

Voiceover ([00:02](#)):

Radio Free Campus brought to you by the American Council of Trustees and Alumni.

Steve McGuire ([00:09](#)):

Welcome to the first episode of Radio Free Campus in 2026. I'm Steve McGuire.

Justin Garrison ([00:14](#)):

And I'm Justin Garrison. And in this episode, Steve and I are going to come to the defense once again of institutional neutrality against its numerous spurious critics. We will also discuss a major article in Compact Magazine from a now former Harvard professor of history about why he left the university. And finally, we're going to award our Apparatchik and Hero Awards like we usually do.

([00:37](#)):

Now before we get going, I just wanted to let our audience know that we've switched our format for the show a little bit. So instead of doing a 75 to 80-minute episode once a month, we're going to break the interview part of our episode and our news discussion part of our episode into two shorter, more digestible pieces. So we're going to release every couple of weeks now, as opposed to once a month. So we hope people will enjoy that and be able to get more out of our show by listening into it in smaller doses, so that's how this will be going forward. So this episode is going to be the first one in that format and a couple of weeks after this drops, you're going to hear a fantastic interview.

([01:19](#)):

So with that, let's get into the show itself. Tons of stuff going on in higher ed, as we know. But before we get to any of that, Steve, I want you to answer a question that everyone's wondering, which is where will Harvard build its next satellite campus, Greenland or Venezuela?

Steve McGuire ([01:37](#)):

I'm going to have to vote Greenland, I guess. That does seem like it might be a little bit easier to pull off. But maybe they could be like Vanderbilt, I don't know where Harvard has satellite campuses if it does, to be honest, but Vanderbilt is building an empire out there. They're in New York, they're going to San Francisco. So glad to see them building and growing, especially given their support for things like institutional neutrality.

Justin Garrison ([02:04](#)):

Yeah, they're living up to their namesake. The modest Vanderbilt is not a phrase that we would normally think about historically. No, that's wonderful. Yeah, I don't know.

Steve McGuire ([02:12](#)):

It would be pretty funny if Trump's demand was that Greenland allow Harvard to build a satellite campus.

Justin Garrison ([02:19](#)):

Or Greenland becomes the higher ed Siberia. And if you're on the wrong side of Title VI and Title IX, you've got to do some time out there.

Steve McGuire ([02:34](#)):

That's right, yeah. Make that the Harvard freshman campus, toughen them up.

Justin Garrison ([02:40](#)):

Yeah, that would be something. The weather is going to get better though, it's only a matter of a couple centuries-

Steve McGuire ([02:45](#)):

That's right.

Justin Garrison ([02:45](#)):

... and it'll be beautiful, scenic Greenland.

Steve McGuire ([02:49](#)):

Finally live up to its name.

Justin Garrison ([02:51](#)):

I was going to say it's false advertising.

Steve McGuire ([02:54](#)):

But yeah, so we've got some big stories to discuss. Why don't we get to the first one?

Justin Garrison ([03:00](#)):

So we've been pretty big proponents, as you know because your time here even predates mine, of institutional neutrality. We've encouraged a number of universities to adopt policies modeled to whatever degree the institution thinks it's appropriate on the Kalven Committee's Report. We have pretty good reasons for wanting to do this. This is very unpopular with more activist-minded faculty members and associates outside of higher ed. And recently, a law professor at UC Davis, he's just about to publish a book and he's been doing the op ed rounds to get his book publication visibility, which bully for him.

([03:46](#)):

But this is a pretty interesting critique first appearing in The Wall Street Journal, and then a couple of days later in more of an interview dialogue format in Inside Higher Ed. Well, it's a categorical rejection of institutional neutrality. It's a bad idea, hypocritical, unworkable, other things that end with A-L.

Steve McGuire ([04:07](#)):

Yeah. Well, yeah. And it's interesting because then, for instance in The Wall Street Journal piece, some of the examples that he gives of places or times in which he thinks the university shouldn't say something are consistent with institutional neutrality. And he also notes in both the interview in Inside Higher Ed and in the op ed that of course the Kalven Report, which is the most famous document articulating institutional neutrality, that it does have this paragraph towards the end where it says that when things directly affect the university's mission, not only is it allowed to speak, but in some cases might even be duty bound to say something.

([04:55](#)):

So on the one hand, he seems to be arguing that universities need to be willing to speak up, that they're hiding behind institutional neutrality. But then on the other hand he seems to be acknowledging that there are occasions in which they shouldn't speak, and also acknowledging that the Kalven Report does allow them to speak when it concerns an issue that's related to their mission. And that seems to be what I think he's focusing on is he wants universities to act in a way that is consistent with their missions, am I right?

