



## A More Perfect Union

A Colloquy on Free Speech with Professor Nadine Strossen  
and ACTA President Michael Poliakoff

*Remarks accepting the Philip Merrill Award  
for Outstanding Contributions to Liberal Arts Education*

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*Introduction by Louise Mirrer*

*Tributes by Randall Kennedy, Monica Harris, Mitchell E. Daniels, Jr. & Anna Khalid*



**ACTA**  
AMERICAN COUNCIL OF  
TRUSTEES AND ALUMNI

## AMERICAN COUNCIL OF TRUSTEES AND ALUMNI

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ACTA is an independent, nonprofit organization committed to academic freedom, academic excellence, and accountability at America's colleges and universities. Founded in 1995, ACTA is the only national organization dedicated to working with alumni, donors, trustees, and education leaders across the United States to support the study of the liberal arts, uphold high academic standards, safeguard the free exchange of ideas on campus, and ensure that the next generation receives an intellectually rich, high-quality education at an affordable price. Our network consists of alumni and trustees from over 1,300 colleges and universities, including over 23,000 current board members. Our quarterly newsletter, *Inside Academe*, reaches more than 15,000 readers.



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Louise Mirrer

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Randall Kennedy

Monica Harris

Mitchell E. Daniels, Jr.

Amna Khalid

October 18, 2024  
Washington, DC



# A More Perfect Union

*In lieu of a traditional acceptance speech, Philip Merrill Award winner Professor Nadine Strossen engaged in a colloquy with ACTA President Michael Poliakoff. In their compelling discussion, Professor Strossen eloquently illustrates the principles of free speech and open dialogue and why they are so essential for both liberal education and our democratic republic.*

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## **NADINE STROSSEN**

*John Marshall Harlan II Professor of Law Emerita at New York Law School and first female president of the American Civil Liberties Union (ACLU)*

I'd love to thank the eloquent—and I'm also groping for a word—"tributaries"? No. I am so moved and inspired by the vision that every single one of them showed, and I am really, really humbled as a result of that. And I decided not to try to give an eloquent acceptance talk, but in fact, to do what I do every time somebody invites me to speak, which is to say I would rather not do a monologue. I would much rather engage in at least a dialogue, and often, I will be involved with multiple interlocutors. And I'm so honored to be able to have a conversation with Michael, my dear friend and ally and colleague. And if I can just say one other thing, to thank every single one of you here.

I quite frankly had not heard of ACTA until about 2018 when my hate speech book came out, and the Cato Institute was doing a book launch event for me. Michael kindly came with his older daughter, introduced himself to me, and we just really hit it off. Then I learned about some of



the wonderful work that this organization was doing in a space that then was relatively unoccupied. I mean, we had FIRE and a number of other organizations, but the flurry of new academic freedom organizations that have been formed by other constituents of the community, the students and the faculty members, those did not yet exist. And at that time, and for quite a few years, the major element in the university community that was advocating for classical liberal values, for academic freedom, free speech, civil discourse, was the alumni and the trustees.

And I find that fascinating because in the history of the struggles for academic freedom in this country, starting in the nineteenth century and flourishing with the founding of the AAUP in the beginning of the twentieth century, the alumni, in particular the trustees, were, dare I say it, kind of a negative factor, who were exercising their economic power and their managerial power to make sure that faculty members did not propound ideas or engage in research or teaching that were inconsistent with their economic interests. And to me, this is like the beauty of separated powers and checks and balances, that when it came to a point that the trustees were having a negative impact, the faculty organized through the AAUP. And then a vacuum developed where the faculty were no longer standing up vigorously for free speech. Shockingly, as FIRE discovered, students who had long been clamoring for free speech—including through the historic free speech movement at Berkeley, which is celebrating its sixtieth anniversary this year—students were turning the other way and were demanding more and more administrative restrictions on free speech. And into that very changed environment, the alumni and the trustees, at least the ones who are affiliated with ACTA, became a very positive, not only a check, but I would say a goad now to the other elements of the campus community, goading the faculty and the students and the administration to live up to their ideals.

So I owe all of you thanks, on behalf of my students and my colleagues and really everybody in the country. Because, as the United States Supreme Court has said, academic freedom is something that is important and is protected not solely for the benefit of faculty members, not even solely for the benefit of members of the university community, but rather for the benefit of our entire society, because we all depend on universities staying true to their truth-seeking mission. So everybody who cares about that in this country really owes an enormous debt of gratitude to all of you. I can't thank you enough.

