

## The Dartmouth Insurgency

From the April 25, 2005 issue: Tear down this speech code.

by Duncan Currie

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IF YOU'RE NOT A DARTMOUTH alum, there are still two reasons to care about this year's alumni trustee election: Peter Robinson and Todd Zywicki, who are running as insurgents. Robinson is an author and Hoover Institution scholar best known for penning Ronald Reagan's Berlin Wall speech in 1987. Zywicki is a George Mason University law professor and blogger for the popular *Volokh Conspiracy* site. They are Dartmouth grads--classes of 1979 and 1988, respectively. Each launched a petition drive last winter to get his name on the 2005 alumni trustee ballot, using Internet-assisted word-of-mouth to collect the required 500 signatures. Both received well over that number--thanks largely to the powers of the blogosphere.

Some of their campaign themes are unique to Dartmouth. But Robinson and Zywicki focused chiefly on an issue with nationwide relevance: politically correct campus speech codes. This touched a nerve. Voting, which is open to all Dartmouth alums, began on March 7 and winds up May 6. As some see it, a Robinson and/or Zywicki victory would be a watershed. "If they win," says David French, president of the Foundation for Individual Rights in Education (FIRE), it will mark an "academic freedom counterinsurgency." But do the petition candidates have a prayer?

If recent history offers a guide, the answer is yes. In 2004, engineering tycoon T.J. Rodgers (Dartmouth '70), a self-described libertarian, mounted a similar petition bid and succeeded. Rodgers beat out three nominees handpicked by the Dartmouth alumni council. They were gunning for one open spot on the board. This year, Robinson and Zywicki are challenging four council-selected nominees in a race for two open positions.

Dartmouth's trustee rules are designed to lend the board a representative character. According to guidelines in place since 1891, alumni get to choose essentially half its members. After the 2005 election, for instance, the board will consist of nine charter trustees (chosen by the board itself), nine alumni trustees (voted in by the alums), plus two *ex officio* members: the Dartmouth president and the New Hampshire governor. But it's hardly a vibrant democracy. Ordinarily, the alumni council assembles the full docket of alumni nominees for every election. There is a petition loophole, though, exploited last year by Rodgers and now by Robinson and Zywicki.

Though their twin candidacies may seem prearranged, Robinson and Zywicki say it's mere serendipity. "We've only met once," says Robinson, "and talked on the phone ten times, maybe." That meeting came at a Hoover event in March. Both say they were spurred to run in part by Rodgers's success. And their issues--no to speech codes, yes to improving academic life for Dartmouth undergrads--mirror those of the Rodgers campaign.

Robinson, Zywicki, and Rodgers all insist the matters at stake don't conform to traditional left-right divides. "This is not a conservative-versus-liberal election," says Zywicki. "We've not run as conservatives." Nor has Rodgers been a right-wing crusader during his brief time on the board. "I have *scrupulously* avoided left-right issues on campus," Rodgers stresses.

Nevertheless, the presence on the ballot of two Dartmouth critics--and two conservative ones, at that--has spooked some alums, especially coming on the heels of Rodgers's victory. A group called "Alumni for a Strong Dartmouth" put up a website in February ([strongdartmouth.org](http://strongdartmouth.org)), which finds Robinson and Zywicki "lacking compared to the other candidates."

More strident criticism of the pair can be found at the "Dartmouth Alumni for Social Change" site ([alumsforsocialchange.org](http://alumsforsocialchange.org)). It features a caustic note from Susan Ackerman (Dartmouth '80), chair of the Dartmouth religion department, associating the two petition candidates with Rodgers and blasting their politics as "reactionary." Robinson and Zywicki, she writes, "long nostalgically for some 'Dear Old Dartmouth' of the past, without admitting the idealized past they crave represents a Dartmouth that was often hard on women, gays and lesbians, and minorities; monolithic in terms of its social life; and fostered an anti-intellectual environment."

The critics skirt a key question: Does Dartmouth uphold a de facto speech code, as Robinson and Zywicki charge? Their prime evidence is a letter Dartmouth president James Wright sent out in May 2001, explaining to the Dartmouth community why his administration had de-recognized the Zeta Psi fraternity (Zywicki's old frat). The gist was that Zeta Psi members had circulated a private intra-frat newsletter of sorts, in which they wrote lewd comments about two female undergrads.

The relevant portion of Wright's letter read as follows:

*As a community committed to fairness, respect, and openness, we have no patience with or tolerance for bigotry or demeaning behavior. I affirm here, with deep personal conviction, that Dartmouth is and will be an actively anti-sexist, anti-racist, and anti-homophobic institution and community. . . . In a community such as ours, one that depends so much upon mutual trust and respect, it is hard to understand why some want still to insist that their "right" to do what they want trumps the rights, feelings, and considerations of others. We need to recognize that speech has consequences for which we must account.*

Though Wright claimed Dartmouth had no "speech code," David French notes that terms like "bigotry" and "demeaning behavior" are "highly subjective." This, insists French, is a speech code of "the worst kind"--one that is vague yet still has teeth.

Wright's letter vanished from the Dartmouth president's website last month. Try to find it, and you discover its location has been "moved." (But where? Calls to his office went unreturned.) Is it a coincidence that the document on Wright's website disappeared after Robinson and Zywicki zinged its contents? Probably not.

Either way, Rodgers applauds the letter's removal, and praises Wright for recent statements in which he's affirmed Dartmouth's commitment to free expression. "Now that the speech code is gone from the website," Rodgers says, "we're fully 10 percent of the way home." For his part, David French remains skeptical. FIRE continues to give Dartmouth a "red" grade--the lowest of three--in the category of protecting speech on campus. "If you elevate 'feelings' over the right to free expression, you're gonna get a bad rating," he explains.

Piqued alumni--along with parts of the administration--have lashed out at FIRE, and at Rodgers, Robinson, and Zywicki. What accounts for their hostility? Rodgers cites three factors. One: "We're outsiders." Two: "We said something negative," so the perception is "we're attacking the administration." Three: Alumni exhibit a "visceral" reaction to any criticism of their alma mater.

"I sort of slipped in by surprise," Rodgers says. But now there are two petition nominees in one year--and they've caught national attention. As French puts it, "One trustee is an anomaly." But three trustees might signify "the beginning of a movement."

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