

Land of the Free (not so much), Home of the Brave? Free Speech, Student Movements and Repression in the US

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As I began working on this AERA presentation on free speech movements, social movements and administrative response in education, the Trump administration was conducting its major assault on free speech aimed against campus critics of the Gaza war, supporters of DEI, and LGBTQ+ rights. The latest depressing developments were at Columbia university. First Columbia's shameful silence on the ICE raid that led to the arrest and attempted deportation of Mahmoud Khalil, a recent Columbia graduate who had been a prominent non-violent activist in that campus' anti-Gaza War protests. This was followed by Columbia's abject surrender to the Trump administration's threat to cut off \$400 million in federal funding unless it took a number of steps to further repress free speech on campus and trample academic freedom by placing its Middle Eastern Studies program into receivership.

As is almost always the case with Trump, bad faith, hypocrisy, and reactionary authoritarianism were evident in this latest abuse of power. Bad faith? He and the far right hate the liberal university as a cultural fifth column, and purveyor of "wokeness," so for years have been eager to damage it – or in the words of one former high ranking UC Berkeley administrator--- "to throw shit at the university." Trump just grabbed whatever pretext he could find for this latest offensive. The reality is that last spring Columbia called in police to make mass arrests of antiwar protesters, and this semester had, along with Barnard, handed out suspensions and expulsions, and so needed no further prodding from Trump to suppress

this unpopular antiwar movement. The same was true nationally, where the more than 3,000 arrests in response to the mostly non-violent campus antiwar encampments last spring, followed up by a tightening of campus speech regulations that, by last fall, caused the movement and free speech on campus to decline dramatically. So Trump's claim to be acting this semester to safeguard law and order is absurd, since campus administration repression had long since imposed order by suffocating the movement. This concern with legality was, of course, hypocritical since the US's felonious president had come into office pardoning his J6 rioters, including those who assaulted and injured more than 100 police officers in the mob attack he incited on the US Capitol. It was equally hypocritical for him to claim his intervention against campus dissent was motivated by concern about antisemitism, given his own record of antisemitic comments, the most of recent of which occurred earlier this month when he asserted that Senate minority leader Chuck Schumer was no longer Jewish but was Palestinian, a remark that combined anti-Jewish and anti-Palestinian bigotry. If Trump really wanted to act against anti-Semitism the place to start was not at Columbia, but with his own foul mouth – which my late mother would have said, ought to be washed out with soap.

As I reflected further on the disturbing events at Columbia and the Trump administration assaults on free speech and academic freedom, especially the attempt of a Justice department official to police the Georgetown law school curriculum for any mention of racial diversity, I began thinking historically, about the precedents for such governmental repression of dissent at universities by reactionary government officials. What first came to mind was a conversation I had with the late SNCC veteran, Freedom Rider, and Congressional leader John Lewis, when he visited my MLK seminar at NYU back in 2016. This was at a time

when Trump, with his shockingly racist, xenophobic presidential campaign, was sweeping the Republican primaries. I asked Representative Lewis if he had ever, as a 1960s movement leader, thought a president would be as illiberal, intolerant of dissent, and racist as Trump. He said “no,” but that Trump’s brand of demagoguery, grounded in white grievance politics was quite familiar to him, from his movement experience. Such figures were common at the state level in the Jim Crow South – George Wallace for example, but their crude reactionary politics and racism had prevented them from getting much traction in their presidential runs.

