

THE RETURN OF “FREE SPEECH” WARS TO MADISON

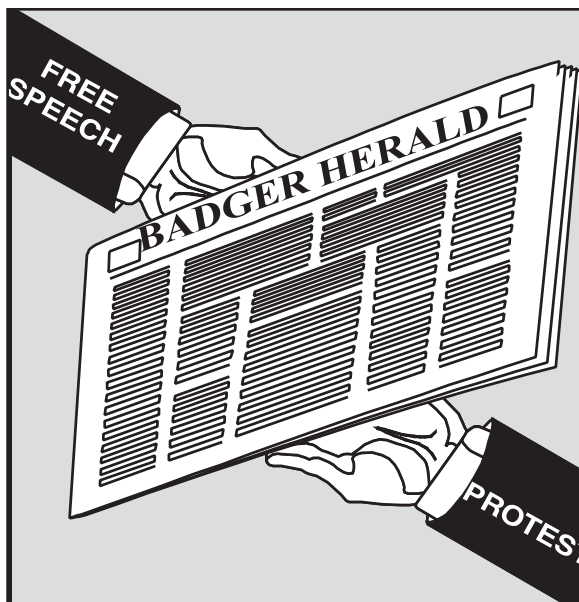
PHILIP J. McDADE

The culture wars are back at the University of Wisconsin-Madison.

In March, dozens of students stormed the offices of the student-run *Badger Herald* newspaper, calling the paper racist and demanding the resignation of the editor-in-chief. The *Herald's* offense? Printing David Horowitz's by-now-famous advertisement: “Ten Reasons Why Reparations for Blacks is a Bad Idea for Blacks — and Racist Too.”

Of course, protests by the perpetually aggrieved left of the UW-Madison campus are nothing new. Starbucks coffee shops, Reebok sweatshirts, and genetically engineered agricultural products have all been targeted in recent years by the campus leftists. Sandal-wearing, bandana-clad protesters regularly camp out at the UW-Madison chancellor's office, on the Library Mall, and even at UW Board of Regents meetings.

But the protests against the *Badger Herald* represented a new turn in the perennial political correctness wars on campus. An independent newspaper, publishing an advertisement that fell well within the bounds of mainstream political debate, was targeted by protesters for



simply exercising its First Amendment rights. To many campus observers, the *Badger Herald* protest represented a new and disturbing turn on a campus where “sifting and winnowing” — the tradition of hearty, full-fledged, open debates — is usually viewed as a sacred right.

The protesters demanded that the *Badger Herald* be punished. Among

the more alarming demands — having UW-Madison administrators remove the newspaper from campus newsstands. The free paper is distributed widely throughout campus.

The protesters were apparently emboldened by similar demonstrations at leftist havens like the University of California at Berkeley. There, after the student-run *Daily Californian* had published Horowitz's ad, campus activists took to the newspaper's office in protest. The newspaper capitulated, writing a front-page apology for running the ad. Similar apologies have appeared in campus newspapers at the University of California-Davis and Arizona State University. Protests have followed the ad's publication in student newspa-

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pers at elite campuses like Brown University and Duke University.

The *Badger Herald* issued no apologies. Indeed, the *Herald* editorialized on the day of the protests that it had no intention in caving in to the demands of demonstrators. The *Herald's* defiance in the face of protests made national news. A week after the protests, Editor-in-Chief Julie Bosman wrote a column defending the *Herald's* running of the Horowitz ad for the high church of the anti-PC movement — the editorial page of the *Wall Street Journal*.

Bosman said Horowitz's ad, dubbed racist and characterized as hate speech by protesters, fell clearly within the bounds of acceptable advertising for the *Herald*.

"We have a pretty open advertising policy," she said. "I would certainly do it again."

Horowitz's ad was a response to the growing demand among American Black leaders for reparations to pay for the injustice of slavery. Black leaders such as Randall Robinson said the nation owes a debt to the descendants of American slaves. Some Black commentators have equated reparations to the payments — albeit on a much smaller scale — made to victims of the Tuskegee, Alabama, syphilis experiments, or those being considered for descendants of race riots in Tulsa, Oklahoma, in the 1920s. Some Black congressmen have said the federal government should consider reparation payments.

