April 23, 2024 / Columbia’s free-speech fight

[HALF SECOND OF SILENCE]

[BILLBOARD]

SEAN RAMESWARAM (host): The school year’s winding down but the protests are heating up.

SCORING <Final Push (a)>

SEAN: There’s the encampment at Columbia.

*<CLIP> STUDENT CHANTS: Up, up with liberation!  
LEADER: Down, down with occupation!   
CHANT: Down, down with occupation!*

SEAN: Then there were the arrests at Columbia.

*<CLIP> COLUMBIA STUDENTS: NYPD, KKK, I don’t want you round this place!*

SEAN: And that only made things messier at Columbia.

*<CLIP> NEWSREEL: …as demonstrations continue on university campuses, New York’s Columbia University announcing all classes will be held virtually today. University president Minouche Shafik issuing a statement saying ‘We need a reset to de-escalate the rancor.’*

SEAN: And campuses across the country noticed.

*<CLIP> NBC: Clashes and arrests from the streets of New York to the University of Minnesota to Cal Poly Humboldt.*

*<CLIP> YALE STUDENT PROTESTS: Get up, get down, we’re anti-war in this town!*

*<CLIP> CAL POLY PROTESTS, ABC7: Get the fuck out! Get the fuck out! Get the fuck out!*

SEAN: We’re gonna try and figure out what the latest campus clashes tell us about the state of free speech at American universities on *Today, Explained*.

[THEME]

*<CLIP> TODAY, EXPLAINED PRODUCER VICTORIA CHAMBERLIN: This is Today, Explained.*

SARAH HUDDLESTON (Columbia student journalist): My name is Sarah Huddleston and I am a university news editor for the Columbia Daily Spectator, and I'm currently a junior in Columbia College.

SCORING <A Dolphin Most Serious>

SARAH: Currently, campus is closed to non-affiliates, which means you need a Columbia ID card to swipe in to campus. This has been the case for over a week. Our classes are also being held virtually at the moment.

*<CLIP> DEMOCRACY NOW: Columbia University has canceled in-person classes as campus protests over Israel's war on Gaza enters a sixth day.*

SARAH: Our university president was called to testify before Congress last Wednesday alongside the co-chairs of our board of trustees and the dean emeritus of our law school, David Schizer.

*<CLIP> REP. VIRGINIA FOXX (R-NC): Well, how can we be confident that you will restore order in a safe learning environment? If it took you months to send warning letters?*

*COLUMBIA PRESIDENT NEMAT “MINOUCHE” SHAFIK: I have absolutely no hesitation in enforcing our policies.*

SARAH: There have been ongoing protests since October of last year.

*<CLIP> COLUMBIA STUDENT NADIA ALI: I think it's important that we make our voices heard. And also for people over there to know that they're not hidden, even though they're hidden from American media, we still very much think about them and we share their struggle.*

SARAH: Those protests were co-organized by our chapter of students for Justice in Palestine and Jewish Voice for Peace.

*<CLIP> COLUMBIA STUDENT: We will not be leaving from our position until our school divest from all funds that are going to this genocide…*

SARAH: And now they are demanding the removal and, of NYPD presence and the reversal of disciplinary action taken against protesters involved with Wednesday's Gaza solidarity encampment on our South lawns. And as I'm sure you know, on Thursday, our university president authorized the New York Police Department to sweep the encampment, leading to the arrest of more than 100 students.

*<CLIP> ABC NEWS: Tonight, NYPD officers descending on Columbia University, arresting dozens of pro-Palestinian protesters.*

*STUDENT: I'm just standing here, why are you doing this to me?*

SARAH: Those students are facing interim suspensions. And then outside the gates of the university, there continue to be more protests, mainly organized by non-affiliates, outside organizations.

*<CLIP> EYEWITNESS NEWS ABC7NY: And only a gated fence separates the crowd outside from some of the students inside, chanting in unison. Some of the chanting we're hearing: “Hands off the Middle East,” “Palestine will be free.” And those chants also include some choice words for the university's president, Minouche Shafik, and those who support Israel.*

SCORING OUT

SARAH: We've also had members of Congress on campus this week, members of the White House weighing in on what's happening at Columbia.

SEAN: Including the president of the United States!

SARAH: Including the president himself. Twice. <laughs>

*<CLIP>NBCNEWS REPORTER: Do you condemn the anti Semitic protests on college campuses?*

*PRESIDENT JOE BIDEN: I condemn the antisemitic protest. That's why I've set up a program to deal with that. I also condemn those who don't understand what's going on with the Palestinians.*

SARAH: We also had the speaker of the House, Mike Johnson, weigh in, Senate Majority Leader Chuck Schumer weigh in. So definitely going back to that national spotlight, we can see it with the voices that aim to have a stake in what's going on at Columbia.

