



# FIRE

Foundation for Individual  
Rights and Expression

August 22, 2022

Heather Antecol  
Vice President for Academic Affairs and Dean of the Faculty  
Claremont McKenna College  
888 N Columbia Ave  
Claremont, California 91711

*Sent via U.S. Mail and Electronic Mail (heather.antecol@claremontmckenna.edu)*

Dear Dean Antecol:

FIRE<sup>1</sup> is concerned Claremont McKenna College is deviating from its strong commitments<sup>2</sup> to academic freedom by reportedly punishing and warning faculty members after students complained the faculty taught historical works containing a racial slur. Professor Christopher Nadon reportedly faces a behind-the-scenes investigation for accurately answering a student's question about why Mark Twain's *Huckleberry Finn* was censored, and reading verbatim from Frederick Douglass' *Narrative of the Life of Frederick Douglass*; an administrator advised Professor Robert Faggen when he asked about having played a recording of poet Robert Lowell's "For the Union Dead," and adjunct Professor Eva Revesz was non-renewed after she quoted from Alice Walker's "The Color Purple."

Our nation's history of racism is fraught and deeply upsetting for many. For that reason, and because CMC promises faculty expressive rights, faculty must be free to teach these critical topics without undue interference from administrators—even where they or students are upset or offended by a professor's pedagogical choices. The college must also ensure that faculty accused of misconduct receive due process so all parties can have confidence in a just result.

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<sup>1</sup> As you may recall from previous correspondence, the Foundation for Individual Rights and Expression is a nonpartisan nonprofit dedicated to defending freedom of speech, expression, and conscience, and other individual rights on campus.

<sup>2</sup> We appreciate that CMC is one of the few institutions in the country whose policies earn FIRE's highest "green light" rating for policies that protect free expression.

## **I. CMC Investigates, Warns, Non-Renews Professors Who Used Historical Texts Containing Racial Slur**

The following is our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us. To these ends, please find enclosed executed privacy waivers authorizing you to share information about this matter.

Christopher Nadon is an Associate Professor in the Department of Government at CMC. In June 2021, you and Nadon agreed via email that he would teach a Freshman Humanities Seminar (FHS) entitled “Liberty and Excellence.” Nadon told you the reading list for the course would include Frederick Douglass’ “Narrative,” noting expressly that it “contains the word nigger in several key passages that need to be discussed in class to explain the work.”<sup>3</sup> You did not object, and instead thanked him for teaching the course and encouraged him to submit his suggestions for books or readings to the student book club.<sup>4</sup>

On October 14, Ellen K. Rentz, Associate Dean of the Faculty for Curriculum, emailed Nadon to tell him a student had “serious concerns about one of [his] courses” and to ask that Nadon meet with Dean Antecol.<sup>5</sup> In the email exchange that followed, Nadon repeatedly requested future concerns be communicated to him in writing, but the Dean’s office refused and demanded a meeting.<sup>6</sup> On October 25, Nadon notified Rentz that he told his students about the Dean’s emails<sup>7</sup> and you responded that the Dean’s office would send him a “detailed communication” soon.<sup>8</sup> You explicitly told Nadon your communications were not related to any disciplinary action and warned him about the consequences of retaliation or false reporting.<sup>9</sup>

On November 6, you emailed Nadon and listed three examples of the student’s alleged concerns about him:

- Your explicit use of the n\* word to make a point about censorship, which the student recalled as: “Do you know why they don’t teach *Huckleberry Finn* in schools anymore? Because it says n\* on every other page.”
- Your engagement in an argument with a student where you pressured her to say, again paraphrasing, that *Huckleberry Finn* is not read in schools because of the n\* word and that this was censorship.
- Your equating of the BLM movement to the Nazis.<sup>10</sup>

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<sup>3</sup> Email from Christopher Nadon to Heather Antecol (Jun 1, 2021, 8:29 AM) (on file with author).

<sup>4</sup> Email from Heather Antecol, to Christopher Nadon (June 2, 2021, 2:29 AM) (on file with author).

