

# Statement on Freedom of Speech and Artistic Expression

Thank you for attending this program. The University of Michigan strives to create a truly open forum, one in which diverse opinions can be expressed and heard.

It is the right of the members of the University community, speakers, artists, and other invited guests to express their views and opinions at the University. We will protect the right of individuals to speak or perform, and the rights of those members of the University community who wish to hear and communicate with an invited speaker or artist.

Protesters also have a right to express their opposition to a speaker in appropriate ways, both within the confines of this building and outside the facility. However, protesters must not interfere unduly with communication between a speaker or artist and members of the audience.

If the hosts of this event or University representatives believe that protesters are interfering unduly with a speaker or performer's freedom of expression, those protesters will be warned. If the warnings are not heeded and the interference continues, then the individuals responsible may be removed from the building.

We reaffirm these policies in order to most fully protect the rights of free expression for speakers, and protesters alike, in accordance with the Standard Practice Guide 601.01 Freedom of Speech and Artistic Expression.

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### Statement on Academic Freedom

Academic freedom is the liberty that faculty members must have if they are to practice their scholarly profession in accordance with the norms of that profession. Academic freedom is not a term or a condition of employment; rather, it is based in the institutional structure of this and other universities and is fundamental to their common mission of promoting inquiry and advancing the sum of human knowledge and understanding. Although some aspects of academic freedom are also protected by the First Amendment to the United States Constitution, academic freedom exists, independent of any external protection, as a basic prerequisite for universities to fulfill their mission to our society.

Academic freedom is most commonly vindicated by individual faculty members, but remains first and foremost a professional prerequisite of faculty members as a group.

# Introductory Remarks

## Allen Liu

Chair, Faculty Senate Associate Professor, Mechanical Engineering

# H. Chandler Davis

Honoree

# Anton Shammas

Professor, Comparative Literature and Near Eastern Studies University of Michigan

# Lecture

### Dima Khalidi

Director, Palestine Legal

# A New McCarthyism? Academic Freedom and Palestine

# **Abstract**

# A New McCarthyism? Academic Freedom and Palestine

Amid a nationwide push to curtail the teaching of institutional racism and the dark sides of US history, we can learn important lessons from another subject on which campus communities have long experienced attacks on free speech and academic freedom: Palestine. In what can only be characterized as a "Palestine Exception to free speech," academics, students, and others who speak out for Palestinian rights are routinely falsely accused, investigated, surveilled, harassed, and sometimes suffer severe consequences to their reputations and careers. Right-wing efforts to dictate what academics can and can't say, teach, or write are proliferating. Is this a "new McCarthyism"? What is at stake? What can we learn from Palestinians and their allies whose histories, narratives, and experiences are constantly denied, erased, and criminalized, even in academia? How can we ensure that universities can be bastions of academic freedom, and not enforcers of corporate, lobbyist, and governmental litmus tests?



# Dima Khalidi

Dima Khalidi is the founder and director of Palestine Legal, a nonprofit organization that works to protect people speaking out for Palestinian freedom from concerted efforts to undermine their civil and constitutional rights.

Dima has a JD from DePaul University College of Law, an MA in International and Comparative Legal Studies from the University of London — SOAS, and a BA in History and Near Eastern Studies from the University of Michigan. Prior to studying law, Dima worked at Birzeit University in occupied Palestine, heading a research project on the role of informal justice mechanisms in the Palestinian legal system.

Dima has advocated on Palestinian rights issues in media forums such as The New York Times, The Washington Post, Democracy Now!, The Nation, Al Jazeera, In These Times, and NPR, among others.

# In Honor of Chandler Davis, Clement Markert, and Mark Nickerson

In 1954 the University of Michigan suspended three faculty members for their refusal to give testimony to U.S. House Committee on Un-American Activities. Professors H. Chandler Davis (mathematics) and Mark Nickerson (pharmacology) were fired. The third faculty member, Clement Markert (biology), was retained but censured, and left the university soon afterwards. National AAUP censured the University for these terminations in 1957; censure was removed in 1958 after a new Regents' Bylaw 5.09 on the "Procedures in cases of Dismissal, Demotion, or Terminal Appointment" was adopted.