Justin Garrison ([05:31](#)):

Yeah. For those who haven't come across these pieces, the author of the forthcoming book and these pieces we're talking about is Brian Soucek. As I said, a law professor at UC Davis.

(05:43):

I think that's part of it certainly. I don't know if this is the right way to explain it, but it's something like a straw man. He's interpreting or he's implicitly defining neutrality as indifference. And then saying, "Well, that's absurd. Colleges can't be indifferent." Even the Kalven Report says there are things about which you shouldn't be indifferent. When the educational mission of the school is at stake, you can't be neutral about that. I don't think that's what we're talking about when we're talking about institutional neutrality. We're not talking about institutional indifference. Like slavery, "I don't know." That's not the kind of indifference, or that's not the kind of neutrality that the policy is speaking to.

(06:42):

It's something different and I think this might sound nuanced, but it's still legitimate. It's a distinction. It's about not taking sides particularly when things aren't settled and unrelated to the mission. So the university doesn't have to start from scratch and think, "Well, this could be a threat to our educational mission. We need to rethink, well, should we have an educational mission?" It's not that kind of thing. You do have a mission and it's whetted to character and identity, and when those things are under attack or in peril, of course you need to do say something. You need to say something that protects your interests.

(07:23):

Part of the problem then is a number of these schools have expanded mission to include all kinds of things that really don't fit with any sort of reasonable understanding of what an educational goal or mission would be.

Steve McGuire (07:36):

Yeah.

Justin Garrison (07:37):

So that gets into taking sides on this. After all, how can we be ... This is something that we might talk about in a minute, but there was a piece in The Chronicles about not enough statements being made in defense of Renee Good.

Steve McGuire (07:55):

Yeah.

Justin Garrison (07:55):

And there is an effort to tie that to mission, but I think it's so many steps that it really raises a question about what is the purpose of a university? Is it to educate or is it to engage in a broader ideological mission?

Steve McGuire (08:12):

Yeah.

Justin Garrison (08:12):

I don't think those things are easily reconciled and I think that's why this frustrates so many people. They know that institutional neutrality really can't fit with an activist model of the university and that's why they don't like it.

Steve McGuire ([08:25](#)):

Yeah. Yeah. I think some of the what's behind this too are probably some DEI concerns. I know that Soucek's been involved with that over the years in terms of looking at things like the use of DEI statements in hiring. He is concerned about free speech and academic freedom issues as well, and I think trying to balance some of these things.

([08:54](#)):

But as far as the carve out, if you want to call it, in the Kalven Report or in institutional neutrality policies for addressing mission things, I think you point to a key concern there, too. Which is that a lot of universities have allowed their missions to balloon so that if you go and look at their mission statements, if you look at whatever they call them, often they'll have a list of core values or something like that. A lot of these things are good things or nice sounding things at least, but when you think about, well, what kind of an institution is this? What is its purpose? What is the university supposed to be doing? Sometimes some of the things that are included in these mission statements or these core value lists don't really look like they belong and they might even have a negative impact on the institution's mission to, say engage in research, to educate, and to do so in an environment which people feel free to ask questions and free to try out ideas and to express their views, and that sort of thing.

([10:03](#)):

So I think when you're talking about institutional neutrality and universities having a space where they can speak up when things directly affect their missions, I think there's also reform work that needs to take place in terms of honing in on what the mission of these institutions really is.

([10:21](#)):

And I'll add too, that of course there's room for pluralism among institutions of higher education. There's public institutions, there's private institutions, there's land grant institutions, there's religious institutions. These different categories of schools are going to have slightly different missions, they're going to have slightly different values. But one of the things that unites them all as institutions of higher education is that they're educating students. Certainly in the case of most institutions, they're also engaging in research. Obviously, some much more so than others, if you think about R1 schools versus liberal arts colleges. But even at liberal arts colleges, faculty have research agendas, they're doing work in the labs, all these sorts of things.

([11:20](#)):

So I think part of me almost feels like we're in vigorous agreement here. That yes, universities should speak out on their missions, but on the other hand that's not a violation of institutional neutrality. Like you were saying, if you bend that mission so far that it starts to include all kinds of other things, then we've strayed so far away from the actual true purpose of these institutions that it becomes a problem.

Justin Garrison ([11:51](#)):

Yeah. I wonder to some extent if one of the sticking points in this kind of perennial conversation about do you do institutional neutrality is that is that a wise move, is it something professors should be concerned about when it comes to academic freedom, these battle lines that have been drawn. I wonder sometimes if part of the problem might be that in some of the versions I've seen where institutional neutrality is defended, maybe I was being a little too me, I guess, a few minutes ago on the indifference component.

