

Speaker 1 ([00:02](#)):

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

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

Welcome to Radio Free Campus, I'm Steve Maguire.

Justin Garrison ([00:12](#)):

And I'm Justin Garrison. And in this episode, Steve and I are going to talk about some pretty interesting and hot campus free expression news, one set of issues at Texas A&M University and the other at the University of Arkansas Law School. And then last but not least, of course, we will do our Apparatchik and Hero of the People Awards, so let's get to it.

([00:32](#)):

Steve, there's a ton of stuff going on in higher ed all the time everywhere, and this month we're focusing on two adjoining states, Texas and Arkansas. My mom was born in Arkansas and my dad was born in Texas, and there's a lot of really intriguing higher ed reform and controversy going on in both of these states, and the one I wanted to begin with is this situation that you and I and others are no doubt aware of at the University of Arkansas's Law School.

([01:04](#)):

Typically, as you and I know, but our audience might not, high level administrators are internal hires. They're hired by the institution that is not by, in this case, people in Little Rock. And so the University Law School, they hired a dean, and then it was discovered that the candidate that received the job offer had filed an amicus brief, a friend of the court brief supporting the rights of transgender athletes. This really bothered some of the legislators in Little Rock, and the offer of employment was rescinded. This has created a predictable controversy and disagreement over whether or not rescinding the offer was right. Is it appropriate for state legislators to try and influence the hiring decisions and things like that? It's an interesting story in and of itself, implicating things about being a state funded institution, also trying to respect academic freedom and those kinds of things.

([02:10](#)):

And then over on Reason Magazine, Eugene Volokh published an article that I thought made an interesting argument about how to think about this. When I say interesting, I mean that sincerely, but I'm also trying to say, I'm not necessarily agreeing or disagreeing, but I think it's very much worth talking about. The analogy that he tries to make is to something like executive branch service in government, that there are certain levels of civil servants who are hired purely for competence. They can't be fired at will by the president. But at those highest levels of leadership, when you're talking about the Secretary of State or even some of the people immediately below that office, they are by nature political appointees, and the president should be able to hire and fire those people according to constitutional procedures or whatever because the partisan nature of the job is part of the job.

([03:03](#)):

I thought that was an intriguing way of trying to think about law school dean as essentially an arm of the government that's publicly funding the university. This wasn't a professor who was fired as a professor. This was a person who had not started working and had that offer rescinded. But I mean, it brings up some serious questions about the appropriate relationship between public universities and state houses, and so I thought this was very much something worth talking about. I'm curious to hear what you made about this event in general, this particular novel argument that came from this piece in Reason Magazine. What do you think?

Steven McGuire ([03:54](#)):

Yeah, no, it's an interesting case. I have to say right off the bat, I'm not particularly comfortable with this kind of outside political involvement in the appointment of a dean. At the same time, Volokh makes an interesting argument about the difference between the academic freedom rights of a faculty member and someone who's serving in an administrative capacity, and that could even be the same person. Now, in this case, the person was being hired from another university to take on the deanship, and so I think she's just not coming to the university. If you were hiring somebody from within to become the dean, presumably the result of this would've been she would've just stayed on as a faculty member and not taken up the position of dean, in which case, according to this argument, if that's how it had played out, hypothetically in that case too, there wouldn't be an academic freedom violation on this understanding.

(04:58):

But at the same time, you're right, it is normally a process within the institution itself that takes place in order to choose a leader. I do think even if there is not a legal First Amendment avenue here to seek redress, which I'm not saying there's not, but if Volokh's right and there's not, it still does raise questions about the autonomy of the institution and the culture of freedom and intellectual diversity at the institution. And of course I say that full well knowing that most law professors lean to the left and probably most law deans lean to the left, and people who are looking for some more reform or balance in higher ed, obviously I include myself among those numbers, would like to see greater variety of views among law professors and among law deans.

