

**COMMITTEE ON ACADEMIC FREEDOM**  
**Comment on Resolution on the Commitment to Freedom of Speech**  
**and Freedom of Expression**

To: Academic Senate, Santa Cruz Division

The Senate Director has forwarded to the Committee on Academic Freedom (CAF) the Resolution on the Commitment to Freedom of Speech and Freedom of Expression submitted by Professor Ethan Miller. Although this resolution was not brought to CAF by Professor Miller, CAF's charge is described in part as "studies and reports upon any conditions within or outside the University which, in its judgment, may affect the academic freedom of the University," so it is appropriate for us to comment upon it.

At first reading, the resolution seems unobjectionable. It endorses free and open inquiry, freedom of discussion, civility and mutual respect, the exercise of individual judgment, meeting speech one finds objectionable with more speech, and so forth.

On closer reading, however, the resolution is puzzling in the following respects:

1. It mentions academic freedom but does not distinguish it from freedom of speech (for a useful discussion of the distinction, see CAF's web page, [Resources for Thinking About Academic Freedom and Free Speech](#), in particular the article by Joan Scott). In brief, when we are discussing academic freedom, research, accuracy, and care of argumentation matter. As Robert Post, former Dean of the Yale Law School, says in an article linked from the same CAF web page, "Academic freedom is defined in terms of the twin missions of the university; it encompasses freedom of research and freedom of teaching. Academic freedom does not entail the equality of ideas. To the contrary, it is defined as the freedom to engage in professionally competent teaching and research." Freedom of speech covers a much broader spectrum of activity, broadly protected under the First Amendment. CAF therefore expresses our concern that this resolution muddies an important distinction.

2. University policy and procedures already contain multiple robust statements on both academic freedom and free speech. See, for instance, [APM 010](#), [APM 015](#), [Principles of Community](#), and [Exercising Free Speech](#). Of course, working out the parameters of free speech in particular can often engender conflict, and one can ask whether, in any particular instance, the University has struck the correct balance. There may be instances where review of events and procedures for implementing policy might be appropriate, but this is not the subject of this resolution. But the University of California, and our campus in particular, are not lacking in clear guidelines to the rights and responsibilities of community members with respect to free speech and academic freedom.

The resolution offers a list of universities who have adopted or endorsed the statement at <https://www.thefire.org/chicago-statement-university-and-faculty-body-support/>. We do not know whether for any of these universities, this was their first clear statement on the issue; for UCSC, the resolution would be redundant. Pages linked to this one explain that FIRE launched a campaign September 2015, and continuing to the present, writing to "hundreds of faculty members, students, and student journalists at institutions nationwide to build momentum in support of the Chicago statement."

The acronym FIRE stands for Freedom of Individual Expression in Education. A perusal of items gathered under its feature "FIRE's Latest" includes reports criticizing a university attempt at LMU to "burden" the appearance of conservative commentator Ben Shapiro on campus, criticism of speech codes at the University of New Orleans, and similar articles. In

Committee on Academic Freedom, Comment on Resolution on the Commitment to Freedom of Speech and Freedom of Expression

each case the underlying grievance seems to be that campuses are restricting the speech of commentators to the right of center. In short, FIRE appears to have a particular political viewpoint underlying its current free speech campaign; it is not merely a politically neutral sponsor for a statement of principles we can all endorse.

Further discussion of FIRE and its organizational priorities can be found [here](#). This account by Sourcewatch notes FIRE's disagreements with the AAUP about campus Free Speech bills, as well as its funding sources, which include close to a million dollars from the Charles G. Koch Foundation. It describes FIRE as "a major proponent of the [intellectual diversity](#) movement which aims to dismantle the so-called liberal bias in higher academia."

In sum, we offer two observations:

1. Free speech and academic freedom are precious and must be protected. We are fortunate that current UC policy and practices already give our communities the tools to do so.
2. The organization that is promoting this particular statement seems to be somewhat more than a disinterested proponent of free speech and academic freedom. Given what appears to be FIRE's complex political agenda and backing, in our judgment it is not advisable to sign on to a statement that can allow UCSC to appear on a list of FIRE successes on university campuses.

Respectfully submitted;

COMMITTEE ON ACADEMIC FREEDOM

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