([12:39](#)):

Maybe that is part of the problem. That's not what we mean at ACTA, we don't mean indifference. And that's not what I think everybody means when they adopt this, but there is that temptation to sneak into that John Stuart Mill mindset. "Well, let's just suspend the question about what's the purpose for this and just create a space where stuff can happen."

(13:02):

Yeah, I don't think ultimately is a very good defense of neutrality. It is something that has value. It's a value statement, if you will. You're saying that the university should refrain from doing something precisely because that restraint serves a higher purpose.

(13:22):

I may have said this in a previous conversation, but I'm not a smart guy so most of what I know comes from TV. There's this repeated theme in early seasons of that Netflix show The Crown where the Queen has opinions and she categorically refuses to issue them in public. And that's a virtue. That's not because she doesn't care, but it's because there's a bigger thing at stake than her just getting to speak her truth or something like this.

Steve McGuire (13:50):

Right.

Justin Garrison (13:50):

It creates, in that sense, a condition for Parliament to have its robust, vigorous conversation about what goals to pursue, policies and all of that. I really think there's an analog here with institutional neutrality.

Steve McGuire (14:04):

Yeah, that's great. We don't want college and university presidents starting to think of themselves as kings and queens.

Justin Garrison (14:10):

I totally do. I want coronations, giant hats.

Steve McGuire (14:13):

Yeah.

Justin Garrison (14:14):

The whole nine yards.

Steve McGuire (14:15):

But I think that is a good analogy. You mentioned the killing of Renee Good and universities not speaking up on this, it's not indifference. I'm sure most people think that this was a horrible and terrible event and wish that it never happened. If you've seen the discourse after that event, it has been troubling as well for a number of reasons.

Justin Garrison (14:45):

Big time.

Steve McGuire (14:46):

I think universities and colleges need to be places where people can have productive conversations, including maybe about an event like that, and the policies and the politics that different people think led to it. Different proposals for how we can ensure that things like this don't happen in the future. There needs to be room to have debates, and to engage in research and inquiry around all of those sorts of things.

(15:22):

To me, seeing that article in The Chronicle, it wasn't surprising, I guess, but I read it. My first reaction was, "This firmly falls into the category of events that I think universities should avoid making statements about." Precisely so that, as I was just saying, they can be open forums where people can discuss these sorts of things.

(15:48):

Now a few months ago, you and I published an article in City Journal arguing that colleges and universities could have made a statement about the murder of Charlie Kirk, and documenting how many did and how many didn't, and whether they had policies of institutional neutrality and all of that sort of thing. At least my view of that was that a university isn't required to say something about the murder of Charlie Kirk, but it would certainly be reasonable to say something about it because he was murdered on a college campus in the process of exchanging ideas with students. And for universities, many of them which have TPUSA chapters on their campuses or other students that might be tied to that organization, but even if they don't, they could see this I think reasonably as, this event in general, as a direct assault on their mission and purpose.

(16:52):

Whereas, from what I can tell, the killing of Renee Good didn't really have anything to do directly with higher ed, as horrible as that event was. So I think there's a distinction there. When you're in the business of deciding, "Should we say something about this, shouldn't we say something about this," it can be difficult. You do start to get into gray areas. And every time you make a statement, you're setting a potential precedent where someone can come and say, "Well, you spoke about this, but you're not going to speak about this newer event? That doesn't make sense or that's hypocritical."

(17:29):

So you need to be careful. You need to have a firm policy laid out and then you need to develop a practice over time. As the Kalven Report says, that should include a heavy presumption against saying anything. And then you should be able to clearly articulate when you do say something why you did so that people can follow your logic and you can apply that in the future.

(17:56):

So I do think it would be possible for a university, like I said, to come up with a firm logic or chain of reasoning to explain why they might say something about Charlie Kirk, and then not about Renee Good. I equally think you could say, "Yeah, we're not going to talk about Charlie Kirk because that didn't happen on our campus," or what have you, "and we're not going to talk about Renee Good either." And those are logical. But I don't see, especially if you have a policy of institutional neutrality, which you should, certainly why you would make any kind of politicized statement about what happened to Renee Good, as terrible as it was.

Justin Garrison (18:36):

Yeah, and I think you bring up some points that really need to be emphasized in this conversation about neutrality in the fullest sense or in the broadest sense. One of the criticisms Soucek seems to present, but I've heard this from others, I won't name names. You can get into these problems that you just mentioned, Steve. Where let's say you, in good faith, make a statement that you think works and in hindsight you think, "I shouldn't have done that." So the possibility that that scenario could occur seems to some to be sufficient to not have any policy at all.