(05:57):

I did take a quick look at one point at who the other candidates were that they brought in, and it looked like they did have a relatively diverse group of qualified candidates that they brought in as the finalists for the position. But in this case, it seems like the issue was that the person they chose had signed on to an amicus brief related to transgender issues that went against some of the positions that the state of Arkansas has now taken in its laws. And I have to say that people on university campuses need to be able to disagree with the law. I mean, violating laws is one thing, but having conversations on campus critiquing laws or talking about what laws ought to be, or saying that you think the law should be different, or at least at this particular time in the legal process you thought there was a good argument about that the case should have been decided in a certain way, and that's not how it was decided. These things all need to be fair game.

(07:09):

One other thing I would say in general is, okay, so take the idea that on the one hand you've got a faculty member who's maybe doing research, teaching, expressing views, and then on the other hand, you have a dean, and so you've got two separate hats on, and what do you want from a dean? And does the scholarship necessarily matter? I think you could argue that it does. On the other hand, you could argue that really what you want is someone who's going to be good at performing the administrative functions that a dean needs to do. And whatever she said in this amicus brief doesn't necessarily tell you anything about that. The ultimate question for bringing someone as a dean is is this person going to be a good academic administrator? And if they had decided that this person was going to be good in that way, it seems like she should have had a chance to prove that the committee was right to select her.

Justin Garrison (08:11):

Yeah, I think that's ultimately the problem I have with this is it isn't clear how signing onto that brief would impact job performance. I mean, I can imagine scenarios in which it could, but until someone does something, I don't know, it feels, yeah, it just doesn't sit well with me. This isn't like the equivalent thing, but imagine you're up for provost or whatever and someone says, "Well, I don't think you'd be a good administrator because I don't like your interpretation of Kant's moral philosophy."

(08:51):

I guess there's a sense in which you could be so influenced by Kant that your conception of duty is really warped and you have a bad administrative skill set, but then that would be something that needs to manifest. I mean, it seems like the kind of thing that doesn't fit with academic freedom, and I think that's serious. I'm a little annoyed that I'm saying it that way because I think there are people who just use academic freedom as a plenary grant of power. If I'm a professor and I run over somebody, I just say academic freedom, and the police say, "Oh, yeah, on you go," right? I mean, it just covers everything.

(09:37):

But this is a situation in which I think it's troubling, and you can certainly see in a lot of other instances over the last year, very predictable, partisan tit-for-tat when it comes to things that are outside of the scope of our show and our mission as an organization. But there's this redistricting conflict between various states about how they're going to disenfranchise people ideologically, so this isn't the kind of thing I want to see, honestly. I don't want to see deans and provosts and administrators getting bounced for things that have a very tenuous connection to plausible job performance.

Steven McGuire (10:18):

No, that's a good way to put it too, is we've got to keep in mind what is the vision for higher ed that we want to see or that we're trying to achieve? And having politicians pick off dean selections by pressuring people because of their views or their politics or their scholarship is clearly not ideal.

(10:40):

Just to think of another example, say you're hiring a dean or a VP at say the University of Chicago. I think there, in that case you would say, "Well, we're going to want to know, are you supportive of the Chicago principles? Are you supportive of institutional neutrality? Do you know and understand the Shils Report? And that our stated philosophy here is that we hire the best person according to their merit or their promise without regard to ideological or political positions and that sort of thing." And so if that's the ethos of your entire institution, then maybe you wouldn't want to put somebody in a position of power who didn't believe in that or who believed in things that were antithetical to that.

(11:31):

Although even there you might say, the question is how are you going to behave? How are you going to act? And I think people would say, "Look, it's not really that plausible to think that someone who's fundamentally against the Chicago principles is going to be fine operating all the time, hiring according to those principles or operating according to those principles."

(11:50):

But to bring it back to Arkansas, again, it's like you said, does the content of this brief or the research and the scholarships that she does around those kinds of issues, does that have a bearing on how she's going to operate as dean? I mean, if you were able to say, "No, look, this person has a long history," or just any hypothetical person has a long history of operating in a way that is, because I'm not saying any of this about the particular person involved here, just to be clear.

Justin Garrison (12:21):

Yeah, sure.