The University of Michigan Chapter of the AAUP contacted various University officials to encourage the Regents to take appropriate action to clear the faculty members' names. A proposal was sent to the Senate Advisory Committee on University Affairs in October 1989, and endorsed in February 1990.

When it became clear that the Regents would not take action, the Senate Assembly in November, 1990, passed a resolution that deeply regretted "the failure of the University Community to protect the values of intellectual freedom" in 1954, and established the annual University of Michigan Senate Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom.



# SENATE ASSEMBLY RESOLUTION:

# ADOPTED NOVEMBER 19, 1990

The faculty of the University of Michigan affirms that academic and intellectual freedom are fundamental values for a university in a free society. They form the foundation of the rights of free inquiry, free expression and free dissent that are necessary for the life of the university. The faculty recognizes that such rights are human creations, the product of both the reasoned actions and the deep-seated commitments of women and men. When such actions and commitments are set in human institutions, people may secure for themselves and for others, in the present and the future, the enjoyment of those rights.

We also recognize that these values and the rights they imply are vulnerable to the fads, fashions, social movements and mass fears that threaten to still dis sent and to censure carriers of unpopular ideas. Such was the case in 1954 when the University of Michigan suspended three faculty members and subsequently dismissed two of them. We deeply regret the failure of the University community to protect the fundamental values of intellectual freedom at that time. It is to guard against a repetition of those events and to protect the fundamental freedoms of those who come after us that we make this resolution today.

The protection of academic and intellectual freedoms requires a constant reminder of their value and vulnerability. To provide for that reminder, the faculty of the University of Michigan hereby resolves to establish an Annual Senate Lecture on Academic and on Intellectual Freedom, to be named: The University of Michigan Senate's Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom.

# H. CHANDLER DAVIS

H. Chandler Davis was well known as a science-fiction author in his youth. At the same time he was a mathematics student at Harvard, earning a Ph.D. in 1950.



He was an instructor at the University of Michigan, 1950-1954. Since 1962 he has been tenured at the University of Toronto. He was Vice-President of the American Mathematical Society (1991-1994). He has also served as an editor of The Mathematical Intelligencer.

Professor Davis's scientific pursuits have taken him on many travels to Poland during the martial law of 1982; to both the USA and the Democratic Republic of Vietnam while those countries were at war; to China during the Cultural Revolution; to both Israel and the occupied West Bank. Often along with the scientific work he was able to stand up for free speech of scientists (some of whose speech he does not at all endorse).

In 1954, while an instructor at the University of Michigan, Chandler Davis was called to testify before the House Committee on Un-American Activities. His fellows on the stand in Lansing were his colleagues Mark Nickerson and Clement L. Markert, and his student friends Edward Shaffer and Myron E. Sharpe. All were "unfriendly witnesses, refusing to confess" their political dissent. Davis, unlike the others, based his refusal to answer only on the First Amendment, waiving his protection under the Fifth Amendment. Thereby he deliberately invited a citation for Contempt of Congress, so as to give him standing to argue in court that the Committee's proceedings were unconstitutional. He got the citation, all right, but he did not prevail in court; his appeals were exhausted in 1959 and he served prison time in 1960.

Meanwhile, he and Professor Nickerson had been dismissed from their positions at the University. This action of the University administration drew censure from the American Association of University Professors.

He has written about those days in "The Purge" (A Century of Mathematics in America, American Mathematical Society, 1989). A selection of his prose writings, not including his mathematics but including some science-fiction is It Walks in Beauty (ed. J.Lukin, Aqueduct Press, 2010).

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# CLEMENT L. MARKERT

1917-1999

Clement L. Markert was Professor of Biology at Johns Hopkins University (1957-1965), the Henry Ford II Professor of Biology and Chair of the Department of Biology at Yale University (1965-1986) and Distinguished University Research Professor of Animal Science and Genetics at North Carolina State University (1986-1993).



His research interests were focused on developmental genetics, reproductive biology, and biotechnology. He was a member of the National Academy of Sciences and served as co-chair of the Developmental Biology Interdisciplinary Cluster for President Ford's Biomedical Research Panel in 1975. Professor Markert was elected to the Presidency of the American Institute of Biological Sciences, the American Society of Zoologists, the Society for Developmental Biology, and the American Genetics Association.