SEAN: Can you help people understand why the NYPD was called in to deal with this… encampment? To deal with this protest?

SARAH: So Columbia has a very specific way in which presidents can authorize NYPD onto campus. Given the fact that Columbia is a private institution. So New York Police Department personnel just can't walk freely onto campus, they have to be invited in.  
  
SEAN: Huh.   
  
SARAH: And that invitation can only happen if the president identifies a clear, present danger.  
  
SEAN: Hm.   
  
SARAH: And if she consults with the executive committee of our university Senate, which is one of our governing structures.

SEAN: Okay. So it isn't just pick up the phone, call 911.

SARAH: No. No.

SEAN: Speaking of, I hear them. Do you hear them?

SARAH: Yes I hear the sirens. The sounds of New York.  
  
SEAN: <laughs>   
  
SARAH: So, yes, our president, Minouche Shafik did consult with the executive committee. The committee “unequivocally”, and that's a quote from an interview with the chair of that committee, said “no” and did not authorize NYPD presence. But she did consult with the committee, and she identified the “clear and present danger,” not the NYPD.

SEAN: What was the clear and present danger? Was this encampment violent?

SARAH: It was a peaceful encampment. There was a lot of singing, dancing remaining in tents on the lawns.

*<CLIP> AMBI FROM PROTESTS: Disclose! Divest! We will not stop will not rest <fade under + out>*

SARAH: And on Thursday, from what I recall, it was pretty peaceful as well, actually, right before the NYPD began arresting demonstrators, they were sitting in a circle in the middle of the lawn with linked arms, and they were singing and chanting and they did not resist arrest either.

SEAN: Well, tell me this: You're on this campus we're speaking to, I believe, from your dorm room right now.

SARAH: Yes.

SEAN: Does it feel like a dangerous place if you're Jewish, if you're Muslim?

SARAH: We did publish an article recently about an uptick in anti-Semitic incidents that were more so perpetuated by non-affiliates. Right? So I mentioned, like, the ongoing protests that are outside of campus, and there were anti-Semitic jeers or language directed at those students that we did report. One individual yelled at a Jewish student to go back to Poland.   
  
SEAN: Huh.   
  
SARAH: Jewish students also feel and have felt the need to hide religious identification…   
  
SEAN: Hm.   
  
SARAH: …when walking, as well. So if they wear a kippah, or a skullcap or, like, a Star of David necklace, removing it or hiding or concealing it in some way as well.

SEAN: Okay, so that's some pretty ugly stuff going on with these off-campus protests. Can you tell me how that compares to what's going on in this encampment? Because I'm trying to reconcile the things I'm reading from a distance, which is that, you know, there's concerns over student safety, and at the same time, I hear that they're handing out, you know, handmade Haggadahs and holding Seder in this encampment.

SARAH: Perhaps it does stem from the fact that we have multiple Jewish groups on campus – by Jewish, I mean composed of Jewish students – on campus that are advocating for a cease fire or organizing in support of some of CUAD's demands. So, for example, of course, Jewish Voice for Peace last semester, a group CU Jews for Ceasefire, also formed. And so there is a presence of either Jewish students who may identify as anti-Zionist or non Zionist participating in the encampment holding, like you mentioned, on Monday evening, they held a Seder service, a Passover Seder service in the encampment. They held a Shabbat dinner as well. And so you do see a bit of that solidarity that perhaps isn't as necessarily represented by national media in regards to current on-campus protests as well. From the beginning, SJP and JVP organized very closely with each other. All of their protests were co-organized. In the encampment, they have a set of community guidelines, and one of the most important is to not engage with counter-protesters, for example, that may be egging them on, or taunting them and to always de-escalate as well. So it is a value that they hold to, publicly.

SEAN: Do you think it ends when semesters and quarters end in a couple weeks? Does everyone just go home and does this pick back up in August and September?

SARAH: Well, for Columbia, our last day of classes is this upcoming Monday, so we have less than a week left of class. Something to also consider is that there is a university incentive to move protesters off the lawns, because they have to set up that space for our commencement ceremonies as well. In the backdrop of these encampments are staff putting up like bleachers to hold commencement on campus as well. So it's something to note. I don't know if I could say for certain whether or not protests will stop when classes end or if they'll keep continuing. I think perhaps things are a bit of a standstill right now. Students continue to be camped out on the lawns. There's very little public safety presence around the lawns at the moment, so it is a little bit of a waiting game, I would say, and I myself am curious to see what the next steps are, both of the students and of the administration.