Horowitz is a particular thorn in the side of the left and especially the African-American left. His political views have swung from the militant left (he once admired the Black Panthers, for instance) to the pugnacious right. He has particularly soured on racial politics; for instance, he argues that many of the nation's Black leaders have moved from a stance of calling for civil rights improvements to one of fostering the view that Blacks are perpetual victims of a permanently racist America.

Some of Horowitz's 10 reasons opposing reparations seem dubious. He views welfare

payments to Blacks, for instance, as a form of reparations. As political commentator Mickey Kaus pointed out, Horowitz seems to forget that many states initially discriminated against Blacks when starting up welfare programs.

But many of Horowitz's arguments against reparations fall well within the mainstream debate about reparations and, more broadly, race relations. His view, for instance, that reparations would only serve to broaden the country's racial divide parallels many of the arguments made by opponents of affirmative action programs.

The publication of Horowitz's ad brought about an all-too-predictable response, both at UW-Madison and other college campuses. UW-Madison protesters claimed the ad, and the *Badger Herald* editors who published it, created a hostile climate for Blacks and other minorities on campus.

"They're not addressing how their opinion is affecting the campus environment," UW-Madison senior Jayson Pope told the *Milwaukee Journal Sentinel*.

The ad brought even more dismaying comments from other campuses. At Brown University, long known as the most left-leaning of the Ivy League campuses, the ad's publication prompted student protesters to steal 4,000 copies of the *Brown Daily Herald*. One teaching assistant in the university's Afro-American Studies Department characterized the ad as a "racist attack on Black students" and said students on campus "can't perform basic functions like walking and sleeping because of this ad." Professor Lewis Gordon of the university's Afro-American Studies Department labeled the ad "hate speech," and dismissed complaints about the stolen newspapers. "If something is free, you can take as many copies as you like."

While the UW-Madison student protests failed to sway the *Badger Herald*, the tactics have worked on other campuses. Horowitz, on his website that tracks the ad's publication, said 18 campus newspapers have rejected his ad, including papers at leading universities

like Harvard, Penn, Columbia, Virginia, and Notre Dame.

The ad will also likely never see the light of day at UW-Madison's other campus newspaper, the *Daily Cardinal*. Horowitz did not approach the *Daily Cardinal* to run the ad. But *Daily Cardinal* business manager Eric Storck, in an interview with Salon.com writer Joan Walsh (herself a *Daily Cardinal* alumna), admitted the *Cardinal* was unlikely to run the ad. (Ironically, the *Daily Cardinal* had published a response ad to Horowitz's ad submitted by the UW-Madison Multicultural Student Coalition. The *Badger Herald* refused to run the coalition's ad, saying parts of it were false and represented an attack on the *Herald* and specific personnel at the paper.)

"There's anger on campus right now," Storck told Walsh. "Given the circumstances right now, it would be inappropriate for us to run the ad. With the discussions regarding race on campus, it's just not an appropriate ad. The Multicultural Coalition is very upset."

Responses like that have drawn howls of ridicule from conservative commentators around the country. But they have also drawn criticism from the left. Harvard alumni and liberal *New York Times* columnist Anthony Lewis, joined by historian David Halberstam, recently chided the *Harvard Crimson* student newspaper for its unwillingness to print Horowitz's ad. In Wisconsin, Matt Rothschild, editor of the Madison-based *Progressive* magazine, chided his fellow leftists for their protests against Horowitz's ad.

"These responses show what little respect there is for the free exchange of ideas on campus — and, I'm sorry to say, among segments of the left," Rothschild recently wrote.

Rothschild's magazine is a prime example of how the left can be hypocritical when it comes to publishing controversial material. The *Progressive*, in a landmark First Amendment case, went to court in the 1970s to publish details on the making of nuclear weapons. Given the magazine's political leanings, it's doubtful the *Progressive's* editors thought building nuclear weapons and using them was a good idea. But the *Progressive* fought to publish the material, in pursuit of another noble First Amendment cause — that our government shouldn't keep secrets of national importance. The Madison left at the time cheered the *Progressive's* efforts to publish the article on the making of a bomb.

Rothschild noted what few of the student protesters seem to recognize — that free speech is often uncomfortable. He quoted former U.S. Supreme Court Justice William O. Douglas, who defended free speech on the grounds that it ought to invite dispute and unrest.