<sup>5</sup> Email from Ellen Rentz, Associate Dean of the Faculty, Claremont McKenna Coll., to Christopher Nadon (October 14, 2021 10:46 AM) (on file with author).

<sup>6</sup> Email from Ellen Rentz to Christopher Nadon (October 14, 2021 8:35 PM) (on file with author).

<sup>7</sup> Email from Christopher Nadon to Heather Antecol (Oct 25, 2021, 8:29 AM) (on file with author).

<sup>8</sup> Email from Heather Antecol to Christopher Nadon (Oct 28, 2021 5:40 PM) (on file with author).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

Despite the characterization of the student’s concerns as “serious,” you made clear that the student did not want to file a complaint against Nadon. As of the date of this letter, Nadon has still not received details of any allegations against him, any additional information about the student’s “serious concerns,” or copies of documentation related to any investigation.

Meanwhile, Nadon is concerned that his future schedule—and whether he will be allowed to teach his regular courses—may be impacted by this controversy. His concerns about facing adverse employment actions over protected speech are not unique.

Literature Professor Robert Faggen reports that while CMC was quietly investigating Nadon in the Fall 2021 semester, Faggen also faced fallout from teaching material that included a racial slur in class. Faggen said a student strenuously objected to him playing a recording of Robert Lowell reading his poem “For the Union Dead,” because it contains the word “nigger.” After the incident, Faggen consulted with Associate Vice President for Diversity and Chief Civil Rights Officer Nyree Gray, who told him it was acceptable for him to play a recording of a racial slur—but also told him that it is not acceptable for him to say it himself.

The previous spring, in March 2021, former adjunct Literature Professor Eva Revesz taught a Cinematic Adaptions course that included reading the book and viewing the movie “The Color Purple.” When Revesz quoted text from the book that contained a racial slur, a student confronted Revesz and she apologized for her “insensitivity” in class and later in an email. But after students reported the incident to you, administrators called Revesz into multiple meetings and urged her to attend a sensitivity training counseling session, which she did. But on June 15, she was told the needs of the department had changed and her Fall 2021 class was cancelled, despite it already having been put on the schedule with a time slot and classroom assignment.

## **II. CMC Violated Institutional Obligations to Safeguard Academic Freedom**

While CMC is a private institution not required by the First Amendment to protect free expression, it has independently promised academic freedom, which protects faculty’s pedagogical autonomy to determine whether and how to approach material that may be challenging, upsetting, or even deeply offensive.

CMC has adopted the University of Chicago’s model Statement on Academic Freedom,<sup>11</sup> maintains multiple web pages dedicated to its Academic Freedom Policy,<sup>12</sup> and lists freedom of expression as one of its founding and core principles.<sup>13</sup> The college’s “Statement on Policy and Tenure” is unequivocal that these promises protect not only “the rights to engage in free inquiry and exchange of ideas,” but “to present controversial material relevant to a course of

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<sup>11</sup> *Report of the Committee on Freedom of Expression*, UNIV. OF CHI. COMM. ON FREE EXPRESSION, <https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf> [<https://perma.cc/L3FX-RUCQ>].

<sup>12</sup> CLAREMONT MCKENNA COLL., *Academic Freedom*, <https://www.cmc.edu/free-expression/academic-freedom> [<https://perma.cc/F4GK-FUZU>].

<sup>13</sup> CLAREMONT MCKENNA COLL., *Our Values*, <https://www.cmc.edu/free-expression/our-values> [<https://perma.cc/Z38F-FKXU>].

instruction, to publish or disseminate controversial material or information, and to perform research in controversial areas.”<sup>14</sup>

A faculty member’s right to navigate difficult subjects like America’s painful history of slavery and racial oppression is well within the university’s published commitment to academic freedom. CMC is bound to honor those commitments.<sup>15</sup> Material that is pedagogically relevant to controversial topics may include words, concepts, subjects, or discussions that some, many, or most students find upsetting or uncomfortable, including discussion of America’s fraught and unresolved history of racism and discrimination. Faculty members confronting and examining that history must be free of institutional restraints in navigating these issues. Punishing faculty who exercise their rights by quoting pedagogically relevant material contravenes clear CMC’s clear, First Amendment-like commitments.