Steve McGuire (19:18):

Right.

Justin Garrison ([19:19](#)):

And I just think this is such a bad argument because that same argument can literally be applied to any policy. No policies are self-executing. You just write it down and the paper takes care of it.

Steve McGuire ([19:34](#)):

Right.

Justin Garrison ([19:35](#)):

Think of how many functioning democracies we would have if all it took was words on parchment to make reality. Of course, it's a policy that requires leadership, it's a policy that requires prudence and those are not always in great supply.

Steve McGuire ([19:54](#)):

Yeah.

Justin Garrison ([19:54](#)):

You can have incompetent leaders. Or you can have people who are not incompetent, but this is pretty new territory.

Steve McGuire ([20:00](#)):

Yeah.

Justin Garrison ([20:01](#)):

So I'm not insensitive to the possibility or the problem of setting a bad precedent or making a mistake. But if that's the standard, you can't have any policies at all because all of them are open to interpretation, application and mistakes do get made.

Steve McGuire ([20:20](#)):

Yeah, yeah. Yeah. Another thing he addresses, and I'm looking forward to reading the whole book which of course I haven't yet.

Justin Garrison ([20:33](#)):

We should have him on.

Steve McGuire ([20:34](#)):

Yeah, it would be a good conversation. He also talks about the fact that universities have to make certain kinds of decisions. And again, the Kalven Report also acknowledges that. Things like the awarding of honors or making business decisions, we've addressed some of that in our own ACTA documents. The issue of divestment, we've taken the position that, which we share with people like Chancellor Daniel Diermeier of Vanderbilt, that you really shouldn't use the university's investment practices as an opportunity to take political sides. Hand it off to the people that are responsible for managing money and let them manage it from that perspective. At least, I think that's his position, I guess I shouldn't fully attribute it, but I know he's against divestment for sure.

([21:21](#)):

So yes, this isn't some kind of attempt to say it's possible for a university to go through its entire existence as an institution without ever doing anything that involves making some kind of political decision in one



way or another. But to say that this should be minimized and downplayed pretty much as much as possible, except when it affects directly the mission of the university for the sake of serving the institution and its purpose, which is to create a place where, really a special place in a society where, as much as possible, people can come and have discussions and engage in inquiry in a way that isn't as embedded in the political divides and the political debates and all of that that is regularly taking place in society.

(22:17):

And again, with Renee Good, you look at how the reactions to that are just so divided on a partisan basis. I haven't seen surveys on this yet I don't think, but I would bet you that if you were to test it out. Maybe there were a couple that came out already.

Justin Garrison (22:39):

I think there was a letter to the editor to that piece on Renee Good and cited some things like that.

Steve McGuire (22:45):

Okay, yeah.

Justin Garrison (22:46):

This was last week.

Steve McGuire (22:48):

Yeah.

Justin Garrison (22:48):

The general population divide was 53% thought it was, they opposed it, 47% said it was more complicated, whatever that breakdown is. And then they made the comment that when you test that ideologically, it's even more pronounced in terms of who thinks it was justified or unjustified, or whatever.

Steve McGuire (23:07):

Okay. Right, yeah. So these stats are starting to come out and it shows unfortunately exactly what you'd expect.

Justin Garrison (23:13):

Yeah.

Steve McGuire (23:13):

Which is a sharp partisan divide in terms of how its viewed. And that raises a question. How should a university involve itself in that kind of debate? Does it want to just take a stance through a political statement issued by its president or its leadership team? One of the problems that universities are facing right now is that, while confidence in them has declined among all segments of the population, it's declined especially on the right. So this would clearly send yet another signal that they're on a certain side of this partisan divide.

(23:51):

And I would add too that what is the most effective and productive way for a university to engage these kinds of issues? And what sort of role and authority does it have in a debate like this? Does just issuing a statement from the presidential level, is that how universities should weigh into an issue like this? Or is it



better to have a variety of people on staff, on the faculty who are engaging in research and weighing in, writing their own op eds or bringing their own research to bear on this question and trying to make arguments that are based on their expertise, their research? And then of course also, guiding students through discussions of these kinds of issues.

(24:35):

That to me seems much more consistent with the nature and purpose of a university, and arguably much more effective and consistent with the kind of authority that a university has or should have. Which is that its authority is based on its expertise and its capacity for people at the university to persuade others with evidence and arguments, as opposed to just issuing a statement making political assertions.