Applied to the free speech question on campus, Lewis had a good point. Certainly there were in the Jim Crow South, numerous times when segregationist state officials in the 1960s threatened to cut off funds to historically black colleges and universities unless they suppressed anti-racist student protest. This occurred, for example, at Southern University, the largest HBCU, where, as discussed in D’Army Bailey’s memoir -- *The Education of a Black Radical* –that university’s president, facing just such a threat from the governor of Louisiana – expelled Bailey and other African American students for sitting in, attempting to integrate lunch counters in downtown Baton Rouge. This is why the state funded HBCU’s tended to be more repressive than the private HBCUs. Such was the case for example, when anti-racist student protesters at Albany State in Georgia were expelled but were then accepted by Spelman College – even though Spelman had its fill of free speech violations, having taken away student scholarships from activists throughout the early 1960s, and firing Howard Zinn in 1963 for his role as key faculty mentor of the Black student movement. Even on the white side of the color line, repression of dissent helped to uphold the Jim Crow system, as when threats from the state legislature forced out of office one of the very few University of Georgia student newspaper

editors who dared to urge the racial integration of the university, and left a new censorship process in place for UGA's student newspaper.

State repression and attempted suppression of campus dissent was not confined, of course, to the Jim Crow South. Across the US, anti-radical state legislative investigating committees threatened and harassed both student and faculty radicals throughout the first half of the 20th century. In the Depression decade, for example, one such investigation was launched due to the death of Don Henry, a religious University of Kansas student, who was radicalized in his college years and lost his life as a volunteer in the Abraham Lincoln Brigade during the Spanish Civil War. Rather than feel pride in his son for sacrificing his life fighting fascism, his father's outrage at Don Henry's radical politics led him to file complaints that yielded a state probe into Communist subversion at the University of Kansas. Far more lasting damage to free speech was caused by fear of right wing attacks from California's state legislature, which led the University of California to impose a ban on Communist speakers during the Bay Area red scare of 1934, a ban that endured for almost three decades. Plus a similar ban on any and all on campus political advocacy posed obstacles to student activism at UC. Fear of the California state legislature's un-American Activities Committee led the UC administration to impose a disastrous anti-radical loyalty oath, yielding the largest purge of dissenting faculty in Cold War/McCarthy era America. And when in 1964 Berkeley student activists finally revolted in their Free Speech Movement against such repression, and won an end to the campus ban on political advocacy, conservatives in the state legislature got back at them by eliminating a half million dollar budget line that funded graduate student TAs. Vengeful local prosecutors – ignoring the fact that the protesters engaged in civil disobedience as a last resort, and won a

historic free speech victory – sentenced Free Speech Movement leader Mario Savio to a three month jail sentence, and jailed other movement leaders for their role in the non-violent Sproul Hall sit-in that made that FSM’s First Amendment victory possible.

While Presidents Nixon and Trump have been by far the most hostile to Left student activism, the role of the federal officials has, especially during times of mass protest, tended to be hostile to student protest. In 1927, former president William Howard Taft, then Chief Justice of the United States, and Chairman of the Hampton Institute’s Board of Trustees, urged Hampton’s principal to temporarily close this Virginia historically black college rather than submit to the demands of students protesting poor conditions and racist faculty. Taft fretted that the Hampton administration lacked the “ruthlessness” needed to end the unrest. Decades later out in California, we find equally ugly examples of federal anti-student movement intervention. The US House Committee on Un-American Activities (HUAC) produced and widely distributed “Operation Abolition,” a misleading, red-baiting documentary film seeking to discredit Bay Area students who had picketed HUAC at San Francisco’s City Hall in 1960s, calling for the abolition of this red hunting committee. The FBI piled on here too, producing and printing thousands of copies of a report its director knew to be dishonest, “Communist Target: Youth,” that depicted these non-violent protests as lawless and subversive. Four years later the FBI spread misleading and red-baiting information designed to discredit the Free Speech Movement, and did the same with the antiwar movement of the mid- and late-1960s. The FBI made parallel moves against the student wing of the Black Power movement across the US. And the CIA infiltrated the National Student Association as part of its global Cold War offensive.

