



Foundation for Individual Rights in Education

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January 28, 2011

President Karen L. Gould
Brooklyn College, City University of New York
2129 Boylan Hall
2900 Bedford Avenue
Brooklyn, New York 11210

Sent via U.S. Mail and Facsimile (718-951-4872)

Dear President Gould:

The Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, freedom of speech, and freedom of conscience on America's college campuses. Our website, www.thefire.org, will give you a greater sense of our identity and activities.

FIRE is concerned about the apparent threat to freedom of speech, academic freedom, and due process posed by Brooklyn College's alleged revocation of its contract with Kristofer Petersen-Overton to teach a graduate course following a student's and a legislator's attacks on his political views.

This is our understanding of the facts. Please inform us if you believe we are in error.

City University of New York Graduate Center doctoral student Kristofer Petersen-Overton was hired by Brooklyn College (BC) as an adjunct professor to teach the course Politics of the Middle East in the Department of Political Science in the spring term of 2011. According to a press release from Petersen-Overton (available at http://www.petersen-overton.com/_/courses.html) and journalistic sources including Salon.com,¹ BC began to investigate Petersen-Overton on about January 12, 2011, because of his political views:

¹ See http://www.salon.com/news/politics/war_room/2011/01/28/academic_freedom_brooklyn_israel_palestine/index.html.

[A] student enrolled in his course raised concerns that Mr. Petersen-Overton's alleged pro-Palestinian bias would prevent him from conducting a balanced seminar. The student expressed these concerns with the political science department but agreed not to pursue further action until after the course actually began. However, this student contacted state Assemblyman Dov Hikind, who then characterized Mr. Petersen-Overton as "pro-suicide bomber" in a letter to the college President. [Quoted from Petersen-Overton's press release.]

Indeed, on January 24, 2011, Assemblyman Hikind wrote you about Petersen-Overton and copied CUNY Chancellor Matthew Goldstein, complaining (among many other things) that Petersen-Overton's syllabus "reads like a Who's Who of Palestinian sympathizers and historical revisionists, with no equitable counterbalance." Assemblyman Hikind added:

Mr. Petersen-Overton's personal biases should not be allowed to pollute the academic realm, nor should taxpayer dollars be devoted to promoting his one-sided agenda. I ask you, Dr. Gould, is Mr. Petersen-Overton, an overt supporter of terrorism, really the best candidate Brooklyn College could find to teach this course? Surely, you must concede that the answer is a resounding "no."

According to journalist Justin Elliott in the Salon.com article cited above, on Monday, January 24, Petersen-Overton

signed a contract with Brooklyn College to formally accept the adjunct position. On Tuesday, he got a call from a local Jewish newspaper to ask for comment on Hikind's charges. On Wednesday, the chair of the political science department called Petersen-Overton and informed him that his contract had been terminated, even though he had not even begun to teach the class.

It appears that BC terminated Petersen-Overton's teaching contract without providing any notice or any hearing, which suggests a violation of his due process rights.

The sequence of events above also strongly suggests that BC terminated this contract because of the criticism from Assemblyman Hikind. BC Senior Director of Communications and Marketing Jeremy Thompson told Elliott that the real reason Petersen-Overton was fired was that a student had contacted BC Provost and Vice President for Academic Affairs William A. Tramontano to complain about "the credentials of the instructor, not about his politics," since Petersen-Overton does not yet have a Ph.D. Yet, it appears that BC in fact employed an unacceptable double standard in order to revoke its contract with Petersen-Overton because of his educational level while ignoring the educational level of similarly situated instructors. For example, Elliott reports:

Patricia Stapleton is a CUNY political science doctoral student who has herself taught several master's level courses at Brooklyn College in the past few years.

“I would say that half the political science master’s courses being taught per semester are being taught by grad students who do not have PhDs, and some don’t have master’s degrees,” she says. “I have repeatedly taught master’s courses without having a master’s degree.”

Please understand that FIRE defends free speech, academic freedom, and due process for *all* students and faculty members because we understand that the U.S. Constitution’s guarantee of freedom of speech is more than simply a legal doctrine—it represents the belief that open discourse is critical to democratic society and that the merits of ideas are best decided in a free marketplace of expression rather than by government officials. History has decisively and repeatedly demonstrated that attempts by public officials to regulate or punish opinions are fraught with far greater peril than even the most offensive words.

As you know, BC is a public institution and thus is both legally and morally bound by the First Amendment’s guarantees of freedom of expression and academic freedom. The Supreme Court has held that academic freedom is a “special concern of the First Amendment” and that “[o]ur nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to teachers concerned.” *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967) (internal citations omitted). In addition, as the Supreme Court wrote in *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957):

The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. ... Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.

This principle holds regardless of how controversial a professor’s views and writings might be.

If BC can defend its actions and demonstrate that it has not employed a pretext or a double standard in this case, FIRE requests that you publicly explain BC’s actions and affirm that BC defends the free speech, academic freedom, and due process rights of its faculty members and students. FIRE requests a response to our letter by February 18, 2011.

Sincerely,



Adam Kissel

Vice President of Programs

cc:

William A. Tramontano, Provost and Vice President for Academic Affairs, Brooklyn College

Noel Anderson, Acting Chair, Department of Political Science, Brooklyn College

Mark Ungar, Graduate Deputy and Associate Professor, Department of Political Science,
Brooklyn College

Jeremy Thompson, Senior Director of Communications and Marketing, Brooklyn College

Matthew Goldstein, Chancellor, City University of New York