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Columbia University... Where the Only Ivy is Poison



Photograph by Nathaniel St. Clair

As the very public face of genocide has raged throughout Palestine these past ten months, Columbia University has opened a domestic front in its own war against dissent. In the name of “public safety,” Columbia has sought to silence protest and speech be it by suspension, expulsion or arrest. Utilizing an academic star chamber stoked by outside investigators and inside sham, by pretext and intimidation, it has invented an academic crisis and then marched to punish students and faculty who wish nothing more than to express ideas.

Columbia’s talismanic incantation of “public safety” is so transparent, so pretextual, it is laughable. Yet, isolated it is not. For Columbia University never misses the chance to be

on the wrong side of history and academic freedom. On October 1, 1917, it “fired two faculty members for alleged ‘disloyalty’ regarding U.S. involvement in World War I. Both were vocal opponents of the war. There were, of course, no hearings regarding their views.”^[1]

In the 1950s, while publicly boasting how the University protects its faculty from the intimidations of the House un-American Activities Committee (HUAC), then President Grayson Kirk capitulated to political pressure and terminated a well-regarded 17-year professor, Gene Weltfish, who had been labeled a “communist” because she had the temerity to suggest that the United States should not use chemical weapons. Eerily similar to its most recent betrayal of academic dissent to the bullying of Zionist funders, Israeli lobbyists, and their elected agents, it was all done by pretext. The professor was never publicly accused of being a communist by the University. Instead, the President quietly changed the employment criteria so as to disqualify her. At day’s end, Columbia managed to serve up a “communist” to HUAC without damaging its bogus progressive, liberal brand. And while Columbia University presidents and trustees maintained throughout the Cold War that the university protected its professors from McCarthyism, the case of Gene Weltfish proves otherwise. In 1952, Weltfish was called in front of the House un-American Activities Committee, and a few months later the university dismissed her under a shady rule recently created by University President Grayson Kirk and the trustees. Her case shows how, when faced with a professor who spoke publicly about views that aligned with communism, the University gave into the same sort of McCarthyist tendencies it publicly criticized. Worst still, President Kirk did so under the guise of “academic freedom,” stating with a straight face that the Weltfish dismissal protected academic freedom.

At Columbia, the pattern repeats itself time and time again. While publicly championing civil rights, the University evicted hundreds of mostly African American tenants from their Harlem homes so the school could build “Gym Crow”, a segregated facility with separate entrances for the mostly white college students and the mostly Black Harlem residents. When confronted with this design flaw, instead of fixing it, the University obfuscated, temporized and outright lied creating such resentment in the community that the project was halted. Beginning in 1959, the University initiated plans to build a gymnasium for Columbia College students that would sit on two acres of public land just inside Morningside Park. The New York Legislature approved Columbia’s gymnasium plans, which included limited community access, in 1960. Fundraising delays held up the

construction of the building for several years. By the mid-1960s, the University's allocation of public land for the project provoked increasingly negative feelings among government officials, community groups and Columbia students. Those opposed to the gym were particularly critical of its design. The building provided access to the University community at the top of Morningside Park along its western boundary, while residents of the surrounding Harlem community would enter on the basement level, along the eastern edge of the park, where they would have access to only a small portion of the building. Separate and unequal access to the facilities prompted cries of segregation and racism. Almost immediately after Columbia began construction on the gym in February 1968, demonstrating Columbia students and neighborhood residents descended on the site in protest.^[2]

In 1959, Columbia joined the five-year-old Institute for Defense Analyses (IDA), and University president Grayson Kirk became Columbia's representative on the IDA board. IDA served as a forum where leading research universities and government agencies that funded military research could discuss issues of mutual interest. Although IDA did not issue contracts for military research and development, participating members were given de facto priority. Columbia acknowledged its membership in IDA when questioned by SDS in the mid-1960s, but proved less forthcoming about the extent of defense-related secret research conducted at the University. President Kirk refused to consider allowing the faculty to vote on the issue of withdrawal from the IDA when other universities, including Princeton and the University of Chicago, were doing just that. In response to growing criticism of Columbia's involvement in IDA Kirk created the Henkin Committee in January 1968 to investigate the University's ties to the defense industry.