**MICHAEL POLIAKOFF**

Nadine, thank you. We sometimes ask in the office, I know I've told you this before, when we get to those places where free speech, civility, and order seem to be in collision, "WWNS"—what would Nadine say? And it's not that we always follow that little voice—or sometimes, you've been very generous, the voice on the telephone—but most of the time we do. It's given us a very sure guide to the contours, the complexity, of the questions we face.

I have to back up and speak about the selection process. Every year, the staff and the board wait rather anxiously for the decision of our Merrill Award Selection Committee, a very eminent group of people. And for those of you who are a little older, it's kind of like what teenagers used to do, sitting by the telephone waiting for it to ring. (This was before the internet and instant messaging.) And I have to say, we were just so thrilled when those wise people gave us your name to celebrate this year, because you really have been such an inspiration. I just want to make sure the audience knows, Nadine took a flight at three o'clock this morning.

**NADINE STROSSEN**

Six o'clock.

**MICHAEL POLIAKOFF**

Six o'clock, okay, she had to get up at three from Tennessee and then participated in a panel this morning. And now she's here, and she doesn't seem to be flagging at all. Some 200 appearances every year. I run out of multi-syllabic adjectives—*indefatigable*, *unwearying*. Thank you. Thank you for all you're doing, not just for ACTA and higher education, but for the nation.

I actually want to go further on a topic that Professor Kennedy raised, the ability you have shown to talk to everybody, to engage everybody. We're very grateful at ACTA for that. We're sometimes dismissed in the press as the conservative or the right-leaning organization, ACTA, which is a code for, "You can stop reading right here." Neither with ACTA nor any other organization that I know of have you ever let any kind of cliché or stereotype get in the way of that. And I thought I might invite you to talk a little bit about that ethic and perhaps what we can learn about how we cultivate it.

**NADINE STROSSEN**

I will launch into that really important topic by showing that I do, in a cordial and respectful way, disagree, even with people that I greatly admire and esteem. So I do disagree with Mitch Daniels's characterization of the ACLU. Monica alluded to fear, and all of us who have worked with organizations know that old cliché, "If it bleeds, it leads." There's another cliché, "Man bites dog." And so the press tends to pick up on aspects of an organization that might not be fairly reflective of what's generally going on. So I don't want to go too far down that path, but just to say that the ethic of the ACLU is very much what I personally have always had. And that was that the ACLU will work with and collaborate with—not to mention, represent and advocate for—any person, any organization, any government official if we strongly agree on that particular issue and if our perspective on that particular civil liberties issue can be advanced effectively by that



collaboration. And it doesn't matter if we strongly disagree on many other issues.

And I can give a prime example. Ed Meese, as you know, is a very influential and powerful United States attorney general, who advocated many policies that I personally, and the ACLU as an organization, disagreed with, one of which was alluded to by Amna, namely, on the pornography issue. And Ed and I—by the way, he and I were great friends, not despite our disagreements, but precisely because of them—we were on the campus lecture circuit, and I have very fond memories of doing that. But notwithstanding disagreements on some issues, we strongly agreed on other issues, one of which was campus free speech. And Ed and I collaborated in advocating for congressional legislation that would have protected free speech on private university campuses to the same extent that public universities are compelled to do that under the First Amendment. So I judge every person, every organization, and I shouldn't even use the word "judge," I assess them in terms of potential interactions and collaborations very much on an issue-by-issue basis rather than this wholesale categorization, which seems to me to have gotten worse in the recent past, where there seems to be a desire, even a necessity, to try to attach a very oversimplified label to every organization and every individual.

And let me give you another example. I was recently being interviewed by a journalist who said to me, "Well, Nadine, you are so identified with the ACLU, and you're so identified with FIRE, and the ACLU is this extreme left-wing organization, and FIRE is this extreme right-wing organization. How can you do it?" And I had to say, well, I respectfully disagree strongly with your characterization of both organizations. With both of them, you may disagree with particular issues. Indeed, every thinking person has to, right? No thinking person could possibly agree with 100% of anything that is done by any organization. I think even this morning, I mentioned something that FIRE had done recently that I respectfully disagreed with, and that's what we all owe each other. And I think we lose so much as a

society and as individuals if we feel that we have to put somebody in some oversimplified box and then reject them and not collaborate with them, not even socialize with them, because it's a label that we reject. The ACLU and FIRE are so effective because for them, and I'm sure ACTA is the same way, labels don't matter. If it's somebody who will ally with you in advancing a common purpose that you share, it doesn't matter if there are other purposes that you don't share.

