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Confronting the Campus Leftists

David Horowitz thinks that anybody who cares about the future of America should confront the fact that U.S. colleges and universities are the fountainhead of financing for the radical movement in America.

Horowitz was a leftwing campus activist in the 1960s, but he says that, now, professors holding tenure at major universities are men and women who would have been too radical for him in the 1960s when he was publishing the leftwing magazine *Ramparts*. During the 1970s, these hardcore leftists achieved critical mass on university faculties, took control of hiring committees, and then saw to it that only leftists were hired.

Now there are literally tens of thousands of "hard-line Marxists" in academic sinecures. They have made universities "a subsidiary of the political left and the Democratic Party."

These hard-core leftists have no shame about using the classroom podium for political speechmaking. They may be teaching a course in biology or Shakespeare, but that doesn't inhibit them from launching into tirades against American policies or in favor of the Communists in El Salvador, or assigning students to write a paper on why George W. Bush is a war criminal.

These radical leftists have redefined the mission of universities. Instead of the pursuit of knowledge and truth, universities today see themselves as agencies for social change. Horowitz says the change they seek is fundamentally anti-American.

The amount of money universities have to carry out their leftwing mission is mind-boggling. Whereas conservative and pro-American intellectual sources (such as the Heritage Foundation and the American Enterprise Institute) and conservative journals may have budgets of a few million dollars, universities have billions of dollars. A great portion is taxpayers' money (through research grants and student-financed tuition), and in addition the leftists control most student activity assessments.

Many people have decried the bias of universities, but David Horowitz has a plan of action to turn it around. *First*, expose how bad the situation is, and *second*, challenge them directly by using the liberals' credo of diversity against them by calling for **intellectual diversity**.

For years, the universities have sanctimoniously proclaimed the sanctified value of diversity, but they define diversity to mean only giving space to radical leftwingers and feminists. Horowitz's Center for the Study of Popular Culture made a survey of 32 colleges and universities and reported that the overall ratio of Democrats to Republicans is ten to one.

At Cornell University, which is typical, 95% of the faculty who are registered to vote are Democrats. Of the faculty in the government department, only one of 23 members is a registered Republican.

At almost every American university, conservative professors are drastically outnumbered. Rep Jack Kingston (R-GA) says, "Most students probably graduate without ever having a class taught by a professor with a conservative viewpoint."

Kingston and Rep. Walter B. Jones (R-NC) have introduced a resolution in Congress (H.Con.Res. 318) to promote the most important diversity of all, the **diversity of ideas**. Their bill, which has 33 cosponsors, calls on colleges to end discrimination against hiring conservative faculty and against students.

Senator Judd Gregg's (R-NH) Committee on Health, Education, Labor and Pensions held a hearing on the issue of liberal bias on campus. Witnesses testified that colleges intimidate students and faculty, force them to take "diversity training," and condone harassment of students who write conservative columns for campus publications.

Anne Neal, president of the American Council of Trustees and Alumni, was one of the witnesses. She said, "Rather than fostering intellectual diversity . . . our colleges and universities are increasingly bastions of political correctness hostile to free exchange of ideas."

What Horowitz's campaign has achieved is to highlight the hypocrisy of university professors and administrators who do a lot of talking about "intellectual" and "diversity" but almost never combine the two words into "intellectual diversity."

Academic Bill of Rights

David Horowitz's new organization, Students for Academic Freedom, has attracted students on about 90 campuses with the goal of demanding a more balanced point of view among faculty and in campus lecture series. They are promoting an **Academic Bill of Rights** as a policy statement for colleges to adopt so that students can enjoy intellectual diversity with fairness for conservative viewpoints. Their website is: www.StudentsForAcademicFreedom.org

It is refreshing that many conservative students are joining Horowitz's campaign to fight back against academic intolerance. For example, some conservative students at the University of Texas have begun compiling a "Professor Watch List" to warn students about professors who use their classes for liberal indoctrination.

The Colorado State Legislature held a hearing and uncovered outrageous examples of classroom indoctrination and faculty retaliation.

Academic Bill of Rights legislation was then introduced in the Colorado State Legislature. The bill put forth four key principles: (1) that students' academic freedom won't be infringed by instructors who attack their political or religious beliefs in class or who introduce controversial material substantially unrelated to the subject of study, (2) that students will be graded solely on their answers and appropriate knowledge of the subjects and they shall not be discriminated against for their political or religious beliefs, (3) that schools must distribute funds derived from students fees on a viewpoint-neutral basis and shall maintain neutrality with respect to substantive political or religious differences, and (4) that students will be made fully informed of their institutions' grievance procedures for violations of academic freedom.

That sounds pretty reasonable and non-controversial, doesn't it? Not on a college campus, it isn't! One *Denver Post* writer suggested that this bill would promote "campus witch hunts by thin-skinned students." An *Aurora Sentinel* editor wrote that "this bill would allow fanatical lawmakers to destroy one of the greatest bastions of freedom and genius the world has ever known: American colleges and universities." A spokesman for the Association of University Professors attacked what he called "a sad history of legislators expressing views on what should and should not be taught."