Steven McGuire (12:22):

But if you were able to connect those dots and say, "No, no, there's a history of behavior here in this person's past where they just can't treat people fairly or they can't operate in an even-handed way," or they're pushing an activist agenda and using their offices improperly to do that, that would be a totally different story. But from what I've seen reading about this story and looking at it, it just comes down to the fact that as far as some people in Arkansas were concerned, she took the wrong side on a legal case by

signing onto this amicus brief, and for them that was enough to say that this person shouldn't be the dean of our law school, and I just have a really hard time accepting that that makes somebody unqualified to be a very good dean at a law school.

Justin Garrison ([13:12](#)):

Yeah, no, I agree. I think I understand on any number of issues related to transgender athletes and how they participate or don't participate in sports at various levels, that there are a lot of very strong convictions, and many rational arguments that pointed very different directions about what should be done. I'm not quite sure how that touches on the day-to-day functionings of being a law dean. And if you can't make that case, I think this is just an unforced error that lends credence to critics who don't like state governments even when they're doing very important and helpful things to improve higher education in their states.

Steven McGuire ([13:57](#)):

Right. That might make a nice segue to our next topic.

Justin Garrison ([14:03](#)):

Another unforced error.

Steven McGuire ([14:05](#)):

Yeah. People listening by now have probably heard that Plato was censored at Texas A&M University. We've talked about this before, but I think there are some good, as serious as the issue is, and we'll get to that. I think there are some good jokes to be made here about the fact that it was Plato who was censored because of course, his character, Socrates in the Republic argues for a pretty serious censorship regime in his account of the ideal state. I think even some of the speeches from the symposium might be things that Socrates of the Republic would say, "Yeah, we're going to have to ban that or censor it."

([14:56](#)):

It's funny that Plato got censored, but at the same time, this is all tied to topics of race and gender and that sort of thing. At Texas, A&M and Plato's Republic, the symposium, there's all kinds of interesting conversations about sex or gender roles in these dialogues. And that's part of the reason that the professor had selected a couple of excerpts from Plato's Symposium to use when he was going to be discussing these issues. And at the end of the day, I think people on a American campus need to be able to discuss these texts and the topics that are contained in them.

Justin Garrison ([15:43](#)):

I love Plato, so I don't know. I guess on one level, I'm not... Don't edit this to say I'm pro-censorship, right?

Steven McGuire ([15:57](#)):

We're just going to clip this, what you're about to say.

Justin Garrison ([16:00](#)):

Yeah, that's right. That's going to be the short. "Garrison is a censorship proponent," and then I get fired.

([16:08](#)):

I mean, in his defense, and I know these things, but other people might not. He's trying to do these things in a way that's trying to bring people to the degree of truth about reality that their soul can bear. And I

know there, well, who's truth? And yeah, yeah, all right, fine, fine, fine, fine, fine. But he's not just out there saying, "Well, I don't like these ideas, so to heck with them."

(16:32):

And part of what troubles me about the way that this can work out on the legislative level and the institutional level sometimes is it's like everyone's in the cave and one side says, "I hate those shadows, but these shadows are totally fine." You're still dealing with the same kind of problem, which is, what are you trying to get people to do? And if I recall, but I know this better than me, so just correct me, some of this is coming from the professor deliberately rebranding things in a way that's meant to attract the attention of this particular provision. And that's not wrong. I mean, that's an academic freedom thing.

(17:17):

But I guess part of what I've gathered in my time here at ACTA is something I believed before I got here, you're going to have more success on a practical level if you're augmenting things rather than excluding things. And Plato, in some sense, could be a wonderful antidote to thinking about a number of questions that have gone in a very ideological direction on college campuses.

Steven McGuire (17:44):

Well, that's exactly the point, I think. I'll back up a little bit and just talk a little bit about what's happened and then get back to that point just in case listeners aren't up to speed on this. But there's been a series of issues at Texas A&M. Without going back too far, there was the story not so long ago about a professor who is teaching about gender issues in a course on, I think it was young adult literature, and a student filmed an interaction she had with the professor. I think the gender unicorn was involved or something like that, if you've seen that before. And went public, went to some politicians, it blew up on social media. The university president ended up leaving because of this. The professor was let go because of this, she's now actually suing so we'll see how that plays out. So that was kind of a big deal.