And as an individual, I have to say, my life has been so immeasurably enriched by friendships with the prominent conservatives that I met through debating them: Ed Meese and Nino Scalia, as he asked me to call him, William F. Buckley. As Michael and I were reminiscing, I just really wonder whether these kinds of debates could even still take place on college campuses. I know that ACTA and others are trying to re-energize them.

**MICHAEL POLIAKOFF**

This is one of the reasons why we are so emphasizing the College Debates and Discourse Alliance. And I realize I'm speaking to a Minnesota state champion debater from your earlier days. This is one of the ways that we learn to disagree in a civil and respectful manner and at the end of the day, might even find some common ground. I should also disclose that Nadine is sometimes seen sporting a red cap that says, "Make John Stuart Mill Great Again," a wonderful thing for us all to remember.

**NADINE STROSSEN**

If I could say something else, I know this is probably preaching to the choir, I honestly don't know, is "conservative" possibly an accurate label for this organization? I mean, from the policies that I've read, to me it is, say, a civil liberties and pro-education organization. And that was something else that used to bother me a lot when I was head of the ACLU because we would inevitably be described as a liberal organization, which I thought was equally inaccurate. And I still do, by the way, but we can talk about that afterwards.

And from its earliest days, one of the brochures that the ACLU put out and continued to put out was, “Join the most conservative organization in America.” Why? Because we are conserving the original values on which this country was founded. And in a more political sense, we have been in the Reagan Building, and I think of Ronald Reagan, a conservative famously talking about conservatism as about keeping the government off the backs of people. And to me, that is a classic civil liberties position. So these labels, I think, really do more to create artificial barriers to human interaction and to productive collaboration in forging public policies that are for the benefit of all of us.

**MICHAEL POLIAKOFF**

I wonder if we could talk a little bit about the frontiers on the academy in the world of free speech and academic freedom. I was looking at the epigraph of your book. It’s a wonderful book on the details, the nuts and bolts of freedom of speech. And you dedicate it to Sir Salman Rushdie, and you quote him: “Free speech is the whole thing. Free speech is life itself.” That’s indisputable. A society without freedom of speech is going to be, to use Robert Jackson’s famous line, a graveyard of compelled opinion. Is it enough on the campus, we think of freedom of speech and freedom of expression, but those two pillars, do they also need intellectual diversity and institutional neutrality in order to stand? I worry about the echo chamber. In fact, I’ll use a little Latin, this is after all ACTA. One of the most chilling phrases comes from Tacitus, *solitudinem faciunt, pacem appellant*, “They wreak devastation, and they call it peace.” And on campus in so many places, it seems that we have got what is amounting to that graveyard that has come from a compelled opinion. Or if I’m being a little more fun, Janis Joplin’s great line, “Freedom is just another word for nothing left to lose.”

Am I right? We’ve both disagreed and agreed, so you can tell me I’m wrong, but do we need the reinforcement in order to have that kind of educational institution that we need? Do we need the reinforcement of an

absolute genuine embrace of freedom of speech and academic freedom? The reinforcement that comes from a real drive toward making sure that there's a heterodoxy of opinions and also an institution that's not saying, "Well, you can say anything you want, but let me tell you first what I believe."

**NADINE STROSSEN**

I agree with everything that you've said, Michael. There is so much work to be done. It's why I get involved with a number of wonderful organizations. ACTA, FAIR, FIRE, ACLU have been mentioned, and now you give me a reason to mention Heterodox Academy. As many of you may know, the origin of that organization, which of course does wonderful work in the free speech, academic freedom space, but whose origin was from the perspective of the pursuit of truth through science and social science research and studies that had been done by social scientists, including Jon Haidt at NYU, showing that the quality of research was degraded when you had people who just had a monolith in terms of their perspectives. These social scientists were able to demonstrate that when you have homogenous views on the part of the social scientists, they are not as rigorous in examining and critiquing each other's work. Therefore, each scholar does not live up to his or her full potential in scholarship and in teaching.