Again, in the 1960s, when its policies supporting the Vietnam War were challenged, the University deliberately misinformed its faculty, students and the public about its long-term membership in the Institute for Defense Analyses (IDA). This of course contributed to the 1967 anti-war, anti-militarism protests and the months-long crisis thereafter. Beginning, in February 1967, eighteen members of SDS staged Columbia's first sit-in in Dodge Hall – in protest of CIA recruitment on campus. Still, other demonstrations centered around opposition to the University's unauthorized submission of student class rankings to Selective Service Boards, military recruitment on campus, and University involvement in the Institute for Defense Analyses (IDA).

And, yet again in the 1980s, when its investments propping up the apartheid regime in South Africa were challenged, instead of recognizing the moral imperative and divesting

immediately it took months of protests to finally yield a reluctant change in policy. And, even then, after publicly announcing a divestiture policy the University dithered and took years to fully divest. Although the Coalition for a Free South Africa (CFSA) had begun protesting Columbia's economic support for Apartheid South Africa years before through efforts to pass motions for divestiture in the University Senate composed of students, faculty, and administration, real practical change was stalled until April 4, 1985, when seven student members of CFSA chained closed the doors to Columbia's administrative building, Hamilton Hall, and sat on the steps, blockading the entrance. They were there to protest the University's investments in corporations that operated in Apartheid South Africa. Soon after, a march coordinated by other members of CFSA passed by Hamilton Hall. When the marchers saw the small blockade on the steps, they rushed to join in. Within two hours, the seven initial protesters had seen their number grow to more than 250. The blockade drew immediate news attention both for its visibility and the strong campus participation. The school immediately responded by threatening to expel CFSA leaders and dozens more received disciplinary notices within the next few days. The University continued, despite a restraining order issued by a sympathetic judge preventing police action, to point out the various civil and criminal violations made by the student protesters. The blockade, however, continued eventually growing to some 1,000 students sitting on the steps of Hamilton Hall at various times. Several months later Columbia's Trustees proceeded to divest the University of their investments with South African connections.

Even this brief walk down the pathway of Columbia's political history puts the lie to its public brand of a progressive institution committed to diversity of thought and action. In reality, Columbia is in practice a conservative, reactionary institution that all at once seeks to maintain a public brand of enlightenment while committed to repressive doctrinaire policies that over the decades have proven so intertwined with the government that it is practically an arm of the state. Today is no different.

Over these past 10 months, I have represented numerous students at Columbia... those actually charged with violation of various University regulations and others who have been swept up into a grand inquisition process that has used the pretext of "public safety" as a lever to explore student thoughts, association and aspiration. Not long before the first University invitation to NYC police to raid the campus to silence dissent with batons and beatings, the university targeted a "teach-in" which was held in a basement of "Q House" an on-campus residence that is home to some 15 students. Initially scheduled at URIS

Hall at Columbia, it was next moved to the Center for Research on Women at Barnard and then at the last minute to Q House. Told that other venues were unavailable, the move to Q House occurred after several residents reached out to housemates to determine whether they had any opposition to the teach-in being held there.

Named “Resistance 101” the teach-in was organized to provide historical context of the plight of Palestinians and the various crossroads of resistance they have endured and undertaken over these many decades. By no means a secretive gathering, online registration for the one-and-a-half-hour educational event was available to any and all interested students who wished to participate in-person or virtually through a posted link.^[3] Structured as a series of mini-lectures to be followed by a brief question-and-answer period, Resistance 101 had a speakers’ panel of 5 including Nerdeen Kiswani, JD, an organizer with “Within Our Lifetime” a Palestinian-led community organization that has been building support for Palestine in NYC for some ten years.

Ultimately some 30-40 students live-participated in what was very much an informative historical teach-in about Palestine that has since been described by various academic scholars who have seen the video, as akin to a graduate lecture/course on Palestine and the Middle East with real potential for framing as an advanced thesis on the region and its historical travails. Although there was an exchange of ideas and specific questions and points raised among the presenters and the student attendees, it was not extensive nor framed as an organizing strategy for going forward on campus or off. None of the participants had weapons of any sort, nor at any time urged violence at any place or time. Nothing expressed during Resistance 101 crossed the line from protected speech to either criminal incitement or prohibited conduct. Nor were plans discussed to undertake any acts of violence anywhere, or to break criminal laws or university regulations. Like classes across the country, and at Columbia, the content of this lecture while uncomfortable for some, was empowering if not thrilling for others. That’s the marketplace of ideas. That’s speech in all its intended glory. After an hour and a half, the teach-in ended with some students returning to their rooms in Q house, or elsewhere, and others to campus activities or classes.