(18:39):

And then I think as part of the response to that, this policy got passed by the trustees at Texas A&M or got revised and added to basically saying that they're not going to have classes that advocate for certain things when it comes to topics like race and gender. And if you look at the policy, it allows for exceptions to discuss these types of things when there's a necessary reason.

(19:10):

The philosophy professor, then he teaches a course on contemporary moral issues, and he spends a couple of weeks on race and gender. And this time around, instead of saying, I forget what the original word was, whether it was issues or philosophies or whatever, he changed it to ideologies, which triggers the language in this policy. And then he added a couple of readings from Plato's Symposium that deal with gender and sexuality and that sort of thing. And he was told that he needed to either modify the syllabus or teach a different class, and that included removing the Plato readings. This is a bad result. I think he has said he teed it up to test the policy and probably what he expected to happen.

(20:00):

But that's a sign that you've got a policy that needs to be revised. And I think it's problematic in general to be wading into the curriculum in this way to try and remove discussion of particular topics. And to your point about being able to discuss these things and how Plato can actually open these things up in a really expansive and interesting and philosophical or intellectual way, I think discussing these kinds of topics in a philosophy class, and if you look at some of this professor's slides from his classes, he always says right off the bat, I'm not here to tell you which side to take. He is there to help you learn how to reason philosophically about important issues.

(20:43):

I mean, it's exactly the kind of approach that you want people taking to these issues. And of course, reading Plato is a help in that regard, not a hindrance. And so it's a really bad outcome from a policy that I think is misguided, and I can say more in a minute, but I think there's other things they could be doing that would be better suited to reform because they're probably not wrong, that there are some issues with ideology and bias and that sort of thing on the campus that maybe could be corrected, but this is an overcorrection.

Justin Garrison ([21:21](#)):

Yeah, it's like a self-defeating policy because it didn't take long for someone to test the absurd, inevitable conclusion of what happens here. I mean, I have a lot of sympathy for anyone who is frustrated with the ideological tilt of many different disciplines. This just doesn't work in practice. It's as I said about Arkansas, it's an unforced error. It's bad publicity. Texas A&M cancels Christmas, or it's just so obviously bad if you are the one saying, "No Plato," that yeah, it's unworkable and it's done. Nothing to help the conversation that we need to have at various institutions about the quality of the curriculum that they offer.

Steven McGuire ([22:20](#)):

Yeah. And then the other thing they've done because of this policy, so a bunch of classes are not being taught. There's another one in ethics that was canceled I think outright after the semester had already started, and then they've closed their women and gender studies program. Now, that is something where trustees obviously can look at the offerings at the university, the degree programs, the departments, all of that. We talked to Marty Kotis about the audit function. These are things that trustees can audit and they can say, "Are we using our resources in the right way? Are we offering students what they need or what they want?"

([22:58](#)):

And if you look at the gender studies program there, it currently has 25 majors. Well, I think Texas A&M has well over 60,000 undergraduate students, so this is not attracting a lot of students. And also, I believe all of the faculty who teach in the program have their primary appointments in other departments, so maybe the person responsible for directing it loses a stipend or a course release or something, I don't know. But I think nobody loses a job because of this.

([23:34](#)):

On the one hand, it's like, okay, if they were to look at their programs overall and readjust some things, and this was one of the programs that they decided they weren't going to offer anymore, that seems like that could be a reasonable thing to do, although maybe not just singling out one particular program like this, and obviously in this case, because of a policy trying to stop people from teaching about certain things. And if you look at the policy, they're trying to stop them from teaching about certain things in certain ways. But what's happening, say with the course that we just talked about is you see, well, really what they're doing is putting a chilling effect on talking about these kinds of things at all.

([24:17](#)):

The flip side of it with the gender studies program though, is how much reform are you getting here for the publicity that you're going to get and the negative reaction that you're going to get. I mean, 25 majors, almost nobody's studying this, at least as a major. Maybe if we were to look at how the classes are filling up, that would be a different story. So I'm not sure how effective on its own that is. And we're in the process right now of looking at Texas A&M in light of our gold standard for freedom of expression, and there is a number of steps on there that they could take that they have not taken yet. And so I think for reform minded trustees at Texas A&M, plenty of things that they could do certainly before something like this that could start to contribute to reforming issues that they see on campus.