Up until Trump, the President most hostile to Leftist-led student protest was Richard Nixon. As president, Nixon, an old hand at red-baiting, an art he had practiced in Congress during the early Cold War years, specialized in demonizing student antiwar protesters, as did his mean spirited vice president, Spiro Agnew. Rather than displaying sorrow that his invasion of Cambodia in 1970 sparked the largest national wave of mass student protest in American history – with students appalled by his dishonesty in promising to end the Vietnam war and then expanding it into Cambodia. – Nixon denounced the student protesters as “bums burning up the campuses.” This signaled to Nixon’s ally, Governor James Rhodes of Ohio, that it was OK to vilify the protesters. And so Rhodes pronounced them worse than Nazi Brown shirts. Rhodes then sent in the National Guard to Kent State, where they opened fire on unarmed students, killing four in May 1970. Nixon next undermined the Scranton Commission on Campus Unrest’s efforts to offer recommendations to avoid another such tragedy. Racist state officials would authorize deadly violence against Black student protesters at South Carolina state, Orangeburg (1968) and Jackson State, Mississippi (1970). This meant that students in this time of extreme polarization were literally putting their lives at risk by protesting against war and racism.

Trump’s demonization of the anti-Gaza War protesters as allies of Hamas and radical lunatics echoes Nixon and Rhodes. Indeed, Trump praised both the invasion of Columbia by police dressed in riot gear, and the mass arrest of protesters there last spring as “a beautiful thing,” articulating a Nazi-like aesthetic

Trump was working from Nixon’s playbook in his de-funding assault on Columbia. Nixon had sought to punish MIT by cancelling all its defense contracts due to his anger at that

campus' antiwar movement. The only difference was that as a lawyer Nixon recognized the illegality of this vindictive act, so he attempted to do it covertly rather than publicly and shamelessly as Trump would. Note too that in Nixon's day there were still Republicans in his administration who would balk at implementing such illegal orders, so in his case the defunding order was never implemented, whereas Trump's sycophants wouldn't dream of offering or acting on such ethical objections.

In retrospect, this huge disconnect between US student movements and the state and federal governments that worked so hard to suppress them may seem difficult to understand. Why would these officials be so opposed to movements that were mostly idealistic, committed to democracy, equality, social justice, and peace? Here one needs to take into account the depth, strength, and persistence of American political and social conservatism, that left majorities of Americans opposed to the sit-ins and freedom rides against racism, the Free Speech Movement, the antiwar movement of the Vietnam War era, and the anti-Gaza War movements. Each of these student movements opposed long standing traditions, hierarchies, and prejudices, and thus threatened the status quo. The protests often used civil disobedience tactics that were non-violent but which the media depicted as either riotous or provoking a violent response, and so they seemed anarchistic, lawless, and unacceptable to much of the public.

Equally powerful was the socially conservative assumption that the proper role for youth in school was to attend to school work and respect their elders – which meant heeding campus regulations, obeying campus officials, and the law. It is a similar mindset to the way many Americans responded to professional athletes who took egalitarian political positions :

“shut up and play.” With students, it is “shut up and study.” Since such generational hostility and condescension are so widespread, right wing demagogues like Trump know they will find enthusiastic audiences when they smear as pro-terrorist the thousands of students whose activism against the Gaza war was actually motivated by horror over the masses of Palestinian civilians killed with US bombs and weaponry. Just as it was why as California governor Ronald Reagan could get a standing ovation from an audience of California farmers when, in voicing his opposition to Berkeley student militancy in 1970, he asserted “If it takes a bloodbath, let’s get it over with. No more appeasement,”

If there is any lesson from the repressive campus administration responses to the anti-Gaza war encampment movement, the evictions and mass arrests last spring, it is that very few college or university presidents will stand up for the free speech rights of protesters who are unpopular with donors, Congress, alumni, and the mass media. These officials act more like corporate CEOs, too concerned with the bottom line to worry much about free speech principle. Indeed, if you had listened to them last spring or observed the way they tightened campus rules against encampments over the past summer, you would think that encampments were unlawful, a pestilence, and nothing but a danger to the university community. This view is not only self-serving and illiberal in valuing order over liberty, but it is ahistorical. The anti-poverty encampments of the Bonus Army of US veterans, in 1932, the Resurrection City encampment initiated by MLK’s Poor People’s Campaign in 1968, the Occupy Wall Street encampment of 2011 all made major contributions to American political thought and social criticism.