"Our tradition of free speech in this country is to protect the expression not only of views we agree with, but also those

we abhor," Rothschild wrote. "And whether abhorrent speech inflames or not is really besides the point . . . The proper response to bad speech is good speech. To resort to intimidation, to engage in gang suppression of speech, is an old and discredited tactic of brownshirts everywhere. It's a tactic that ill fits the left and does our cause no good."

To UW-Madison philosophy professor Lester Hunt, the protests over the *Badger Herald* reparations ad had an all-too-familiar familiar ring to them. Hunt was one of a handful of UW-Madison professors who fought successfully two years ago to get rid of the univer-

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sity's ill-advised speech code for faculty and staff. Hunt fought to dump the speech code after facing disciplinary procedures for telling a joke in class about the Lone Ranger and Tonto. He was ultimately exonerated, but the code's chilling effect on classroom speech and guilty-until-proven-innocent overtones prompted him to seek its abolishment.

"To think that if somebody publishes something you disagree with, and you should protest that and intimidate a newspaper, that's the same idea behind a speech code," Hunt said.

According to Hunt, there is still a segment on the UW-Madison campus — both among students and some faculty — that view speech codes as necessary and value amorphous goals such as "campus diversity" over First Amendment rights.

"It's like they're in a time bubble," he said. "Their friends have the same attitudes . . . and they take classes from professors with those same attitudes."

Hunt is quick to blame himself and his fellow faculty colleagues for the student protests against the *Herald*.

"The fact that such a thing has happened means we as the faculty have failed them," he said. "It is partly our fault. They certainly haven't gotten a liberal education which has an appreciation for the value of critical thinking."

But Hunt and fellow UW-Madison professor Donald Downs also sense that attitudes toward free speech and the First Amendment on campus may be changing for the better. Sure, a small group of students waged an ill-advised protest against the *Badger Herald*, they said. But the protest seemed to generate little resonance with other students on campus, and failed to captivate the broader campus community.

"I think the First Amendment argument is prevailing here in a way that it wouldn't 10 years ago," said Downs, a political science professor who was at the forefront of efforts to abolish the university's speech code. "Political

correctness hasn't left, but it's tapered off. It's not as prevalent as it was."

The pair cite several reasons for this. For starters, the successful two-year campaign to abolish the faculty speech code went a long way toward educating the university community about the value of free speech and the First Amendment, they said.

"The good thing is that we not only did away with the speech code," Hunt said. "A lot of people learned a lesson — the importance of having diversity of speech and not just diversity of race and other matters."

In addition, there is a growing body of published works — such as *The Shadow University: The Betrayal of Liberty on American Campuses* — that have highlighted the culture wars at colleges and cast their lot with the First Amendment defenders. Liberal commentators like Alan Dershowitz, who bad-mouthed UW-Madison's speech code in a 1996 campus appearance, have joined conservative commentators in creating a left-right phalanx in defense of free speech and the First Amendment.

But Downs also said more UW-Madison faculty are willing to speak out publicly in defense of free speech, and against Orwellian intrusions on the First Amendment. To cite one example, Downs said faculty pressure led to the banishment of "anonymous complaint boxes" that had sprouted up on campus last year. The boxes were designed, in part, to provide easy access to students for registering complaints against faculty. But as Downs pointed out, the complaints could be made anonymously, and a permanent university record, possibly accessible to the public, would be created.

The system had all the trappings of a scenario — unlikely, but still possible — in which students could wage vendettas against faculty members through anonymous complaints.

"Who knows what it could lead to," said Downs, who said he occasionally gets threat-

ening telephone calls at home for his outspoken views on free speech. "Someone like me, I worry about that all the time."

Downs and sympathetic colleagues quickly mobilized, and put pressure on university officials to remove the complaint boxes. To his credit, Downs said, newly installed UW-Madison Chancellor John Wiley agreed to get rid of the boxes.

"We said if nothing's done, we've got faculty all over campus who are going to have problems with this," said Downs, who estimated his group of core free speech supporters totals about 15, plus dozens more who are less

vocal but supportive. "We were able to generate a lot of campus concern."

Still, Downs said he and his faculty colleagues remain vigilant on a campus where a 100-year tradition of sifting and winnowing sometimes collides with a tradition of protests nearly as old.

"We're talking about cases that are no-brainers," he said of the *Badger Herald's* decision to publish the Horowitz reparations ad. "It's up to people like us to support it. Otherwise bullies are going to prevail. I don't think this is going to go away. The battle lines are drawn."