Justin Garrison ([25:13](#)):

Yeah, I'm going to invoke a philosopher whose hatred for Plato was only exceeded by his hatred for Christianity. Friedrich Nietzsche, who also definitely wouldn't have been a fan of a women's and gender studies program. He just didn't like anybody except himself. But you raise a really valid point. There are so many things that shouldn't be controversial that A&M and a number of other universities can and should be doing to improve intellectual diversity and freedom of expression on campus. But these moves just read as ideological resentment. The left has been on high, we're going to bring them down, and that doesn't do anything to help people like us. This is really just about me and you and our organization.

([26:07](#)):

It's unhelpful if the optics that are out there and things are already conditioned to want to tell this story anyways, that this is just kind of like a conservative coup trying to take over higher ed. We're not a conservative organization. We're not partisan, and the things that we want people to do aren't conservative things. They're not liberal things. They're prudent things and they're wise things, and this stuff just doesn't help. And it's not as if the problem is just the optics, it's the misguided efforts to address real problems that I think are generating the bad optics here for A&M. I know that, or I suspect that a lot of people who are doing these things, they might have the right intentions, but these means are ineffective and doing no service to the public reputation of the institution, it's just not good.

Steven McGuire ([27:12](#)):

Yeah. They should focus on some other reforms probably, and also rather than trying to censor or cut certain things out, although like I said, there is some room, obviously for reevaluating programs and that sort of thing, they can focus on adding and building. A lot of places are adding these civic centers and that sort of thing, hoping that they will offer students and educational alternative and have some impact on academic culture over time. I don't believe Texas A&M has one of those. So maybe that's the kind of thing that they could do. Look at bringing in professors who will add balance rather than creating a regime of censorship.

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

Yeah. I mean, I don't think I'm going out on a limb in saying Texas is certainly not a blue state, whether it's going to change in a couple of decades, whatever. One way of thinking about your suggestion now is that that's a free market solution to a legitimate problem. If you put people in place, you offer the kind of alternative that people in the state seem to want. It should naturally win out. And we do see centers in other states, at other universities that are doing really well in terms of enrollment and growth because they're offering students something that they're just not getting from enough people in the regular campus or ecosystem.

Steven McGuire ([28:41](#)):

Right. Yeah. Well, hopefully if there are reform-minded trustees there, maybe they'll take up some of these ideas.

([28:52](#)):

All right, well, should we get to our Apparatchik of the month and our Hero of the People?

Justin Garrison ([28:59](#)):

Yeah, let's do it. Go for it, Steve.

Steven McGuire ([29:01](#)):

All right.

(29:07):

All right. Well, this month we've selected as our Apparatchik Sarah Lawrence College, where Ezra Klein, the New York Times columnist, was recently shouted down and disrupted by students at the college from the local Students for Justice in Palestine chapter. And in this case, they didn't stop the event from going forward, but they did interrupt it. But the most egregious part of the whole thing was that the president of the college was up on campus with Ezra Klein and basically sat there silently through the disruption. And only after the students left or were ushered out, did she say anything. And she turned to Klein and jokingly said, "Welcome to Sarah Lawrence."

(29:54):

Just a completely unserious response. I believe she did issue some kind of statement after the fact saying that there would be discipline or at least an investigation, I won't say discipline, but at least some kind of investigation. But the damage is really already done because that kind of a response to that, just making light of it almost like, "Oh, kids will be kids," or something like that, just suggests to everybody that this is okay or typical behavior at the college. So I guess we'll wait and see where the investigation leads, but if it doesn't lead to very serious consequences for the people who are engaged in this behavior, I think she was right that this, welcome to Sarah Lawrence, this is the character of the place.

(30:44):

And of course at ACTA, we have all kinds of suggestions for policies that colleges can have, and we constantly insist that they should actually enforce these policies to protect free expression. There's a lot of people on campus who are there to hear Ezra Klein speak, not to hear these yahoos yelling at them. It was funny, Ezra Klein tried to engage them, so credit to him for that I guess, although it just displayed once again that these people aren't interested in dialogue.

