Silverglate did not apologize, responding, “words are words, weapons are weapons – they are two very different species. One can kill you, the other cannot.”

Answering a question by Noah Klinger ’08, Silverglate responded, “the Provost shut down the proceedings when they weren’t going the way she wanted. It should be reopened...I hope the spotlight stays on it until the Provost resigns in shame or reopens the case.” He concluded, “I think they intrude into the inner sanctity of someone’s mind and soul...I don’t think it’s the role of the university for telling students how to feel.”

Editor’s Note: Jordan Rothman is Business Editor for The Hoot. Noah Klinger is a Hoot columnist.

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