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TAMING POLITICAL CORRECTNESS

1st Amendment Rights Coming Back On Campus

By Carl Horowitz
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At Occidental College in Los Angeles, "unwelcome jokes, invitations, comments and looks" no longer put a student at risk of suspension or expulsion.

For John Howard, counsel and founder of a new Los Angeles-based nonprofit group, the Individual Rights Foundation, the mystery is that they ever did.

Howard, through IRF, last year persuaded the college not to expel fraternity Alpha Tau Omega for publishing a ribald limerick in its newsletter.

That case is among some two dozen similar *pro bono* suits he has filed on behalf of students facing punishment by colleges and universities for crimes of expression.

The term, "political correctness," or "PC," by now has become pop cliché.

But as its staunchest critics note, it refers not just to leftist views, but to the frequent practice by the Left of using organizational authority to severely restrict an individual's freedom of speech or thought, especially if the person is male, white or heterosexual.

Nowhere is this tendency more evident than on the college campus, which

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Chester Finn, an assistant secretary of education during President Reagan's second term, has termed "an island of repression in a sea of freedom."

"Students are amazingly unaware of their rights. That's why so many are graduating scared of their own shadow," Howard said.

Instances of students and even faculty being severely reprimanded for minor violations that in another time hardly would have raised an eyebrow are

documented in books such as Charles Sykes' "Profscam," Thomas Sowell's "Inside American Education," Dinesh D'Souza's "Illiberal Education," and Roger Kimball's "Tenured Radicals."

"(I)ntead of disrupting classes," wrote Kimball of radical administration and faculty. "they are teaching them; instead of attempting to destroy our educational institutions physically, they are subverting them from within." Kimball is managing editor of *The New Criterion*, a journal of arts and politics.

How did so many schools, many of them Ivy League and other top-echelon institutions, come to be places where students are "scared of their own shadow?"

To David Horowitz, president of the Los Angeles-based Center for the Study of Popular Culture, a nonprofit group with which IRF is affiliated, PC is a legacy of student radicalism of the '60s and '70s. Many radicals, he says, pursued an academic career to fulfill their vision of a society without social inequality, no matter what the cost.

"For them, the campus is the best place to inculcate to future generations their vision. Dissent from their orthodoxy is an obstacle to achieving social justice, and thus cannot be tolerated," remarked Horowitz, himself a former radical.

Thanks to the "Leonard law," California students are not looking over their shoulder in fear of saying or

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writing the wrong thing. Sponsored by State Senator Bill Leonard, R-Upland, it forbids high schools and colleges, public or private, from infringing on a student's right to freedom of speech, on or off campus.

It also authorizes a court to award attorney's fees to the prevailing plaintiff.

The Occidental College case demonstrated the effectiveness of the law, which went into effect last year. Another bizarre incident subject to Leonard law provisions concerned the dissolution of a fraternity, Phi Kappa Sigma, by the University of California, Riverside.

The house had advertised during September rush week for a "South of the Border Fiesta" party, distributing T-shirts that a radical nationwide Hispanic student group, MEChA (Chicano Student Movement of Aztlan), claimed offensively stereotyped Hispanics.

Though more than one-third of the fraternity's 40 members were Hispanic — including the two who designed the shirts — MEChA complained to the school's administration.

In response, school officials required each member of Phi Kappa Sigma to perform at least 16 hours of service in a Latino community, and attend two multicultural seminars. The fraternity also had to write formal letters of apology to MEChA, and to all fraternities and sororities on campus.

First Amendment Seminars

But MEChA still wasn't satisfied, and convinced the school's assistant vice-chancellor, Vincent Del Pizzo, to dissolve the chapter for at least three years.

That's when the fraternity decided to sue. Howard acted decisively, informing the university that if it lost, it would owe him about \$200,000 in attorney's fees, even though he was handling the case on a pro bono basis.

In an out-of-court settlement, university officials had to attend a First Amendment seminar to be exempt from financial liability.

Even outside California, Howard's efforts can produce similar results. He pointed to a recent case at the University of Minnesota in which university officials had confiscated literature at a freshman orientation week booth run by conservative students.

In an out-of-court agreement, officials promised to redraft its rules regarding the distribution of on-campus literature.

Though Howard admits he's not the only attorney involved in academic free speech cases, he said that most civil libertarian lawyers prefer appellate work.