A decision by the United States Court of Appeals for the Sixth Circuit concerning the scope of an academic’s First Amendment rights in the classroom is illustrative.<sup>16</sup> The court unequivocally rejected “the argument that teachers have no First Amendment rights when teaching, or that [authorities] can censor teacher speech without restriction” as “totally unpersuasive.”<sup>17</sup> The instructor’s quoting and use of words as “illustrations of highly offensive, powerful language” was “clearly” relevant to his lecture exploring the “social and political impact of certain words,” and was not “gratuitously used . . . in an abusive manner.”<sup>18</sup> Concluding that the instructor’s speech was protected by the First Amendment, the Sixth Circuit held expression, “however repugnant,” that is “germane to the classroom subject matter”—including the very word discussed here—is speech on “matters of overwhelming public concern—race, gender, and power conflicts in our society.”<sup>19</sup>

Expressly referencing racial slurs in a pedagogically relevant context is not uncommon—and is properly protected under the basic tenets of academic freedom. There is a clear distinction between using a racial slur as a slur and employing the slur in teaching about its ramifications or history. Princeton University, for example, defended a professor who used a slur in an anthropology course to discuss cultural and linguistic taboos.<sup>20</sup> Likewise, The New School concluded that a professor’s quotation of writer James Baldwin—in a writing course discussion of how slurs have been removed from his texts in recent years—did not violate its

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<sup>14</sup> CLAREMONT MCKENNA COLL., *4.1 Statement on Academic Freedom and Tenure*, <https://catalog.claremontmckenna.edu/content.php?catoid=30&navoid=4815> [<https://perma.cc/KM92-DU7F>].

<sup>15</sup> *Kashmiri v. Regents of Univ. of Cal.*, 156 Cal. App. 4th 809 (Cal. App. 1st Dist. 2007).

<sup>16</sup> *United States v. Alvarez*, 567 U.S. 709, 718–23 (2012) (plurality opinion). While the First Amendment is not binding on private colleges, longstanding judicial interpretations of the First Amendment’s guarantee of freedom of speech provide a baseline for what students and faculty would reasonably expect from an institution—like CMC—that makes promises of free expression.

<sup>17</sup> *Hardy v. Jefferson Cmty. Coll.*, 260 F.3d 671, 680 (6th Cir. 2001).

<sup>18</sup> *Id.* at 675, 679.

<sup>19</sup> *Id.* at 683.

<sup>20</sup> Colleen Flaherty, *The N-Word in the Classroom*, INSIDE HIGHER ED (Feb. 12, 2018), <https://www.insidehighered.com/news/2018/02/12/two-professors-different-campuses-used-n-word-last-week-one-was-suspended-and-one> [<https://perma.cc/2YWM-8K6N>].

discrimination policy, promising instead “to guide a pedagogical approach that respects academic freedom.”<sup>21</sup> CMC, with its laudable free expression promises and “green light” rating, should follow suit.

### **III. Conclusion**

CMC maintains FIRE’s highest “green light” rating for its speech protective policies. But these policies are merely words on paper if the college does not put them into practice. Accordingly, we call on CMC to undertake a review of the cases of Professors Nadon, Faggen and Revesz, reverse any punishments imposed in contravention of college policy, and ensure that all faculty members know CMC will honor their academic freedom to teach controversial material.

We request receipt of a response to this letter no later than the close of business on Tuesday, September 6, 2022.

Sincerely,



Amanda Nordstrom  
Program Officer, Campus Rights Advocacy

Cc: Hiram Chodosh, President  
Jon Shields, Chair, Department of Government  
Encl.

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<sup>21</sup> Colleen Flaherty, *New School Drops N-Word Case*, INSIDE HIGHER ED (Aug. 19, 2019), <https://www.insidehighered.com/news/2019/08/19/creative-writing-professor-cleared-discrimination-saying-slur-quoting-james-baldwin> [<https://perma.cc/LQ3Q-4NCX>].