Justin Garrison (25:05):

Yeah. One way of thinking about neutrality, this is a shameless segue into another topic, is it doesn't guarantee, but it helps to create conditions for the thriving of intellectual diversity. Now right around the end of the year, James Hankins wrote a piece in Compact Magazine called Why I'm Leaving Harvard. Which is not typically the story you hear, that's the one you want to get to. I'm at Harvard, not I'm leaving.

Steve McGuire (25:33):

Yeah, right.

Justin Garrison (25:34):

But he's leaving. He's now affiliated with the Hamilton Center at University of Florida teaching history. And this was, it's a long piece, it got a lot of publicity. Certainly not all of it admiring, some of it's critical.

(25:49):

Briefly, if people are watching or listening and they don't know about this piece, this professor had taught at Harvard for four decades in the history department doing western history. And cites or describes a variety of changes in the department he worked in over the course of that 40 years, changes related to taking certain views of race and gender into consideration when it came to graduate student admissions or faculty hiring, to other differences in terms of how to emphasize or maybe just exclude western history topics, western history courses, to recast them in conceptual transnational units, or something like this.

(26:33):

And I think the main takeaway from this, but I'm curious to hear what you thought about it, Steve, is he's making a normative argument. He's not saying something like, "Well, western civilization is the best, it's the only one that's worth learning about so let's just learn about that and drop all of the other stuff." That's not the point. I think it's much more of an Aristotelian kind of point. If you don't start from what you know, how are you going to understand things you don't know? So part of the purpose of teaching courses broadly under the umbrella of something like western civ for this professor is to help people understand themselves more clearly. Which is in and of itself valuable, but then that creates meaningful conditions for understanding other people.

(27:20):

And if I could just give you a very quick example of what this looks like when it doesn't work. I studied abroad in Moscow. So yes, I am a Kremlin agent. And I went to the Peterhof Palace and it was amazing, but it's out in the sticks and I hadn't eaten anything all day. So I finally get back into St. Petersburg proper and what do I see? I see heaven on Earth. It's a Pizza Hut with a KFC on top.

Steve McGuire (27:48):

I was like don't say McDonald's.

Justin Garrison ([27:50](#)):

Do you know in Russia, they didn't even have McDonald's breakfast?

Steve McGuire ([27:54](#)):

Is that right?

Justin Garrison ([27:54](#)):

It was hamburgers and french fries from 8:00 until midnight. What's wrong with that?

Steve McGuire ([27:57](#)):

That's my kind of culture.

Justin Garrison ([28:00](#)):

That's the wrong kind of universality. That's the wrong kind of cultural immersion.

Steve McGuire ([28:09](#)):

Agree to disagree.

Justin Garrison ([28:10](#)):

Oh, I can get the same slop here as I can back home. The civilizational learning I think that this guy's really focusing on is such a more substantive, "We have this kind of philosophical system, so do you," that kind of thing. We lose those points when we don't teach the important parts of the western component.

Steve McGuire ([28:25](#)):

Yeah.

Justin Garrison ([28:26](#)):

He didn't use this word, but it amounts to we become barbarians.

Steve McGuire ([28:30](#)):

Yeah, okay.

Justin Garrison ([28:30](#)):

That's not good. See The North Man. If you haven't seen that film, that's where it all leads. What did you make of it?

Steve McGuire ([28:35](#)):

Well, on McDonald's, first of all. My favorite is I was doing a French immersion program in Quebec, this was many years ago, and there was a kid from Texas actually who was part of the program. Great guy. But the whole time we were there, he wouldn't try poutine, which is this famous dish with gravy and cheese curds on your french fries and all that. And finally, I think it was the second maybe third-last day of the program, he goes to McDonald's and of course, McDonald's in Quebec has poutine on the menu,

and so he tried it there and was then able to go home saying he had tried it. But of course, several of the people, the Quebecois who were there who were part of the program helping us along were horrified that he had finally tried it, but only done so at McDonald's.

Justin Garrison ([28:36](#)):

Only at McDonald's.

Steve McGuire ([29:25](#)):

Yeah.

Justin Garrison ([29:25](#)):

That's right.

Steve McGuire ([29:27](#)):

But yeah, I think that's a great point. Of course, there are arguments to be made for learning all kinds of things. I'm a fan, for instance, of the work of Eric Voegelin and he's very global and interdisciplinary in his approach. He would read almost anything if he thought it was interesting or relevant to the questions that he was investigating. So I encountered, at least secondhand, a lot of interesting ideas and texts and that sort of thing from all over the place. Well, maybe some people are against that, I'm certainly not against it.

([30:13](#)):

But there's also something to be said for getting a sustained education in a particular tradition so that you can have a solid and proper understanding of that. And then, like you were saying, that does give you then some basis from which to operate when you encounter other traditions or other cultures and contexts, and that sort of thing.