And the same thing in John Stuart Mill's *On Liberty*. A great hero of mine. I also, as Michael knows, I usually wear the cap, but red didn't match, so . . . But I also like to point out that scholars have recently done some very sophisticated studies using algorithms and looking at language patterns, and there seems to be a very strong consensus that his wife, Harriet Taylor, was a co-author of the central piece of that book. And I know that there have been very few eminent women philosophers, so I always want to give Harriet Taylor co-authorship credit, which by the way, he came very, very close to doing. And scholars have debated, why didn't he do it? Obviously, he was a great feminist because they also openly co-authored a famous book about the rights of women. And she was very ill, and he wasn't able

to consult with her right before the final end, so there may have been very respectful reasons why she was not officially credited. But anyway, John Stuart Mill and Harriet Taylor argued in *On Liberty* that we cannot fully understand and therefore come to grips with, examine, consider adopting, or consider rejecting another viewpoint unless that viewpoint is presented by somebody who really believes in it. Now, some of us can be pretty good devil's advocates, but I agree with Taylor and Mill that we should have what we now call steel man arguments to sharpen our own thinking. It's not enough if we just go through the free speech motions of making the strongest argument that we can. I think that's part of the reason why I really enjoyed and am grateful to the Ed Meeses and William F. Buckley's and Nino Scalia's for giving me the opportunity in some cases to, not on pornography, but on other issues, to sort of refine my thinking . . . I am unrefined on that topic.

**MICHAEL POLIAKOFF**

I realize we have really little time left in this wonderful discussion. I want to make sure that we're not keeping people unduly, but if we could just turn at least briefly to one other important question. I think you and I are both admirers of the C. Vann Woodward Committee Report, this landmark from 1975 at Yale University at a time when the shout-downs were starting. (And they subsided for a while, and now they're back.) But he writes that, of course, the university is the place where you can think the unthinkable and challenge the unchallengeable and discuss the unmentionable. At the same time, he reminds us that shock, hurt, and anger are not things to be taken lightly, and if the two have to be taken in the same time, that freedom of expression will always have to take precedence. But he doesn't ignore the reality of what happens when basic civility and basic kindness and charity break down. So I guess the question that I'd like to take up, at least for a little while—we can continue this later—how do we get everything? How do we get that community that is going to be deeply respectful of

the freedom of expression, recognizing that sometimes it hurts but still able to integrate it in a way that is conducive to education and to growth and to character?

**NADINE STROSSEN**

Well, we do that in a word through education and through free speech. There is absolutely no reason why we should not encourage, persuade, cajole ourselves, our students, and our colleagues to respect each other, and not only go through the motions of respect, but real respect. I think a couple of the eloquent tributes talked about the importance of relating to each person as an individual. You give that person the benefit of the doubt, of having the same decency that you have. And in fact, in my many, many, many debates against people with whom I strongly disagreed on particular civil liberties issues, I really can't think of an exception to what I'm going to say now, which is if you dig deep enough, you share something profoundly in common. You share the same ultimate goals. I think of our national aspiration of liberty and justice for all. I have not met anybody who doesn't subscribe to those ideals.

Now, they will have very different views of, what is liberty? What is justice? How do we achieve those goals? But I think it's really important to emphasize what we have in common and to have the humility that you might learn something that will help you to have a better understanding, more profound understanding of those concepts and also of strategies for advancing those concepts by listening to somebody else and engaging in a dialogue with them. So even though you have the right not to do that, you have the right to shout an epithet at them—well, even the First Amendment might not go that far, but you have a right to say a lot of offensive things to them—that's not conducive. Certainly, it's not conducive to cordial, pleasant relations, but it's also not conducive to your maximum ability to maximally advance what is important to you. So to me, it's all intertwined, Michael, but we make that clear to members of our community, not through punitive hate speech codes,



not through even mandatory civility codes, but we do it through the process of education, going through the same kind of explanation that you've given me an opportunity to offer.

**MICHAEL POLIAKOFF**

Well, thank you so much for that. I think at this moment, as our board chair comes up on stage to wish us a good night, I have the enormous pleasure of presenting you and putting into your hand, the Merrill Award trophy.

**NADINE STROSSEN**

Thank you so much.



## Introduction and Tributes

*The following introduction and tributes were given in honor of Professor Nadine Strossen at the presentation of the Philip Merrill Award on October 18, 2024.*

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### Introduction

#### LOUISE MIRRER

*President and CEO of the New-York Historical Society*

Good evening. If you are looking at your program for the evening, I need to clarify that I am not the lieutenant governor of the State of Virginia. She, unfortunately, had to cancel her appearance, but that gives me the immense pleasure of introducing the ceremony that will follow in a few minutes.

I am actually Louise Mirrer, president and CEO of the New-York Historical Society, the Merrill Award winner for 2014, and now a member of the Merrill Award Selection Committee. Let me take a moment to recognize other members of the Selection Committee here with us tonight: Sally Satel, Solveig Gold, Carole Hooven. Thank you for being part of this great tradition, now in its 19<sup>th</sup> year.