Markert began his academic career as an assistant professor of zoology at the University of Michigan in 1950 after earning his bachelor's degree from the University of Colorado, his M.A. from the University of California at Los Angeles and his doctorate from Johns Hopkins University. He died on October 1, 1999, in Colorado Springs, Colorado.

In 1954, Clement Markert was called to testify before the House Un-American Activities Committee. He invoked Constitutional rights according to the Fifth Amendment and refused to answer the Committee's questions concerning his political associations. Consequently, he was suspended from the University of Michigan. He was later reinstated with the support of the Faculty Senate, his department and his college, and he eventually achieved tenure.

# MARK NICKERSON

1916-1998

Professor Nickerson made major contributions to the field of pharmacology, in part through his seminal research on the adrenergic blocking drugs that are used to treat high blood pressure and other major medical disorders.



He was awarded the John Jacob Abel Award in Pharmacology in 1949 and served as president both of the Pharmacological Society of Canada and of the American Society for Pharmacology and Experimental Therapeutics. He chaired the Canadian Federation of Biological Sciences and was the author of more than 250 scientific publications.

In 1954, Mark Nickerson was an associate professor of pharmacology at the University of Michigan, with tenure. He was called to testify before the House Un-American Activities Committee and chose to invoke the Fifth Amendment in response to the Committee's questions.

He was immediately suspended by the University as a result. Professor Nickerson's reinstatement was supported by the Faculty Senate but not by his departmental chairman or by the dean and the executive committee of the Medical School. He was subsequently dismissed from the University despite his tenured appointment.

Mark Nickerson was born on October 22, 1916, in Montevideo, Minnesota. He graduated summa cum laude from Linfield College, earned his Sc.M. from Brown University, his Ph.D. from Johns HopkinsUniversity and an M.D. from the University of Utah. Nickerson married Elizabeth Ilene Smith (Betty). They had three children, Steven Paul, Michael Thomas and daughter, Marki.

# PAST LECTURES

# Davis, Markert, Nickerson

1991

Robert M. O'Neil Professor of Law and Founding Director Thomas Jefferson Center for the Protection of Free Expression University of Virginia "Inaugural Lecture"

#### 1992

Lee C. Bollinger
Dean and Professor of
Law University of
Michigan Law School
"The Open-Minded
Soldier and the
University"

#### 1993

Catharine R. Stimpson University Professor and Dean of the Graduate School Rutgers, The State University of New Jersey "DirtyMinds, Dirty Bodies, Clean Speech"

### 1994 Walter P. MetzgerEmeritus

Professor of History ColumbiaUniversity "A Walk Along the New Frontiers of Academic Freedom"

#### 1995

Linda Ray Pratt Professor of English University of Nebraska- Lincoln and Past-President, AAUP "Academic Freedom and the Meritsof Uncertainty"

#### 1996

Avern Cohn United States District Judge Eastern District of Michigan "Academic Freedom: A Trial Judge's View"

#### 1997

Roger Wood Wilkins& Clarence J. Robinson Professor of History and American Culture George Mason University "Opportunity and AcademicIntegrity"

#### 1998

Eugene L. Roberts, Jr. Professor of Journalism University of Maryland -College Park "Free Speech,FreePress: Free Society"

#### 1999

David A. Hollinger Chancellor's Professorof History University of California at Berkeley "Universities and Cosmopolitanism"

#### 2000

Anthony Lewis, Journalist The New York Times James Madison Visiting Professor, Columbia University "Freedom: The Seamless Web"

#### 2001

Vartan Gregorian
President, Carnegie
Corporation of New
York"Universities in the
21st Century:
Perils, Challenges, and
Prospects"

#### 2002

Catharine A. MacKinnon & Elizabeth A. Long Professor of Law University of Michigan Law School "From Powerlessness to Power: The Uses of Academic Freedom"

#### 2003

David D. Cole Professor of Law Georgetown University Law Center "Freedom and Terror: September 11th and the 21st CenturyChallenge"

#### 2004

Noam Chomsky Professorof Linguistics and Philosophy Massachussetts Institute of Technology "Illegal but Legitimate: A Dubious Doctrine for the Times"

#### 2005

Floyd Abrams & Walter
J. Brennan, Jr. Visiting
Professor of First
Amendment Law,
Columbia University
Graduate School of
Journalism
Partner, Cahill Gordon&
Reindel
"Whose Academic
Freedom?"