([30:35](#)):

I think we also have to be realistic about what college students in 21st Century America know when they show up on campus and what they have time to learn during a four-year degree. Well, that's right. So the program that I used to be in, we had similar debates about bringing in non-western texts and authors into a program that was largely focused on the western tradition. And one of my concerns was always the students know so little about this tradition already. I don't even have to say about their own tradition, just set that aside. Pick a tradition and learn something about that in a sustained way. And if you're just bouncing around I think it's hard for them to put together a coherent picture of the history and the tradition, and that sort of thing.

([31:31](#)):

Of course, the other part with Hankins' article is it seems like Harvard, in his view at least, has done basically a complete 180 where they've gone from offering serious and sustained courses in European history to offering very little. So that students aren't really getting a solid opportunity to even learn that history.

Justin Garrison ([32:01](#)):

Yeah, I think that's a really important part of the article. He doesn't spend a lot of time on it, but particularly thinking with the mindset that I have now. Let's say Harvard had an epiphany and said, "No, we need to do more of this." They can't. They don't have the people in place to do this. And he even talks about, I think at Yale, someone approached Yale with a \$10 million donation to start trying to do these

kinds of courses again and they ultimately rejected the gift because they couldn't afford to maintain the program, it would be so massive.

(32:33):

That's really scandalous.

Steve McGuire (32:35):

Yeah.

Justin Garrison (32:36):

To have put yourself in a position, it's not just this topic, there are other topics that would be like this. Where you're not doing something that would be intrinsically worthwhile, and even if you decided that you wanted to do it, it would be almost impossible to start because the system has atrophied to the extent that it's almost impossible to recover.

(32:57):

And what a shame to have to say that about Harvard, which is not a school that was a small liberal arts school on a shoestring budget, constantly in deficit. They just can't hire people. It's not that kind of scenario at all. Harvard's doing quite well.

Steve McGuire (33:13):

Yeah, yeah. Better than anybody else, in fact. Better than several countries.

Justin Garrison (33:20):

Yes.

Steve McGuire (33:21):

In terms of their endowment size relative to GDP, or something like that. And then conversely, look at the University of Florida, which seems to be pouring a ton of resources into the Hamilton Center, which really seems poised to become something quite amazing. In fact, I think Hankins, one of the reasons he's going there is because it could well very quickly become one of the, if not the preeminent place for the study of modern Europe or medieval Europe in the coming years. Him going there of course is part of that story.

Justin Garrison (34:00):

It's like a Field of Dreams kind of scenario. If you build it, they will come.

Steve McGuire (34:03):

Yeah. I guess we could add too, while we're mentioning Florida, that we've evaluated them against our Gold Standard for freedom of expression. We haven't evaluated Harvard yet, we'll get to it soon enough. But I believe Florida's around a 15 out of 20 or so on the Gold Standard.

Justin Garrison (34:20):

Yeah, just so because of their institutional neutrality adoption.

Steve McGuire (34:23):

Yeah, that's right.

Justin Garrison ([34:23](#)):

So everything comes together.

Steve McGuire ([34:25](#)):

Yeah, which is pretty good.

Justin Garrison ([34:27](#)):

Yeah.

Steve McGuire ([34:28](#)):

Relative to what we've seen so far. Obviously, some room for improvement there, but we see a lot of schools that are in that eight to 10 range. So I think being a 15 relative to a lot of other schools is pretty good. Now they're building this academic juggernaut at the Hamilton Center, things are really looking up there.

Justin Garrison ([34:50](#)):

Yeah. Yeah, when you get to scores like that in the Gold Standard, you have to have actually tried to do something.

Steve McGuire ([34:50](#)):

Yeah.

Justin Garrison ([34:54](#)):

You can't get to 15 just by complying with state and federal law.

Steve McGuire ([34:58](#)):

Yeah.

Justin Garrison ([34:59](#)):

That's going to be a couple of points. Good for you, you're not breaking the law. But it's much more than just minimum effort to get even close to that.

Steve McGuire ([35:07](#)):

Yeah. Yeah, the other thing from this article is just the stories of discrimination.

Justin Garrison ([35:14](#)):

Yeah.

Steve McGuire ([35:14](#)):

Not wanting to select graduate students because of their identity or their racial identity. In this case, seemingly saying there won't be any white students selected in a particular year. Candidates facing obstacles getting jobs, seemingly at least in part because of their race and/or sex.