I can say with complete confidence that we chose very wisely. I have known Nadine and her work for many years. She is the author of two important books published by Oxford University Press: *Hate: Why We Should Resist It with Free Speech, Not Censorship* and, just this year, *Free Speech: What Everyone Needs to Know*<sup>®</sup>. From 1991 to 2008, she served as president of the American Civil Liberties Union. It speaks volumes about her open mind, candor, and intellectual integrity that three Supreme Court justices participated in her farewell/tribute luncheon: Ruth Bader Ginsburg, Antonin Scalia, and David Souter. She was, and is, devoted to her students at the New York Law School, where she was the John Marshall Harlan

II Professor of Law—I believe we have some of her protégés with us here tonight.

Nadine has given some wonderful presentations at the New-York Historical Society. They include “Race and Freedom of Expression”; “Social Media and Dangerous Speech”; and “Navigating the Boundaries of Free Expression on Campus.” I would be remiss not to note the remarkable way in which she takes up fearlessly the most contentious topics in contemporary life, unwavering in her principles, but speaking always with gentleness and respect.

We have four extraordinary guests: two on video, who could not be here, and two more with us here tonight. They are Mitch Daniels, former governor of Indiana and past president of Purdue University, Monica Harris, executive director of the Foundation Against Intolerance & Racism, Randall Kennedy, Michael R. Klein Professor of Law at Harvard University, and Amna Khalid, Associate Professor of History at Carleton College.

After their tributes, Nancy Merrill, daughter of longtime ACTA friend, the late Philip Merrill, in whose honor this award is named, will present the Merrill Award trophy, and we will have the pleasure of hearing from Nadine Strossen.

## **Tributes**

### **RANDALL KENNEDY**

*Michael R. Klein Professor of Law at Harvard Law School*

Nadine Strossen is a great evangelist for human rights, especially freedom of expression. She goes around the world preaching the gospel of freedom.

Now, this occasion is a glamorous occasion, but one of the things about Nadine is she goes to all sorts of places, including some very unglamorous places. She’ll go anywhere to spread the good word about the essential qualities that make for freedom, the absolute imperative to protect and expand the frontiers of freedom. She will talk with anyone. She’ll talk with

allies, she'll talk with opponents, she'll talk with adversaries, she'll talk with enemies. She'll talk with anybody about the problem and the potential and the glory of freedom.

She has been a wonderful teacher. I know—I've talked with many students of hers over the years. She's wonderful with young people, encouraging young people, opening the minds of young people, debating with young people.

She's also wonderful with her colleagues. I'm one of her colleagues, and now for about 40 years, I have counted her as a friend and as an ally. Sometimes we disagree, and that's fine too. Throughout it all, she has been a wonderful friend. She's also been a wonderful mentor. And above all, she's been an inspiration. So I'm happy to see Nadine celebrated in this way. She deserves it, and I really want to add my voice in saluting her. Thank you very much.

**MONICA HARRIS**

*Executive Director of the Foundation Against Intolerance & Racism (FAIR)*

It's often said that we should never meet our heroes because they might disappoint us—not because we discover they're human, but because they may not always inspire us to become better humans. But to every adage, there's always an exception. And anyone who's had the privilege of meeting Nadine Strossen, and the even greater honor of becoming her friend, knows that she is the rarest of breeds. She's a hero who lives up to expectations and never fails to inspire us.

Nadine and I graduated from Harvard Law School a decade and a half apart, and I admired her from afar my entire career. Our paths would not cross until many years later when I began to focus less on my career as a lawyer and more on an even greater purpose that we both share: advocating for viewpoint diversity that is integral to ACTA's vitally important mission to support excellence in liberal arts education.

I finally had the good fortune of meeting Nadine when we participated on a panel at FreedomFest, a libertarian conference. We were discussing a topic on which she is quite possibly more well-versed than any other human being on the planet. Nadine made the compelling case, as she always does, for the hate speech that sensible people abhor. She explained in her inimitable way that ideas that challenge our worldview or offend or even frighten us are nonetheless entitled to legal protection because they play an essential role in our quest for truth: that the freedom to express ourselves is not a privilege gifted to those who hold popular beliefs or opinions, but that it's a right guaranteed to everyone in a free society.