SCORING <A Slow Swirl to Safety>

SEAN: Sarah Huddleston. Columbia Daily Spectator. Columbia Spectator dot com.

Free speech on campus, when we return on *Today, Explained*.

[BREAK]

*<CLIP> ANIMAL COLLECTIVE, “COLLEGE”: You don’t have to go to college.*

SEAN: *Today, Explained.* Sean Rameswaram joined now by Irene Mulvey. She was a professor of mathematics for 40 years before she became the president of the AAUP.

IRENE MULVEY (AAUP President): The American Association of University Professors is an organization of about 45,000 members in campus-based chapters that's been around since 1915.

SEAN: Their mission is to protect academic freedom and support higher education as a public good. We asked her if that job had become more difficult since October 7th.

IRENE: Yes, it has become more difficult since October 7th. Although I would say: our job of protecting academic freedom and protecting higher education from outside interference has always been difficult. There's always been political interference into higher education, and that's why we were founded.

SCORING <These Boops Remain Neutral>

IRENE: In the past, the interference into higher education has been targeting individual professors: You know, a wealthy donor doesn't like somebody's research, and they want to get them fired.

*<CLIP> CNN, JOAN DONOVAN: Harvard tried to destroy my career. I believe it was just the decision of the dean to terminate me because I was making trouble for the donors.*

IRENE: Or somebody speaks up at a faculty meeting, criticizing the administration. And the administration doesn't want them to get tenure. What we're seeing now is an escalation in that it is really the entire enterprise of higher education as a public good in a democracy is being attacked.

*<CLIP> FLORIDA GOVERNOR RON DESANTIS (R-FL): So this bill says: the whole experiment with DEI is coming to an end in the state of Florida.*

IRENE: We're seeing attacks at the state level with the legislation that will censor content – you know, the – we call these educational gag orders, where there's legislation that says what can be taught or learned in a college classroom. State-level legislation.

*<CLIP> CBS: Each college will have to review their curriculums, and must look into topics based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States…*

IRENE: That's just outright censorship and the kind of thing you see in an authoritarian society, not a democracy.

SEAN: Mm.

IRENE: Then we're seeing these hearings from the… The House Committee on Education and the Workforce has dragged these presidents in front of the committee, for a performative witch hunt of a hearing.

*<CLIP> REP. ELISE STEFANIK (R-NY): Ms. McGill, at Penn, does calling for the genocide of Jews violate Penn’s code of conduct, yes or no?*

IRENE: And that is an escalation, because those are private institutions. So it's a remarkable escalation for the federal government to be, intruding into what's happening at private colleges.

SCORING OUT

IRENE: To think about how professors are feeling about what's happening now – how professors are feeling about these protests – we need to think about how professors feel about higher education. And so what professors are thinking: that in higher education, we should have a robust exchange of ideas in which no idea is withheld from scrutiny or debate.

SEAN: Mm.

IRENE: Our students right now have very strong feelings about what's happening in the Middle East. They are attempting to have that robust exchange of ideas about what's happening. And I think as faculty members, we support that. Students on a campus, the students are learning from professors. They're learning how to conduct research on their own. They're learning how to analyze arguments. They're learning how to think critically about complex matters. And they have thoughts about what's happening right now in the Middle East, in the world, on their campuses, with regard to what their campuses are doing to support what's happening in the Middle East. Faculty members are supportive of this. This is what academic freedom means, the most open and robust exchange of ideas and arguments to support those ideas.

SEAN: So it sounds like you don't support the president of Columbia University calling in the NYPD to make arrests at a peaceful protest.

IRENE: <deep breath> Um, that's an understatement.

SEAN: <chortles>

IRENE: I think what the Columbia president did was the most disproportionate reaction that I've ever seen.

SEAN: Huh!

IRENE: I mean, these – my understanding is these were peaceful protesters on an outdoor lawn on a campus where they pay a lot of money to attend, and she had them deemed as trespassers. And invoked a statute where she has to argue that they are a clear and present danger to the functioning of the institution in order to allow the NYPD on campus. It was a disproportionate response. And the most important thing is her response is doing the opposite of what's supposed to happen on a campus. Her response silenced the voices of the students. Her response suppressed the speech and suppressed the debate. It's the absolute opposite of what should happen on a college campus, and it was extremely disappointing.