([35:39](#)):

This is something that it goes well beyond this article, it goes well beyond Harvard. I think it's a pattern of behavior in academia that a lot of people have witnessed if they're in academia, and a lot of people more

generally suspect is taking place. And it can be difficult to document it, it can be difficult to pin down evidence that it's happening, but we have seen certain kinds of ... Well, for example, there was a video that went around of the dean of Berkeley Law School talking about how he would tell his colleagues, "Don't openly talk about discriminating." Everything he said in a way was the correct legal advice, but the undercurrent seemed to be that some people were in fact doing this kind of thing.

(36:35):

I'm not going to name the university because I can't remember which one it was, but it was in John Seiler's reporting, and of course we've spoken to him. He's got an email where a professor is saying, "Well, I definitely don't want to hire any white men." So these examples do crop up.

(36:54):

I know myself, having been involved in hiring processes in universities, I've seen it myself, I've talked about this before. I've been involved in searches where people who generally didn't really interact with me, they certainly didn't make a point to stop by my office to chit-chat on a regular basis, suddenly you're on a search committee and this person's knocking on your door and they want to impress upon you how important it is to hire someone who has the appropriate identity characteristics. I've heard even worse things than that said in meeting rooms and that sort of thing. So I do think that this is a serious and pervasive problem.

Justin Garrison (37:39):

Yeah, yeah. It's nice that at least there are some places to go since Harvard increasingly doesn't seem to be like one of them for this kind of stuff.

Steve McGuire (37:50):

Yeah, I guess we do have to acknowledge, as he does at the beginning of his article, that he says things seem to be turning around under the current president Alan Garber. It does seem like Harvard has taken some steps. But hopefully, moving towards hiring people based on their merits and their academic credentials and experiences without regard for race and gender if that kind of thing was happening. Hopefully they can move in that direction.

Justin Garrison (38:19):

Speaking of hope, we've got some awards to give out. So, Steve, I think you're on deck for our Hero of the People.

Steve McGuire (38:29):

Okay. Well, this month's Hero of the People is the First Amendment.

Justin Garrison (38:33):

Woo-hoo!

Steve McGuire (38:35):

Which probably could be the Hero of the People every month. But I want to talk about a story out of Austin Peay State University in Tennessee. There was a professor there who was fired because of comments he made after the killing of Charlie Kirk. Of course, these are not comments that I or ACTA in any way would want to defend. You'll recall, I'm sure listeners will recall that a number of professors and other kinds of employees at college and universities faced retribution for comments that they made after

Charlie Kirk was killed. Sometimes suggesting he deserved it or that it was his just dessert, perhaps sometimes even veering into celebrations of his death. For the most part, just really ugly comments.

(39:30):

But at a place like Austin Peay State University, people have First Amendment protections. So it was just recently announced that this professor is getting his job back and he's getting a \$500,000 payment in addition. So I think this is a great example to look at how public universities in particular should navigate these kinds of controversies. I'm sure they were facing a lot of external pressure, but they are bound by the First Amendment. And of course, they're an institution that should respect free speech. I'm not sure how much academic value this professor's comments had in this case. And there's a number of cases like this all across the country and I think we're going to be seeing more of this, especially at public institutions.

(40:22):

And it's notable here too that it's a settlement. This didn't ultimately go to court, they just decided this was the quicker and the easier way to deal with this and so that's what they did. These kinds of cases, I think they often get settled in this way so you don't always have extensive court precedents dealing with all of these cases. I think when we talked to David Rabban a couple of months ago, this was something that he brings up in his book, too. That a lot of the precedent in this area can be conflicting or unsettled, it hasn't gone all the way up to the highest levels of the court system, certainly not the Supreme Court. But in this case, I think it's pretty clear that the professor does have First Amendment rights here and the university has conceded that.

(41:17):

So I didn't want to give the award to the professor for making these terrible comments.

Justin Garrison (41:21):

Fair.

Steve McGuire (41:23):

So I'm going to give it to the First Amendment. I think we have to be grateful for the First Amendment, particularly in instances like this. Which is so often, this is when the First Amendment comes into play is when somebody says or does something that a lot of people find offensive. I just continually think back to The Federalist and the argument about parchment barriers. It's just like, "Thank God for this parchment barrier."

Justin Garrison (41:50):

Yeah. Yeah, I think yeah, the comments are garbage, I don't care for it, but that's not the First Amendment standard. And I think one of the things more universities need to learn when they see stories like this is that old expression, "Sin in haste, repent at leisure." A lot of the people who are now in a lot of financial trouble, like payouts and court settlements and whatever, is in part because they panicked, they responded to public pressure or public controversy and did something that they thought, "Well, that'll just make the problem go away." And that's particularly at a public university. Private universities might admire the First Amendment from a distance, but they're not bound to respect it the same way a public university has to. So if you're going to go after firing people for cause, you sure better know what you're doing because it can be an expensive mistake when you don't do it right.

