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November 25, 2001

THE CAMPUSES

New Battles in Old War Over Freedom of Speech

By DIANA JEAN SCHEMO

COSTA MESA, Calif., Nov. 21 — On campuses across the country, heightened tensions and sensitivities following the Sept. 11 attacks have unleashed an avalanche of clashes over free expression.

At Orange Coast College here, administrators summarily barred a political science professor from campus after Muslim students accused him of blaming one of them personally for the hijackings, though a recording of the class given to an internal investigator more than a week ago suggested the accusations may be exaggerated or false.

At the University of New Mexico, Prof. Richard Berthold faces disciplinary procedures that could result in his dismissal after opening his Sept. 11 history class with a quip he now admits was "stupid" and ill conceived: "Anybody who can blow up the Pentagon gets my vote," he said.

Thor L. Halvorsen, executive director of the Foundation for Individual Rights in Education, a Philadelphia-based nonprofit group that monitors campus civil liberties abuses, said his group customarily receives about 30



David Gatley for The New York Times
Zewdalem Kebede was accused of threatening three fellow students at San Diego State University.

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complaints a month, but has collected 150 since Sept. 11 accusing college administrations of attempting to abridge free expression.

Some administrators worry that their campuses may be seen as overly critical of American policy; others seem eager to protect the sensitivities of Muslim students when the United States is at war with a Muslim nation.

In recent years, there have been numerous conflicts centered on speech or publications that violate campus codes aimed at avoiding offense to ethnic, religious or racial minorities. But the cases arising since the attacks on the World Trade Center and the Pentagon have also involved conflicts that go beyond ethnicity and often range across the political spectrum.

Some critics consider the surge in complaints about speech, at a time when nerves remain raw over the terrorist attacks, an inevitable consequence of the speech codes themselves, which they say have shaped the campus as a therapeutic environment where students are protected from discussions that make them uncomfortable.

"This is the first time that people can look across the entire country, at community colleges, four-year colleges and graduate universities, on the right and the left, and see that all of them have an apparent problem with the idea of free speech," Mr. Halvorssen said.

At the University of California at Los Angeles, an assistant librarian, Jonnie Hargis, was suspended for a week after sending out an e-mail message that said American taxpayers "fund and arm an apartheid state called Israel, which is responsible for untold thousands upon thousands of deaths of Muslim Palestinian children and civilians," and asked, "So, who are the `terrorists' anyway?"

The university said that Mr. Hargis's message "contributed to a hostile and threatening environment" for co-workers who might have "ethnic, religious and family ties to Israel."

At San Diego State University, an Ethiopian-born student fluent in Arabic, Zewdalem Kebede, received a disciplinary warning for criticizing three students he said he overheard in the university library praising Osama bin Laden in Arabic for the Sept. 11 attacks.

Mr. Kebede, a naturalized American, said the students had been "gloating about the actions of the terrorists, saying how great it was, how precise it was, that bin Laden is now well known and his ideology is already spread."

Mr. Kebede said he became furious and confronted the group, telling them that they "should feel shame" because while thousands had been "killed on their own land and became ash, you are enjoying the savage and barbaric actions of your brothers, your compatriots."

The students subsequently denied making those remarks.

Jason Foster, a spokesman for the university, said the Arab students had complained that Mr. Kebede approached them in "a threatening manner." He said the university "believes in the right of students to say what they want, but we also feel we have to protect students from feeling threatened."

Mr. Foster said no disciplinary action had been taken against Mr. Kebede. But the

student did receive a letter from a university official, who admonished him and said, "Consider this letter to be your only warning that future incidents where your involvement is proven will result in you facing serious disciplinary sanctions."

Mr. Kebede said he was floored. "I didn't hit, I didn't beat, I didn't insult," he said. "I opposed them, I rejected them. That's my right and my obligation."

Not only is free speech an issue, but in some cases, like the one at Orange Coast, professors are dismayed at the haste with which college authorities have moved to silence controversy. Colleagues of the instructor who was disciplined, most of whom do not share his conservative views (he calls himself a born-again Christian conservative), are alarmed at the absence of due process in his case.

The situation here is complicated by uncertainty over the truth of the charges. A week after the Sept. 11 attacks, Mr. Hearlson, a political science instructor, raised a series of provocative questions in his weekly lecture.

Why, he asked, had Muslim nations not risen with a single voice to repudiate Osama bin Laden? Why do leading Muslim figures seem to either deny the Holocaust or complain that Hitler had not killed enough Jews? Mr. Hearlson also condemned flyers that had appeared on campus last year, which showed a swastika plastered over a Jewish star, as "hate-filled messages" from "Muslim students on this campus." The flyer was signed by a group calling itself Hizb-ul-Haq, or party of truth.

What four Muslim students in his evening class said they heard that night, however, cut much deeper. One, Mooath Saidi, claimed that Mr. Hearlson pointed at him, saying: "You drove two planes into the World Trade Center. You were the cause of what happened Sept. 11." Mr. Saidi said another student, outraged, interrupted the instructor to say he appeared to be blaming a student personally.

Recordings of the Sept. 18 class obtained by The New York Times suggest that while Mr. Hearlson's criticism of Muslim nations was unrelenting, the claims of personal attacks were exaggerated or fabricated.

According to the tape, the remarks that prompted the student to interrupt Mr. Hearlson and question his use of the word "you" involved Arab nations that struck Israel in 1948, 1967 and 1973, not the World Trade Center attacks. On the tape, Mr. Hearlson thanks the student for the interruption and says he "absolutely" did not mean to accuse any student personally. "I am talking about Arab nations," he says.

But within two days of the class, Mr. Hearlson was put on administrative leave with pay, and he was then barred from setting foot on the campus, where he has tenure and has worked for 18 years.

"The argument was, they had the right to freedom of speech," Mr. Hearlson said, referring to the students who had distributed the flyers. "And all of a sudden, I don't."

Asked about the discrepancy between his accusations and what appears on the tapes, Mr. Saidi said his memory could have faltered on the details, but not on the meaning. "Is it possible," he asked, "that the tapes might not have him saying, 'You're a murderer, you're a terrorist,' but have him calling Muslims in general murderers and terrorists?"

"He turned the whole class against us that night," Mr. Saidi said. "And if some of the allegations I made were not maybe right, if my memory was shady, this is not the first time anybody brought anything against this teacher." Mr. Hearlson, he said, "has a history, and he obviously hasn't learned and he needs to be taught a lesson."

But faculty members worry that Mr. Hearlson's suspension has opened what one instructor calls "curriculum veto by student complaint."

"I don't mean to minimize the difficult situation the Muslims were in a week after the attack," said the instructor, Gayne Anacker, a tenured philosophy teacher who has taken up Mr. Hearlson's cause. "We were all rubbed raw. But the freedom to teach your students what you think is important. It's one of the glories of a democracy."

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