



## Critical Mass

Over the years, UMass Amherst has proven to be a reliable hotbed for political hypocrisy and squelching of free speech

By [KYLE SMEALLIE AND HARVEY SILVERGLATE](#) | November 18, 2009

If free speech is what gives value to the campus "marketplace of ideas," UMass Amherst would long ago have gone bankrupt.

Last week's bizarre back-and-forth regarding former militant activist [Ray Luc Levasseur's](#) speaking appearance was just the latest First Amendment dustup on the western Massachusetts campus. The school's fifth annual [Colloquium on Social Change](#), which specifically addressed the 20th anniversary of Levasseur's historic sedition trial, was to have featured Levasseur, members of the jury who acquitted him, and academics. The event went ahead last Thursday, but with one notable absence: Levasseur. (His ex-wife, Pat, also a '70s activist, spoke in his stead.)

No matter the last-minute lineup change; it was perhaps inevitable that the events preceding the lecture would end up overshadowing it. Levasseur's invitation, extended months in advance by the UMass Amherst Libraries, was [withdrawn](#) by the library group on November 5 — after Governor Deval Patrick's office told school officials that reneging on the invite "was the right thing to do." Four days later, a group of faculty [re-invited](#) the controversial speaker in the name of academic freedom. Administrators [squirmed](#), but recognized that, because UMass is a *public* university — and hence covered by both the federal First Amendment and its even more potent state constitutional free-speech protection — they would not be able to block an already-issued faculty invitation.

Then, the day before the event, the US Parole Commission, in an unusual move surely aimed at keeping Levasseur from showing up, [ordered](#) the parolee not to leave his home state of Maine. The show would go on, without the main attraction.

In the end, it was outside powers that barred Levasseur from campus. But the expressed philosophy and initial actions by UMass administrators who sought to censor the divisive speaker remain perhaps the most shameful display of campus cowardice in recent memory. To be sure, UMass is not alone in backing down amid controversy. Similar rescinded invitations were witnessed earlier this year at [Boston College](#), with former militant activist William Ayers, and [Clark University](#), with controversial Holocaust scholar Norman Finkelstein. But those Bay State institutions are private; though they are morally and ethically bound to respect academic freedom, the argument that they are *legally* required to do so, based on state contract law, is much weaker.

UMass, meanwhile, is subject to the state and federal free-speech guarantees. As a public university, it cannot censor a speaker unless he or she incites imminent lawless action. Nonetheless, in the Levasseur incident, virtually everyone involved — UMass administrators, the president, and even the faculty — displayed political hypocrisy at best, and a profound lack of understanding of the virtues and ideals of free speech at worst.

### **Political opportunism**

First, though, there was the governor. Patrick essentially [pressured](#) the state's flagship public university to violate the First Amendment and censor the invited speaker. Patrick himself was reportedly under pressure from local and national police associations, which claim that the group that Levasseur co-founded — a now-defunct Marxist organization called the United Freedom Front, which authorities say carried out 20 bombings and nine bank robberies — was responsible for the 1981 shooting death of New Jersey state trooper Philip Lamonaco. (Lamonaco's widow, Donna, was there on Thursday protesting the forum, along with 100 others.)

Patrick isn't very popular with police associations (remember those [civilian flaggers](#)?), and with a likely contentious re-election campaign only a year away, his outreach effort smacks of political opportunism. What else would cause this Harvard Law-educated governor to advocate unlawful censorship? He did, after all, take an oath to uphold the state constitution.

As for school administrators? Despite a long list of Supreme Court opinions supporting their right to host controversial speakers, these risk-averse university bureaucrats initially capitulated to the demands of law-enforcement unions and other [outside groups](#). And when the faculty group decided to re-invite Levasseur, UMass President Jack Wilson released an astoundingly apologetic pseudo-defense of freedom: "[W]e see no way of preventing a speaking appearance, based on the free-speech and free-assembly rights we enjoy in this country," according to a November 10 [statement](#). In other words: our hands are tied — let freedom ring!

Even UMass faculty is not without blame. In this instance, some correctly identified the threat posed to academic inquiry when the pressured library group initially rescinded the invitation. But faculty outrage on this campus has been notably absent during *other* instances of viewpoint censorship, especially from the political "right."

Earlier this year, for example, former *Boston Herald* columnist Don Feder was invited to speak by the UMass Amherst Republican Club. Anticipating protests, UMass officials charged event organizers an extra \$444.52 for security. (Heckling students still forced the speaker to [cut short his lecture](#), alas.) The school's blatant content-based distinction in licensing Feder's speech raised no discernible faculty ire. It was not until a *Boston Globe* [op-ed](#), written by the vice-president of the Foundation for Individual Rights in Education ([FIRE](#)) — a nonprofit and nonpartisan group that defends academic freedom — publicized the clear First Amendment violation that UMass officials [refunded](#) the increased fee. (Disclosure: the co-authors of this piece have connections to FIRE: Silverglate is its co-founder and current Board chairman, and Smeallie is a program associate.)

Consider, too, an incident from the 2004 student-government presidential election. One candidate, Patrick Higgins, opposed a program for a certain number of student-legislature seats to be reserved for minorities. For this, his opponents labeled him a racist.

At an election party, Higgins's supporters drew a caricature of him resembling a Ku Klux Klan member with an asinine facial expression — an obvious parody of the racism accusations. Months later, a student discovered photographs, some of which included the caricature, on Higgins's personal Web page and brought them to the attention of administrators. Higgins was charged with racial "harassment" and pressured into resigning from his position in the student government. Again, faculty resistance to the punishment over these parodic pictures was virtually nonexistent.

### **Inevitable repetition**

For freedom of speech to function, its supporters must be willing to apply it equally, especially to speech with which they disagree. Though the Leveseur incident saw faculty asserting its academic freedom rights — as the UMass administration kowtowed to outside pressure — it also exposed the professoriate as one-sided. Defending only controversial speech on one half of the political divide is a formula for hollowing out this time-tested constitutional guarantee and academic axiom.

In the late 1970s, Angela Davis, a Communist activist, was invited to speak at UMass. The administration — equally at odds with First Amendment freedoms as the current leadership, but leaning to the political right — forced Davis to pay for her own security. It's only a matter of time before what goes around comes around.

There is a certain irony, then, in seeing a faction of the UMass faculty appear to come to the rescue of free speech and academic freedom, knowing that the same faculty cannot be counted on when political speakers whose views they *disapprove* of are threatened. And so, when dealing with that hotbed of censorship known as UMass Amherst (faculty, administration, and even many students, alas), not to mention the governor and the US Parole Commission, all one can do is hearken back to Shakespeare, who succinctly observed (and we paraphrase): a pox on all their houses.

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