Yet as I listened to Nadine speak, I was also struck by something else. Despite her vast knowledge of case law and the intricacies of the First Amendment, she didn't bore our audience by tediously parsing out the limits of protected speech. Who wants that? That's what legal scholars often do, but she spoke passionately from a place that academicians seldom venture. She spoke to what matters most to all of us as human beings. Nadine explained—with this profound grace and empathy that I could not even begin to comprehend—that without the courage to defend the voices of people we loathe, we could not possibly protect the freedoms that we ourselves cherish.

She reminded us that free speech doesn't play favorites. It can be claimed by racists, marching in solidarity with Nazis, but it's also been the first and only line of defense for those facing discrimination and disenfranchisement. Without this precious right, we could not confront the shameless legacies of our past and learn from them. Without it, I wouldn't be able to stand before you all now, the beneficiary of a civil rights movement that enabled me to receive an education in liberal arts at two of the country's finest universities. And listening to her, that's when I realized what makes Nadine so different from any other hero I've ever met. She's relentlessly authentic in her pursuit of her mission. She embraces the principles of free speech with every fiber of her being, not just because she's



an expert on the subject, which she is undoubtedly, but because she believes these principles have an almost divine power to uplift, inspire, and advance humanity.

So I left the panel that day, grateful for the opportunity to share the stage with a woman I'd admired from afar for so long, but little did I know that I'd soon be calling on my hero for help. One year ago, I was appointed executive director of the Foundation Against Intolerance & Racism, or FAIR, as we call it. It's a nonprofit organization committed to the mission that Nadine dedicated herself to while serving as president of the ACLU for 17 years. For those who aren't familiar with FAIR, we defend the rights of anyone who is denied the right to free speech or equal protection, regardless of their race, ancestry, or other characteristics. I also had the dubious distinction of assuming charge of this organization on October ninth of last year, two days following the brutal massacre in Israel. And we in FAIR were under tremendous pressure to issue a statement on those atrocities and speak to the alarming increase in antisemitism on college and university campuses. As executive director, I was also tasked with identifying like-minded thought leaders to join our board of advisors at this critical time. Not surprisingly, one name immediately came to mind. I extended an invitation to Nadine, fully expecting that she might demur. Despite her insane speaking schedule—and you all know what I'm talking about, the woman is constantly crisscrossing the country—and despite having a husband who I'm quite sure must require at least some attention, she agreed to serve, not as a favor to me, but because she understood what's at stake now for all of us.

In an era consumed with fear, anger, and vitriol, Nadine's voice holds exceptional power. The daughter of a Holocaust survivor who passionately defends the rights of people who would wish her harm and even reject her very existence. A woman who contends that the best way to resist hate and to promote equality isn't through censorship, but through vigorous counter-speech and activism. Imagine for a moment the extraordinary confidence

this requires, not only in the power of free speech, but also in the enduring moral compass of humans who are afforded this right. Nadine believes in all of us and what we are all capable of.

She's outlived the need to impress us with her skills and talents. I mean, she could choose to remain relevant by phoning it in, right? Occasionally publishing a book or providing expert soundbites on cable TV. We've all seen people do that. But she's chosen a far more rigorous path, tirelessly advocating for the intellectual freedom that has sustained higher education and has kept the world from retreating into darkness for the past several hundred years. I've often called upon Nadine, sometimes at the last minute, to speak at fundraisers and even informal events like webinars on censorship in the medical establishment. And incredibly, she has never once declined my request. She has always found a way to make herself available, even if it required rearranging her schedule, taking an earlier flight, or making a mad dash to a train station. Her energy and her enthusiasm never cease to astound me. She's driven neither by ego or money, but by the singular mission that fuels the work of organizations like ACTA and FAIR, because she understands how critical this work is to all of us now.

It is said that those who sleep in a democracy may awaken to a dictatorship. I have no fear that America will succumb to dictatorship, but I do worry that we find ourselves at risk of a more insidious danger, the voluntary surrender of our right to think and speak freely. Today, we stand at a crossroads as a country and as a civilization. We who defend liberal values have tremendous work ahead of us. We've seen great damage to institutions we hold dear. Academic neutrality and viewpoint diversity are under unprecedented assault, and complacency is rife among a generation that has never experienced the possibility of losing what they have for so long taken for granted. We know that what has transpired over decades will likely take just as long to undo. But with the unrelenting efforts and the indomitable spirit of heroes like Nadine Strossen, there is no doubt in my mind that we will all succeed in this mission. So thank you Nadine for

all that you do, for all that you've given, and for being one of humanity's greatest living treasures.