Steve McGuire (42:50):

Exactly.



Justin Garrison ([42:53](#)):

That means that it's my turn to introduce this month's Apparatchik. And just as we gave our Hero of the People Award to an idea, we're going to give our Apparatchik Award to an institution. That's right, boys and girls, we've done slagging off Harvard and now we're going to talk about Yale, whose famous alumni include John C. Calhoun and Mr. Burns.

([43:23](#)):

This particular story came out right around the time that the semester began and the headline is Yale Professors Donated Overwhelmingly to Democrats in 2025. This is by Jia Jiang and was published in the Yale Daily News on January 14th. When the title says overwhelmingly, what that means is a couple of people gave a couple of dollars to independent candidates. The contributions that were analyzed by the researchers showed something in the neighborhood of about 1100 donations resulting in a 97.6% yield for Democrats and Democratic-associated causes. The remaining 2.4% went to independents, 0.0% went to anyone affiliated with anything that wasn't that stuff, a.k.a. conservatives and Republicans.

([44:16](#)):

Now on one level of course, who cares? You can do whatever you want with your money. But there's a tendency in higher ed to just leave the conversation at that. It doesn't matter because it doesn't affect what's going on in the classroom. And anyone whose been to college, looked at a college, heard about college, can spell college knows that that's just not always true. It is true, you can have people that are very partisan and they're very good at compartmentalizing that, and they can be in the classroom and be fair, and open to intellectual diversity, and have ideas come at them and challenge things. That wonderful, we make movies about that with Robin Williams, but that's not the norm. There is a lot of evidence that we get out of our own survey data when we survey students at various schools across the nation, that other people do as well when they do their own surveys. That college classrooms tend to lean pretty clearly in one direction politically and it's not red.

([45:14](#)):

So the reason we decided to give this award to Yale is because this isn't a good situation. Yale, if I recall correctly, Jonathan Edwards used to teach there. And unlike John Calhoun and Mr. Burns, Jonathan Edwards is both real and somewhat admirable. It's like Harvard and other schools, there's a tremendous tradition of academic excellence, academic freedom, openness to different perspectives, but they need to get it together. So until they do, we can unofficially call this the Yale Award every month.

Steve McGuire ([45:55](#)):

Yeah, it's a bad signal for sure. And we should point out that the Buckley Institute at Yale studies this and has produced a couple of reports on it as well. And then the Yale Daily News followed up and did its own research and confirmed that indeed, I believe zero donations to Republicans.

Justin Garrison ([46:17](#)):

Yeah, it was 123 grand to broadly associated Democratic causes, \$3000 to independent stuff and absolutely nothing for anything else.

Steve McGuire ([46:25](#)):

Right, yeah. So it leaves open the possibility that there's some Republicans on the faculty at Yale who just aren't donating to anybody and trying to keep their heads down.

Justin Garrison ([46:33](#)):

Which would be a total Republican move. It'd be great.

Steve McGuire ([46:35](#)):

Yeah, it would. All the caveats apply. Intellectual diversity isn't about partisanship per se and all of that.

Justin Garrison ([46:35](#)):

Right.

Steve McGuire ([46:46](#)):

And there's lots of varieties of intellectual diversity and everything. But when you see such a stark contrast at an institution, it does suggest that you might have a little bit of a monoculture going on.

Justin Garrison ([47:01](#)):

Yeah, as the article indicates. That's certainly the perception on the ground for some people.

Steve McGuire ([47:05](#)):

Yeah. All right, great. Well, this is our first episode of the new year. And as you mentioned at the outset, Justin, we'll be publishing the part where we discuss various items in the news and ACTA policy recommendations and that sort of thing related to those issues separately. And then two weeks after that, we'll publish an interview. At least, that's our plan going forward, we'll see if we stick to it, but that's what viewers should look for.

Justin Garrison ([47:38](#)):

We will accept 100% of donations from anyone who wants to make them, we are not partisan. Send it directly to me or Steve, we'll give you the details later. But yeah, absolutely, I'm really excited about this new format and look forward to great episodes going forward in 2026.

Steve McGuire ([47:59](#)):

All right, great. Well, we'll see you all next time.

Justin Garrison ([48:02](#)):

KBO, boys and girls.

Voiceover ([48:05](#)):

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([48:41](#)):

73% of University of Arizona students believe it is sometimes okay to shout down speakers on campus. Discover how ACTA's Gold Standard can help U of A foster a more free and open campus experience.