Nevertheless, the bill passed the Colorado House Education Committee on February 25, and enough votes were lined up to pass the full House.

The supporters of the Academic Bill of Rights won a big victory, although not in the way they originally planned. The bill's sponsor, State Representative Shawn Mitchell, agreed to withdraw it in exchange for the commitment of the presidents of Colorado's four major universities to review their campus grievance and students-rights policies, and also pledge "To help make the campus environment open and inviting to students of all political viewpoints." The college presidents assured the legislators that, as institutions of higher learning, "we are committed and continue to be committed to supporting freedom of expression, a wide spectrum of political views and the First Amendment."

Meanwhile, an Academic Bill of Rights sailed through the Georgia Senate on March 24 on a 41-5 vote. The resolution calls for colleges and universities to voluntarily end discrimination in hiring practices based on political or religious beliefs and to promote intellectual diversity and academic freedom on campus.

The bill has no enforcement power; it merely encourages colleges to recognize and promote intellectual diversity on campus. The bill does not specify a particular political party, but backers focus on discrimination against conservatives, and everybody knows who is being discriminated against on college campuses.

Fighting Against Campus Speech Codes

Students sued Shippensburg University of Pennsylvania as part of a campaign to abolish the notorious campus speech codes, which punish students and even professors who say anything that someone might offensive. The speech codes are outrageous violations of the right of free speech. The feminists are vigorous backers of campus speech codes because they don't want feminist follies to be debatable and, besides, feminists have no sense of humor. Some college speech codes have even banned inappropriate jokes.

The Shippensburg lawsuit is backed by the Philadelphia-based Foundation for Individual Rights in Education (FIRE), founded by Professor Alan Charles Kors of the University of Pennsylvania.

The preamble to Shippensburg's student code of conduct stated that the university would protect speech that was not "inflammatory, demeaning, or harmful toward others." In a legal settlement, Shippensburg University of Pennsylvania agreed to reword portions of its code and to replace its "Racism and Cultural Diversity Policy" with a statement affirming the university's commitment to "educational diversity." University officials agreed to make the changes only after a U.S. District Court judge enjoined the university from enforcing portions of its conduct code, as well as parts of its cultural-diversity policy, calling them "likely unconstitutional."

This was the second legal victory won by FIRE. Last June, Citrus College in California repealed its speech code after FIRE filed a lawsuit that challenged the college's policy limiting political demonstrations to designated areas on the campus.

Will Corporations Own Our Identities?

No one should be able to own facts about other people. Our names and numbers, and also the laws we must obey, should not be property that can be owned by corporations and policed by federal courts.

But special interests, such as the Software and Information Industry Association, are seeking new powers to own facts about us and about information we need. After quietly shopping a bill to Members of Congress for several weeks, the Database and Collections of Information Misappropriation Act was introduced as H.R. 3261.

The Constitution authorizes Congress to create copyrights. But your name, address and telephone number are facts that cannot be copyrighted, as the Supreme Court said when it ruled in 1991 that no one can copyright the telephone book.

The Constitution authorizes copyright protection for "authors." The Court ruled in *Feist v. Rural Telephone Service Co.* that a collection of facts lacks sufficient creativity to constitute authorship. H.R. 3261 doesn't use the word copyright, but it would create a new federal property right in online and offline databases (collections of information), and give the federal courts power to police the use of information in databases. Granting large U.S. and foreign corporations the power to own personal facts about individuals, and prevent others from using those facts, would be the most lucrative handout in years.

H.R. 3261 would allow federal courts to impose stiff penalties if someone uses information from a database that a corporation claims to own. The exceptions to this rule are vague and subject to contrary interpretations, leaving users liable to a lawsuit in which it's up to a federal judge to decide what is "reasonable."

Over the past decade, without federal legislation or judicial supervision, databases have grown rapidly in size and number, and today there are giant databases containing our travel plans, our medical records, our telephone calls, our credit card usage, and even the websites we visit. This Collections of Information bill would chill productive activity because few users of data can afford taking a chance on how a court might rule.

Prominent groups from all across the political spectrum vigorously oppose this new bill. The U.S. Chamber of Commerce says that the legislation could even prevent people from using data found in books checked out of libraries.

Peter Veeck felt the brunt of the corporate police. When he posted on his website the municipal building safety codes that all are required to obey, he was sued by a company that claimed to own the building codes.

After long and costly litigation, in 2002 Veeck won the case called *Veeck v. SBCCI.* Judge Edith Jones wrote for the Fifth Circuit *en banc*: "Citizens may reproduce copies of the law for many purposes, not only to guide their actions but to influence future legislation, educate their neighborhood association, or simply to amuse."

On the last day of the U.S. Supreme Court term in June 2003, the Court let Veeck's victory stand. During the litigation to force Veeck to remove building safety codes from his website, a hundred people perished in the Rhode Island nightclub fire attributed to ignorance about building safety codes.