**MITCHELL E. DANIELS, JR.**

*Distinguished Scholar and Senior Advisor at the Liberty Fund; 49<sup>th</sup> governor of Indiana from 2005 to 2013 and 12<sup>th</sup> president of Purdue University from 2013 to 2022*

Tonight I'm honoring a prior commitment, which at least I can report is to a conference on free speech, but I'm not where I ought to be, and that's present with all of you, honoring one of the great figures in our public life. There is no one, I'll repeat, no one for whom I have greater admiration than Nadine Strossen, and I'm grateful for the chance to affirm that admiration in this second-best manner.

In an age of hypocrisy and double standards, Nadine has been a rock of resoluteness in upholding the most precious and indispensable standards. In a sea of sophistry, she has been a lighthouse of clarity and consistency in advocating and defending the right of every American to freedom of thought, freedom of inquiry, and the freedom to express the views to which our searches for knowledge and justice may lead us.

She led the American Civil Liberties Union when it deserved and lived up to its name. Nadine has doubtless paid a price in lost acclaim and probably lost friendships for her faithfulness to the principles which the organization has abandoned, but she never has—not for a day or a moment.

Justice Brandeis wrote that liberty is the secret to happiness and courage the secret of liberty. Our honoree has devoted a great and courageous career to enabling all of us to pursue the happiness through the rights the Founders endeavored to secure. Brandeis also observed that in a free society, the highest office is that of citizen. America has had no finer citizen in our time than Nadine Strossen. And it is not merely fitting, it is imperative that ACTA recognize her as you do tonight.

**AMNA KHALID**

*Associate Professor in the Department of History at Carleton College*

I think it's no exaggeration when I say that Nadine Strossen's advocacy for human rights and civil liberties surpasses even what the best of the best can commit to. As the first woman president of the ACLU and a lifelong activist, Nadine has done an inordinate amount of work to protect civil rights more generally, but in particular, freedom of expression. Last year, the National Coalition Against Censorship gave her the Judy Blume Lifetime Achievement Award for defending free speech. For this, we are all grateful to you, Nadine.

But today, we are here to honor Nadine Strossen as an educator. To celebrate her. To celebrate her contributions to liberal arts education. Let me begin by listing what I think are some of the most important abilities a liberal arts education can cultivate in a person. One, the ability to transcend your identity and self-interest such that you are able to think and act in principled and ethical ways. Two, the courage of your convictions and to stand for what you believe in, even when it's an unpopular position that you are striking. And three, the humility to recognize that we are not finished beings, but always in the making, always in the process of becoming. Nadine most gracefully models all three of these cultivated capacities.

Let's begin with the first one—transcending one's identity and self-interest. As the daughter of a Holocaust survivor and a Jew, her advocacy for the speech rights of neo-Nazis and fascists is beyond admirable. She has always stressed that the fight for free expression can't and indeed should never be a zero-sum game. And she has repeatedly said one does not change minds by treating one's opponents with contempt, but by engaging with them. Nadine does this by truly appreciating that her opponents, those that she fundamentally disagrees with and whose speech she may despise, have as rich an internal emotional life as she does. This is no small feat. It is her deep sense of respect for our shared humanity that underpins her commitment to the freedom of speech for everyone. Gandhi's famous quote

may as well have been one of Nadine's: "All humanity is one undivided and indivisible family. I cannot detach myself from the wickedest soul."

The second value that a liberal arts education seeks to inculcate is having the courage of your convictions. I have seldom met anyone who is as unafraid to speak her mind and defend her position, no matter how unfashionable it may be. By way of example, in the mid-1990s, conservatives and radical feminists, most unlikely bedfellows, joined forces to call for the censoring of pornography. Many radical women's rights activists, and I know Nadine that you take issue with that label of "radical," but nonetheless, many radical women's rights activists averred that if pornography was expression, feminism was incompatible with the freedom of expression. Nadine was having none of it. She held firm that no matter how well-intended, censorship of pornography would end up impacting women's rights negatively. But she didn't just stop there. She went ahead and formed the group Feminists for Free Expression and in 1995 published her book, *Defending Pornography: Free Speech, Sex, and the Fight for Women's Rights*, which made quite the splash. In the forward to the second edition, which was released in the year 2000, the lawyer and author Wendy Kaminer wrote, "I'm afraid this book will always be timely. The urge to censor seems to come as naturally to people as the diverse sexual desires censors condemn." And how right she was. *Defending Pornography* has just been republished this year for the third time, a most necessary intervention given the recent campaigns to suppress sexual expression in schools, public libraries, and, in some cases, in bookstores.