### 2006

BillKeller
Executive Editor, The
New York Times
"Editors in
Chains:Secrets, Security
and the Press"

#### 2007

Nadine Strossen Professor of Law, New York Law School and President of the American Civil Liberties Union "Defending Freedom: Even for the Thoughts We Hate!"

#### 2008

Cass R. Sunstein & Felix Frankfurter Professor of Law Harvard Law School "My University.com, MyGovernment.com: Is the InternetReally a Blessing for Democracy?"

#### 2009

Philip Hamburger,
Maurice & Hilda Friedman
Professorof Law,
Columbia University
School of Law "Galileo's
Ghost: SeventeenthCentury Censorship in
Twenty- First-Century
America"

#### 2010

Michael A. Olivas & Natalie Zemon, Dav William B. Bates Henry & Charles Le Distinguished Chair in Law University of Houston Law Center University Adjunct "God, Grades, and Sex: The Developing Law of the CollegeClassroom" Natalie Zemon, Dav Henry & Charles Le Professor of History Medieval Studies Se Fellow in the Centre

#### 2011

Ellen W. Schrecker Professor of History Yeshiva University "The Lost Soul of HigherEducation"

#### 2012

Robert C. Post Dean and Sol & Lillian Goldman Professor of Law Yale Law School "The Constitutional Meaning of Academic Freedom"

#### 2013

Marjorie Heins Founding Director of the Free Expression Policy Project "Priests of Our Democracy: The Supreme Court, Academic Freedom and the Anti-Communist Purge"

#### 2014

Douglas Laycock &
Robert E. Scott
Distinguished Professor
of Law and Professor of
Religious Studies,
University of Virginia
School of Law
"Religious Liberty and
the Culture Wars"

#### 2015

Natalie Zemon, Davis
Henry & Charles Lea
Professor of History
Emerita, Princeton,
University Adjunct
Professor of History and
Medieval Studies Senior
Fellow in the Centre for
Comparative Literature,
University of Toronto
"Experiencing Exclusion:
Scholarship in the Wake
of Inquisition"

Joan Wallach Scott
Professor Emerita, School
of Social Science,
Institute for Advanced
Study Adjunct Professor
of History, Graduate
Center, City University of
New York
"Civility and Academic
Freedom"

#### 2016

Marc Rotenberg
President and CEO
Electronic Privacy
Information Center
Professor of Law
Georgetown Law
"The Misunderstood
Right to be Forgotten:
The Future of Free
Expression and Privacy in
the Online World"

#### 2017

Michael Mann
Distinguished Professor
of Atmospheric Science
at Penn State Center
Professor of Law
Georgetown Law
"The Madhouse Effect:
Climate Change Denial in
the Age of Trump"

#### 2018

Gene Nicol, Boyd Tinsley
Distinguished Professor
University of
North Carolina
"Academic Freedom:
New Politics, Old School
Censorship and
Meaningful
Constitutional Review"

#### 2019

Hank F. Reichman Chair of AAUP Committee on Academic Freedom and Tenure Professor Emeritus of History, California State University – East Bay "Do Adjuncts Have Academic Freedom? Why Tenure Matters"

#### 2020

Nadje S. Al-Ali Robert Family Professor of International Studies Professor of Anthropology and Middle East Studies Brown University, Susan Benesch Faculty Associate Harvard University Adjunct Professor American University Director, Dangerous Speech Project, Michael Bérubé **Edwin Erle Sparks** Professor of Literature Pennsylvania State University and Melanie Tanielian Associate Professor History, University of Michigan "Challenges to Academic Freedom in a Changing

Landscape, at Home and

Abroad"

# Davis, Markert, Nickerson Lecture on Academic Freedom Committee

Stefan Szymanski, Chair J. Caitlin Finlayson, SACUA Liaison

Marcy Epstein
Paul Fossum

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Judy Haefner

**Holly Hughes** 

Gary Krenz

Faith Sparr

Melanie Tanielian

John Traynor

Suleyman Uludag

Silke-Maria Weineck



## Hosted by:

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