In light of this repression, and the Columbia administration's capitulation to the Trump administration, it is impossible to be optimistic about the prospects that college and university officials will demonstrate the courage to stand up to Trump's authoritarian attack on the university and its freedoms. Here we would do well to remember the words of the great Polish poet, Czeslaw Milosz, back in 1949 warning us what it means to face an authoritarian threat in your own society:

At a sad, historical crossroads

Where a vampire invites you as a guest
The precious virtue of freedom remains
And it needs to be won every day.

Thousands put on their own shackles...

Just remember: each day will tell
Who of us ceases to be free.

To student activists, in this authoritarian moment, some advice. Don't be afraid of activism. But let your activism be strategic rather than performative or merely expressive. That means considering how your actions look off campus and how they come off to non-activists on campus rather than just if they feel good to you. So if slogans like "From the River to the Sea" offend your classmates and the public, find a less divisive alternative, And since university governance is so undemocratic and often excludes a student voice, yes civil disobedience seems a necessary way to articulate demands. But at this time of maximal punishment it seems more effective to reach out to faculty and community allies, to seek coalitions that enhance your voice and impact without absorbing the pain of suspensions, expulsions and arrests that come with CD.

It is the same lesson March on Washington organizer Bayard Rustin learned back in 1963: that if your coalition is big enough, you do not need CD to be politically effective.

And finally to my faculty colleagues, I want to leave you with two of the most important insights from Mario Savio, the FSM leader who I came to know, and whose biography I later wrote, *These concern the university and freedom*. The first centers on governance, democracy, and the nature of the university. Mario believed that the educational community, the faculty and students, teachers and learners, constituted the heart of the university. The administration was there not to rule but to serve this community, to maintain the facilities and keep the school functioning, But the administration was, as Mario stressed, too subject to outside influences – with their self-interest, corruption, and intolerance – to be entrusted to make unilateral decisions regarding university policy. So it is up to us, and our students, we who are less subject to the coercion of the power elite, to preserve our most precious values and ideals, most notably free speech and academic freedom – freedoms that too many campus administrations seem ready to discard, as Trump demands, without even a fight.

Yes, Columbia had 400 little reasons (\$\$\$) for caving. We on the other hand have, as Mario Savio reminds us something far more valuable and worthy of protection: freedom. As Savio explains,

Diogenes said “the most beautiful thing in the world is the freedom of speech.”

And those words are..., burned in my soul, because for me free speech was not A tactic, not something to win for political [advantage].... To me freedom of speech is something that represents the very dignity of what a human being is.

That’s what marks us off from the stones and the stars. You can speak freely. It

Is almost impossible for me to describe. It is the thing that marks us as just below the angels.

Mario was right: free speech is worth battling for on the basis of high principle, since speech is so central to our humanity. But it is also crucial to preserving what is best in the university, since students have used whatever limited freedom they have had both on campus and off to innovate and promote democracy in higher education and American society: pushing the university to enrich its curriculum, with Black studies, Feminist and LGBTQ+ studies, Native American studies, peace and conflict studies, student-initiated courses, and so much more. They have promoted more democratic representation in college and university faculty hiring and student admissions, for work-study programs to assist low income students, for unions to improve working conditions for student workers, including TAs, for student representation on university boards of regents and trustees, for pass-fail grading options, and student evaluations of teachers. And their off campus campaigns helped to end Jim Crow and the Vietnam War, and win the Voting Rights Act, and the 18 year old vote via the 26th Amendment, stopped university investments in apartheid South Africa, and at least raised public awareness of the Gaza tragedy. To lose this university voice for democratic rights, educational innovation and social criticism would be tragic in light of this history, and would shut down a vital source of dissent that our increasingly autocratic nation cannot afford to lose if it is to remain a constitutional republic.