(31:15):

In fact, one of the reasons they were protesting him is because he's had dialogue with people who they don't agree with. At one point, he said to them, "I don't think you know what I think."

(31:27):

And I had to laugh because I'm like, "Yeah, I don't think they do either." They just got the signal from somebody that they're supposed to protest this guy and showed up. And when he tried to engage them, they didn't know what to do. They just started yelling at him again.

(31:41):

But the real culprit here, I think is the president and the college leadership that they've allowed this kind of behavior to take place on campus, and that they have not responded to it in a way that makes clear that it's unacceptable.

Justin Garrison (31:58):

Well, you know that it's hard times. If a New York Times journalist can't get a fair shake on a liberal arts campus, I mean, what is the world coming to?

Steven McGuire (32:06):

Yeah. If he's beyond the pale, I mean, you might as well just close up your campus.

Justin Garrison (32:14):

Well, so if that was our Apparatchik of the Month, then it's my turn to do the Hero of the People Award.

(32:25):

And the hero of the people that we've selected for this episode is Haverford College. Why? Because if you ran what Steve just said backwards, you would hear a story of leadership and effectiveness and doing the right kinds of things on campus. Much like the Ezra Klein incident that Steve just talked about, Haverford College had a Jewish journalist on campus to give a presentation, and there was an effort to shout him down. He tried to engage with the protesters as you were talking about Ezra Klein doing. Once again, protestors not terribly interested in that, but Haverford College didn't just let that unfold and say, "Welcome to Haverford, it's Sarah Lawrence but different," or something like that, the people were quickly taken out of the auditorium and the event went on.

(33:16):

Haverford College has banned two people from campus indefinitely. These were people who are not students, they were part of the general public or whatever that were there, but they identified them, they're no longer allowed on campus. So if they return to campus, local police will be notified that someone's trespassing. The event went forward and the disruption failed.

(33:38):

And one of the things that I wanted to read out, because this is embedded in the story from The College Fix, this is from an employee at the Foundation for Individual Rights and Expression. This person says, "Wonder why you haven't seen headlines about a would-be shout down at Haverford College? Because they did the hard part well. They named the policy violations, explained the free expression values at stake, and updated on the outcome specific, principled, transparent leadership matters."

(34:08):

Amen. That's all this is, right? I mean, the idea that having policies about disruptive conduct is going to prevent people from trying to do that, that's not what ACTA says, that's totally unreasonable. You can't force, stall, prevent people from making bad choices. But what you can do is enforce your policies in a viewpoint neutral manner when those disruptions happen. And Haverford seems to have done exactly that, and they didn't dither for weeks with vague promises about maybe there'll be an investigation. They investigated. They have found people who are responsible, and they've done the appropriate things to balance the important and legitimate free expression rights of their campus community with the rights of other people to hear what someone invited to campus has to say. So blast facts, kudos all around to Haverford College for doing what should be common sense for all university leadership, but unfortunately just isn't.

Steven McGuire (35:11):

Yeah, great stuff. We've got a tale of two colleges here this month. But yeah, and I think Haverford's had some issues in the last few years as well. This is a really good sign that they've recognized that and hopefully are trying to turn the ship around, and Sarah Lawrence unfortunately hasn't gotten the message yet.

Justin Garrison (35:33):

The ship is still sinking.

Steven McGuire (35:35):

Yeah, despite still facing a federal civil rights investigation and a Congressional investigation in the case of Sarah Lawrence.

Justin Garrison (35:44):

Stay true to yourself, I guess.

Steven McGuire ([35:49](#)):

All right, well, it's been another fun episode of Radio Free Campus. On the next episode, we're going to be interviewing Sam Abrams, who is a professor at Sarah Lawrence College so we'll get his take on the Ezra Klein disruption as well as his thoughts more generally on the problem of antisemitism on American campuses, as well as how it's related to problems of intolerance and a lack of free expression and that sort of thing, so I'm looking forward to that.

Justin Garrison ([36:22](#)):

KBO, boys and girls, see you next time.

Speaker 4 ([36:27](#)):

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Speaker 1 ([37:03](#)):

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