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Dennis the First Amendment Menace

By Mike S. Adams

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Although I've been writing about free speech issues for years, I've never actually called for the immediate firing of a university president. That is, until today. Anyone remotely familiar with the part SUNY-Fredonia President Dennis Hefner (716-673-3456; hefner@fredonia.edu) played in denying the promotion of Stephen Kershner must surely agree.

Kershner is a brave academic dissident who has challenged the politically correct student conduct and affirmative action policies at his university via a series of columns written for a local paper. He paid a price for his bravery recently when was denied promotion to full professor. This was despite a stellar academic record.

Kershner's promotion was widely supported - by colleagues, his chair, and other administrators - until it reached the desk of the president. The university's top administrator wrote a letter denying the promotion, although he admitted that Kershner's teaching was excellent.

Perhaps the most disturbing aspect of the letter was the portion accusing Kershner of failing (in his published columns) to grasp the difference between fact and opinion. Apparently, Hefner does not understand that such accusations of failure to differentiate between fact and opinion are not facts but, rather, opinions. And since Hefner is a university president (at least for the time being) the same newspapers that print Kershner's opinions would also be willing print his opinions. That is, if he had the courage to defend them.

But Hefner did not seek to expand the marketplace of ideas by engaging the professor in a debate. Nor was he in a position of needing to rebut any opinions he deemed unfair to the university. Every time Kershner presented a conservative opinion in the local paper it was printed alongside a differing opinion by a leftist professor.

This puts Hefner in a special class of First Amendment villains. He isn't satisfied with preventing debates from occurring on campus. He wants to use his power (not to be confused with his legitimate authority) to stop debate from occurring off campus, too. His zeal in insulating these campus policies from exposure to criticism is best explained by the fact that he was a major author of the policies.

Although Hefner was wrong in virtually every aspect of this case, Kershner did absolutely nothing wrong until he perceived that he was facing swift and certain retaliation for exercising his First Amendment rights. At that point, he made the mistake of thinking he could work with the administration. He did so by offering to submit his writings to a university committee for prior approval.

Although Kershner had offered to submit his writings to a "Prior Consent Committee" for a year, that wasn't enough for Dennis Hefner. He responded with a request for prior restraint over the professor's speech for an indefinite period of time - perhaps the rest of his career.

I have a special name for college administrators who are willing to withhold a promotion (and the money that goes with it) from a professor until he agrees to permanently relinquish his First Amendment rights. I call them academic extortionists.

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But, fortunately, professors like Stephen Kershnar can always rely on the AAUP to come to the rescue when free speech rights – even those of conservatives – are threatened, right?

Wrong.

The American Association for Unprincipled Pacifists was underwhelmed by the magnitude of the prior restraint issue in Kershnar's case. (After all, he wasn't writing for The New York Times). So he turned to the only organization that defends both left wing professors (like Sammy Al Arian) and right wing professors (like Mike Adams). I am talking, of course, about the Foundation for Individual Rights in Education.

And the results of turning to FIRE were predictable. The organization used its media muscle to expose Hefner's unacceptable conduct and, shortly thereafter, Kershnar was promoted.

But SUNY Fredonia still doesn't get it. Christine Davis Mantai, director of media relations for SUNY Fredonia recently denied that Professor Stephen Kershnar's promotion was a reversal of the president's previous decision. Instead, she said it was a new decision made on a re-application, in which Kershnar better emphasized his contributions in the area of service.

This is more than a weak and disingenuous defense of administrative misconduct. It is an admission that Hefner still doesn't respect the First Amendment. And it is more than sufficient justification for his immediate termination.

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