"It's a shame because there's a lot of flagrant violations of basic constitutional liberties on our nation's campuses," he said. "Radical administrators are preying on students' fears of suspension or expulsion, especially if they can't afford the legal bills," he said.

What motivates these crackdowns?

Academic Leftists

"Academic leftists, especially administrators, are committed to expanding their influence. No matter how minor or unintentional the injustice, they feel a need to reprimand it," observed Glenn Ricketts, research director for the National Association of Scholars, a Princeton, N.J.-based academic free-speech advocacy group.

If these bureaucrats have become the new Puritan establishment, judging from the current hit movie, "PCU," it's made at least a few students fighting mad about their own forced docility.

"PCU" depicts a coed frat house whose grungy, pleasure-seeking students are threatened with eviction by a humorless radical president egged on by campus feminists majoring in holding demonstrations.

True to the spirit of the film's late-70s ancestor, "Animal House," the heroes win in the end, using unorthodox methods.

Adam Leff and Zak Penn, both 26, coauthored the script, drawing inspiration from their days at Wesleyan University in Connecticut.

Penn recalled a course, "Psychoanalysis and Freud," in which the professor announced to the mostly female class that studying Freud was a waste of time.

"If you were a man and you spoke up, you were shouted down," he said. One female student had told him: "You are a man. It is the fault of men that women are raped. So you have no right to tell me what to do."

That intolerance has been enshrined in speech sensitivity codes proliferating on campuses across the U.S. Yet even before the Leonard law took effect in California, these codes were on thin constitutional ice.

Speech Codes

A federal district court in September 1989 forced the University of Michigan to abandon its prohibition of speech that stigmatizes a person on the basis of "race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age, marital status, handicap, or Vietnam-era veteran status."

A student had challenged the code, after facing disciplinary action for suggesting in class that homosexuality could be a chosen way of life.

Even as some speech codes are falling by the wayside, new ones are being proposed, said Ricketts, pointing to Ohio State University's proposal that could render a single reference to sexuality as "harassment."

He noted that at least one student at Sarah Lawrence College, which enacted a speech sensitivity code in the '80s, has been disciplined for laughing at someone else's joke.

Rule of law under these circumstances can become "infinitely elastic," said Ricketts. And rarely more so than in an incident last year at the University of Pennsylvania.

Water Buffaloes?

The school had taken action against a white male student, Eden Jacobowitz, for calling a group of black sorority sisters "water buffalo," after they had yelled continuously outside his dorm window one night, preventing him from studying for an exam.

University officials, upon hearing the women's complaints, threatened to expel Jacobowitz for uttering racially offensive speech.

Yet he challenged the action, and in the end prevailed. The women dropped their charges before hearings were held, and the university agreed to make its speech code less punitive.

Outside California such an outcome remains the exception, cautioned Howard. "Without the federal equivalent of the Leonard law, students accused of thought crimes usually lose," he said.

Such legislation is not likely to happen anytime soon.

In 1991 Rep. Henry Hyde, R-Ill., sponsored a bill that would give students at private and public institutions legal standing to sue, if denied freedom of speech. The proposal went nowhere.

Some critics of PC say that the situation, while serious, has improved since the start of the decade.

"The enthusiasm for enacting speech codes is waning, even if the attitudes responsible for them are well and alive," said D'Souza, a research fellow at the American Enterprise Institute.

Meanwhile, the First Amendment Coalition, a predominantly student organization founded a year and a half ago, and which now claims more than a thousand members nationwide, held a conference at Harvard University this April.

Cambridge Declaration

Its "Cambridge Declaration" called upon institutions of higher learning to "reaffirm their commitment, in word and deed, to intellectual diversity, universal standards and academic freedom."

FAC President David Gentry, 35, of Gainesville, Fla., recently received a master's degree from the University of Florida. He emphasizes membership is not restricted to conservatives.

"We're grateful for their support, and many of us are conservatives. But our cause is intellectual freedom," he said.

Some of FAC's critics cite financial support from prominent conservative philanthropies, such as the Scaife, Olin and Bradley Foundations, as evidence the organization is a pawn in a conservative power grab.

Horowitz noted that academia long has subsidized radical student groups.

"FAC's budget is nothing compared to the millions of dollars colleges and universities spend annually on minority student associations, rape crisis centers and other bastions of radicalism posing as nonpolitical organizations," he said.