SEAN: If you had been in her position as the president of Columbia, and you were dealing with these protests. And also, you know, on the opposite side of the spectrum, on the opposite side of the campus, people saying they feel unsafe, that there's anti-Semitic slogans, that there was a protest outside where a Jewish student was told to go back to Poland. How would you have navigated these, these competing forces?

IRENE: Yeah, well, it's not easy. Let, let's be clear. There's no easy answer to what's going on here. But the principle behind anyone's response should be education. Should be speech. Should be debate. Should be ideas being put up for justification. And, you know, there could be some kind of forum for the students. Of course they have to protect the safety of all students. They have to keep students safe. But, uh, if the way you're choosing to keep students safe is by suppressing somebody else's speech, that's a false choice. You don't have to suppress speech to keep students safe. I agree that these are difficult situations. And I know all of these campuses where these things are happening – Columbia, NYU, everywhere else. Yale – these campuses and these presidents will espouse academic freedom and free speech at the drop of a hat. But if you're not standing up for those principles at times like these, then those words are completely meaningless.

SEAN: It's interesting because I think what we're seeing here is the clearest evidence that we haven't quite figured out where the line is on protecting students versus free speech versus the open discussion of ideas. And I think the president of Columbia, Minouche Shafik, made that point in an op-ed in the Wall Street Journal: That universities haven't figured this out. The Supreme Court hasn't figured this out, and it shouldn't be on universities to figure this out. Do you have some idea of where the, the line is between the open academic discussion of ideas and something that could be dangerous for students and thus not permitted?

IRENE: The way to think about it is: In situations like this where there are polarized views, there are, you know, really strong feelings for very good reasons, not all the speech is going to be, uh, speech that makes you comfortable and speech that … it can be messy. I mean, academic freedom and free speech can be messy. And so I think you have to err on the side of allowing the speech and allowing the debate and allowing the discussion. When it veers into something that doesn't feel good, then someone should speak up and say that. But silencing voices because you don't like what they're saying is a very dangerous, slippery slope that we do not want to get onto.

SEAN: You know, one thing I’ve found heartening following these protests on college campuses for six months is that they've mostly been peaceful. They haven't been violent. Now, that being said, <sigh> if I'm a Jewish student walking across campus and someone says, “Go back to Poland!” I might start to feel unsafe. If I'm a Muslim student and someone's doxing me because of my attending a protest, I might start to feel unsafe. How do college administrators navigate safety, which feels sort of amorphous sometimes, in a free speech environment?

IRENE: Yeah. Administrations – universities – have an obligation to address issues of harassment and hate speech…

SEAN: Mm.

IRENE: …through their policies that have been in place for decades. Because, you know, hate speech didn't just arrive on campus since October 7th. We've had to address issues like this for decades. And so campuses have policies to address issues like that. And their obligation is to keep the campus safe. And for the most part, I feel the protests that I've seen have been peaceful. But again, it's a messy situation, the important way to handle it is to stand back on principles of academic freedom, free speech and keeping the campus safe, and addressing issues of hate speech through policies that are developed with the faculty.

SEAN: You were a professor of mathematics for 40 years – for four decades – I imagine before that, maybe you were a student at a college protest, trying to voice your opinion and embracing free speech.

IRENE: <laughs> Yeah.

SEAN: Do you think with, with all the perspective that you have, that this is just a rough patch that we get over and we're stronger because of it? Or, or do you think we're really going to get bogged down here?

IRENE: Oh, that's a good question. I did participate in protests as a student during the Vietnam War. I was in high school. But, um, this is definitely a rough patch. And where we come out on the end of it is an open question.

SCORING <Scanning the Horizon NO DRONE>

IRENE: I think what's happening is part of a, an agenda to control what happens on campus – not just about the history and policies of Israel. This – what's happening now, this rough patch – is part of a larger movement, the anti-DEI movement, the anti-CRT movement, which is intended to censor or control what can be learned in a college classroom and what can be taught on campus. And I think that's the real danger. That's the real danger: that broader movement, which I think would really damage higher education and the role it's supposed to play in a democracy – to be a check and balance on, on, politics.

SEAN: Irene Mulvey. American Association of University Professors. Byrene.

IRENE: Bye – Nice to meetchy – Byrene, I love it. Okay. Heh.

SEAN: Today’s episode was produced by Hady Mawajdeh and Amanda Lewellyn, edited by Amina Al-Sadi, fact-checked by Anouck Dussaud, and mixed by David Herman.

This is *Today, Explained*.

[10 SECONDS OF SILENCE]