The special interests still want Congress to allow corporations to exercise exclusive ownership over collections of facts. They failed to pass a similar bill called the Collections of Information Anti-Piracy bill in 1998 and are now trying again with H.R. 3261 in order to get from Congress what they could not win in the courts.

The real gold may lie in the medical databases that are still largely secret. The next time you want an itemization of why a brief hospital stay costs you far more than the most luxurious hotel, remember that medical procedure codes and reimbursement rates are not freely published.

The American Medical Association (AMA) claims to own these federally required codes, reaping tens of millions of dollars in royalty fees from them. You can go on the internet and find the price of almost anything from a plane ticket to an automobile, but the AMA will sue anyone who dares to post the billing codes and rates for simple medical procedures.

Giving new powers to the federal courts to police the use and exchange of information collected in databases would have a negative effect on our already shaky economy. Creating federally mandated ownership over data is not the way to go if we still believe in free enterprise.

Nor is H.R. 3261 the way to go if we believe that the federal government should exercise only enumerated powers. The Constitution does not authorize Congress to create any property rights beyond those specified in the Copyright Clause.

Eagle Forum Education & Legal Defense Fund filed *amicus curiae* briefs supporting Peter Veeck in the U.S. Court of Appeals and the U.S. Supreme Court.

God Is Not So Easily Defeated

The atheists had their day before the Supreme Court, but they are not in good spirits about it. Their attempt to drive "one nation under God" from the Pledge of Allegiance now looks like a legal boomerang.

A CBS poll reports that nine out of ten Americans still want "under God" to remain in the Pledge. Those particular words, used by Abraham Lincoln in his Gettysburg Address, describe perfectly who we are as a people.

Before going insane, Friedrich Nietzsche declared that "God is dead," and now atheists want the Supreme Court to make it official. But the public will not stand for this; a movement is already afoot in Congress, as allowed by the Constitution, to take authority away from the federal courts over this issue.

The liberal justices are in a quandary. Over the last several decades, they have again and again censored and excluded prayer and morality from public life and schools.

9 out of 10 Americans want "under God" to remain in the Pledge

The Supreme Court in 1962 banned prayers from public schools, and now schools are awash in drugs, sex, and violent acts. The courageous Alabama Chief Justice Roy Moore was even removed from office for displaying the Ten Commandments. A moment of silence in school? An invocation at graduation? A prayer before a football game? The Supreme Court said no, no, no. In no other area of the law have the liberals enjoyed such a run-up of victories over such a long time.

The religion-haters' mischievous use of the federal courts has persisted because the American public was not paying attention and because the legal community has fostered the myth that the Constitution is whatever the Supreme Court says it is. Dr. Michael Newdow looked at the long series of pro-atheist High Court rulings and concluded that precedents now require removing "under God" from the Pledge.

It would be the ultimate censorship to prevent our society from acknowledging the very nature of our existence. It would relegate the Declaration of Independence, the Gettysburg Address, and countless presidential proclamations to historical curiosities from a once-glorious era.

But Newdow has probably overplayed his hand by his frontal attack on God instead of contenting himself with the incremental erosion that has been so successful. Newdow's more experienced anti-religious and secularist elders, who quietly agree with his goal and his arguments, lament that he will lose.

Newdow probably thought he was scoring points in his oral argument before the Supreme Court when he attributed the unanimous congressional approval of "under God" to the lack of atheists in Congress. But the spontaneous applause among the spectators confirmed that most Americans do not want atheists or atheism running our country.

Newdow's challenge to God lays bare how badly the Left wants to banish religion and morality. His mistake was to take too seriously the prior Court decisions that irrationally prohibited acknowledgment of our Creator.

In serving up the *reductio ad absurdum* of the atheists' agenda, Newdow has enabled the public to focus on the liberals' intolerance, and the impending Supreme Court decision will be very big news. The liberal media are very uncomfortable with the hand Newdow has dealt them.

The media are eager to protect John Kerry from the fate suffered by Michael Dukakis, whose veto of a Massachusetts Pledge law helped the first George Bush in his 1988 campaign for President. Kerry, seeking the same office that Abraham Lincoln held, mustered all the eloquence in his body to declare that removing "under God" from the Pledge was "half-assed justice ... the most absurd thing.... That's not the establishment of religion."

The Supreme Court is now faced with the choice between abandoning its misguided precedents or affirming them, which would plunge the Court into the angry sea of public scorn and congressional retaliation. Justice Scalia has recused himself, so the liberals can't depend on the conservative justices to save them from their follies by outvoting them.

Maybe the anti-God justices will lose their nerve and hide behind Newdow's lack of legal standing: neither he nor a child under his custody was ever exposed to the Pledge. Or maybe the Court will duck its dilemma by declaring that "under God" has no religious meaning, a ruling that would outrage Americans who are quite sure that God is alive and well.

The lawsuit to censor God out of the Pledge and America's public life is looking no better than the failed attempt to restrict the showing of Mel Gibson's popular "Passion of the Christ." God is not so easily defeated in America.

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