Now let's turn to the third thing a liberal arts education aims to instill: intellectual humility. Nadine is undoubtedly one of the most humble people I have ever come across. She answers emails on the speed. It's remarkable. I feel like there is nobody else I know who responds as quickly as she does. She gives herself no airs. She listens deeply and engages always constructively. Her openness to learning is exemplary. But as a historian, what I cherish the most about Nadine is her historical humility. She is

acutely aware that what may seem indisputably right to us might someday be condemned by future generations as grossly wrong. This ability to place ourselves and our times in historical perspective is essential to guard against the kind of arrogance that is the death of critical thinking.

Nadine, you truly are a real-life embodiment of liberal values, a lifelong learner, and model educator. You are and always will be an inspiration to us. Please join me in celebrating Nadine's outstanding contributions to liberal arts education.

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## Professor Nadine Strossen

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Nadine Strossen is the John Marshall Harlan II Professor of Law Emerita at New York Law School and served as the first female president of the American Civil Liberties Union (ACLU) from 1991 to 2008.

She is a stalwart defender of free speech and was named one of the *National Law Journal's* “100 Most Influential Lawyers in America.” Supreme Court Justices Ruth Bader Ginsburg, Antonin Scalia, and David Souter participated in her retirement luncheon. Professor Strossen is a leading expert on constitutional law and civil liberties. She has given thousands of public presentations and has published over 300 works for both scholarly and general-interest publications. She is most recently the author of *Free Speech: What Everyone Needs to Know*<sup>®</sup> and *Hate: Why We Should Resist It with Free Speech, Not Censorship*, both published by Oxford University Press.

She currently serves on the advisory councils of the ACLU, the Foundation for Individual Rights and Expression, Heterodox Academy, and the National Coalition Against Censorship.

She received her B.A. from Harvard College, where she graduated Phi Beta Kappa in 1972, and her J.D. from Harvard Law School, where she served as editor of the *Harvard Law Review* and graduated *magna cum laude* in 1975. She has practiced law in her hometown of Minneapolis as well as in New York City.

## ACTA President & CEO Michael Poliakoff

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**D**r. Poliakoff became part of the ACTA team in March 2010 as the vice president of policy and became ACTA's third president on July 1, 2016. He previously served as vice president for academic affairs and research at the University of Colorado and in senior roles at the National Endowment for the Humanities, the National Council on Teacher Quality, the American Academy for Liberal Education, and the

Pennsylvania Department of Education.

He has taught at Georgetown University, George Washington University, Hillsdale College, the University of Illinois Chicago, and Wellesley College. He received his B.A. *magna cum laude* from Yale University and went on to study at Oxford University as a Rhodes Scholar and at the University of Michigan, where he earned a Ph.D. in classical studies. He has been a junior fellow at the Center for Hellenic Studies, and his research has been supported by the National Endowment for the Humanities, the Deutscher Akademischer Austausch Dienst, and the Alexander Von Humboldt Stiftung. He is the author of numerous books and journal articles in classical studies and education policy and has received the American Philological Association's Excellence in Teaching Award and the Pennsylvania Department of Education's Distinguished Service to Education Award.

## The Philip Merrill Award for Outstanding Contributions to Liberal Arts Education

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ACTA is most pleased to present the 19<sup>th</sup> annual Philip Merrill Award for Outstanding Contributions to Liberal Arts Education. The awarding of this prize, made with the advice of a distinguished selection committee, advances ACTA's long-term goal to promote and encourage a strong liberal arts education.

The Merrill Award offers a unique tribute to those dedicated to the transmission of the great ideas and central values of our civilization, and it is presented to inspire others and provide public acknowledgment of the value of their endeavors.

The prize is named in honor of Philip Merrill, an acclaimed public servant, publisher, businessman, and philanthropist who served as a trustee of Cornell University, the University of Maryland College Park Foundation, the Aspen Institute, the Johns Hopkins School of Advanced International Studies, and the Smithsonian's National Museum of American History. Throughout his career, Mr. Merrill was an outspoken proponent of academic excellence and an articulate spokesman for the importance of historical literacy in a free society. Mr. Merrill was a founding member of ACTA's National Council.

Traditionally, threats to higher education have stemmed from outside academia. Today's challenges, it seems to me, stem more from an interior hardening of the arteries.

—Philip Merrill, in an early correspondence urging support for the newly founded ACTA



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