



Benson Center for the Study
of Western Civilization

UNIVERSITY OF COLORADO BOULDER

Fostering Intellectual Diversity

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Adam B. Steinbaugh
Director, Individual Rights Defense Program
Foundation for Individual Rights in Education

6 February 2021

Dear Mr. Steinbaugh,

I am writing in response to your letter addressed to Chancellor DiStefano, on which I was copied as Director of the Benson Center, dated February 3, 2021. I can speak only for my actions as director of the center and for my own opinions.

I take academic freedom and freedom of speech very seriously, in accordance with the Center's mission, and I have defended Professor Eastman's unpopular speech on several occasions and at considerable expense to the Center and myself. I want to clarify some issues raised in your letter.

No action that I have taken violates Eastman's rights. The email from me to Eastman included in your materials, dated January 10, 2021, is not presented in proper context, and I write now to provide that context.

Professor Eastman was hired on a one-year contract as the Visiting Scholar in Conservative Thought and Policy (VSCTP). There is no expectation of a renewal for a second year, although such renewal is possible. Indeed, only one of nine previous scholars has been offered a second year. According to our rules, that question is only considered after conducting a national search for the following year's VSCTP.

We conducted this search, and the search committee met on December 23. The voting members of the committee—all faculty, in accordance with our governance rules—voted unanimously not to recommend to the Chancellor that we extend an offer for reappointment to Eastman. Since Eastman was hired on a one-year contract, with no expectation of reappointment, it is appropriate for the committee to make a substantive assessment of his performance in the position.

As you are aware, Chancellor DiStefano released a statement on January 7th which made it clear that Eastman would not be offered an appointment for a second year. I refer to this statement in my email. Regardless of the Chancellor's disposition, however, the vote of the search committee dictated that we would not have offered Eastman another appointment as VSCTP.

I have made no actions in "retaliation" for Professor Eastman's opinions or their expression. Specifically, the Benson Center did not cancel his classes or relieve him of any duties as VSCTP. I will let those at CU who made these decisions speak for themselves.

What I did was to *criticize* Eastman's expressed opinions in a statement posted to the Center's website; and to change the format of his courses—which had enrollments of 2 and 4 students,



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respectively—to independent studies, as per university policy for significantly under-enrolled courses.

My email to him about his harm to the reputation of the center was a response to an email of his complaining about my posted statement. In my opinion, Eastman's response to me failed to acknowledge the degree to which he has harmed the Center's reputation. But the crucial point is that the decision to post the statement and the decision to alter the format of his courses to independent studies were made *prior* to his complaints to me. As was the search committee's decision not to recommend an extension of Eastman's appointment. There was no retaliation.

Indeed, I released two statements defending his freedom of speech during the fall term. I did not believe, and do not believe today, that Eastman has ever taken seriously enough the interests of the Center. I am sure he disagrees. But this difference of opinion is not a matter of academic freedom or freedom of speech, since I never acted or threatened to silence him. Rather, my statement of January 7 criticizing Eastman was a matter of meeting bad speech with more speech.

Again in my opinion, the allegations he made at the "Stop the Steal" rally were intellectually dubious and, given their context, irresponsible. I think the arguments he has made alleging widespread fraud, sufficient to call into question the result of the presidential election, are inadequately supported by evidence. However, I do not just "admit" (as your letter states) but *insist* that they were within his First Amendment rights, as my statement makes clear. As were my subsequent criticism of his claims, both for their content and the context of their expression.

Sincerely yours,

Professor Daniel Jacobson
Director, Benson Center for the Study of Western Civilization