Inexplicably, several days after the teach-in, Columbia pressed the political panic button over what, on the record before it, was very much a non-violent pure academic assembly and lawful exchange of information in an isolated area of a group residence among several dozen university students, and nothing more. Despite this, Columbia’s recently appointed CEO, Cas Holloway, issued a statement which, in relevant part, announced that after

learning of the teach-in “we immediately notified law enforcement and engaged an outside firm led by experienced former law enforcement investigators to conduct an investigation.”

Citing undefined “public safety” concerns, not long thereafter, and but some 4 weeks before the semester’s end, the CEO sent a series of threatening emails ^[4] to some sixteen students ordering them to appear before private investigators to answer questions about Resistance 101 or to face suspension from Columbia which necessarily included not just the loss of student housing, employment, and medical care but credit for the semester’s work which to many and their families ran into some thirty-thousand dollars in tuition. Although to date, it remains unknown why these particular students were targeted for investigation, most were simply residents of Q House and several others active in the pro-Palestinian community of Columbia University and New York City. Among those threatened with suspension, were students who did not attend the event or play any role in organizing or publicizing it. None of the targeted students has a criminal record of any sort. None has ever been accused of possessing or owning a weapon or committing an act of violence anywhere or threatening another person; be they a classmate, family member or acquaintance. None has been ejected from a classroom, or administrative office or previously been suspended by Columbia or any other school they have attended.

Citing a nebulous public safety concern, a week or so after the teach-in Columbia imposed a highly intrusive compulsory interrogation process upon more than a dozen of its students. Although, at times, a legitimate end when established, on campus or off, a public safety alarm is not a vague run-of-the-mill escape valve that swallows well-defined rights without a specific showing of exigence.^[5] Under the circumstances present here no such necessity was met by Columbia when it compelled these “interviews” at the risk of suspension.

And what of these interrogations? Triggered, we are told, by a genuine public safety concern, based on the information shared and questions asked, the coerced interviews proved to be little more than a Columbia witch-hunt without a witch. While investigators did ask a few generic questions as to what was discussed at the teach-in and whether any violence was promoted or generated fear among its participants, immediate student denials of any such concerns led to a sweeping series of questions that focused not on Resistance 101 but campus activism in general.

Thus, almost all students were asked what groups and or organizations they belonged to. What the purpose of such groups was; who the group leaders were; how and where the

groups met and what the process was for prioritizing group activities. Others were asked what kinds of clubs met at Q House, for what reason and how the events were undertaken; and how people could access Q House. In particular the investigators were interested in Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP) asking if any residents of Q House belonged to either group or shared their public releases. Questions were also asked about how students communicate with one another on campus about events, or share group notices about such activities; whether permission was required for events and, if so how; whether they had hosted any event or club meeting and if so where, how and why. All students were shown photos of two women who attended Resistance 101 and asked if they could identify them and if they recognized two posters that had been placed on campus announcing the event at several different locations. They were also asked to provide the names of any persons they saw at the event or as they left it.

Most disturbing of all was the impermissible overreach by investigators through their focus on campus Palestinian groups and pro-Palestinian activists. For example, they asked numerous detailed questions that focused specifically on such Palestinian support groups as Within Our Lifetime, the Palestine Solidarity Working Group, DAR Palestine, Columbia Students for Justice in Palestine, and Columbia University Apartheid Divest (CUAD). They also asked questions about a different virtual teach-in, Palestine10, which included a renowned Columbia history professor, Rashid Khalidi.

Entirely disconnected from Resistance 101, this race and national-origin-based line of inquiry lost any vestige of legitimacy as it clearly trespassed from irrelevant examination to discriminatory inquisition arguably in violation of Title VI of the Civil Rights Act of 1964, the primary education law that protects students from discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance.

The students intimidated into impermissible interrogation, and the group that refused, represents the best and the brightest among the generation that is preparing to take our place in all positions of society. They committed no crimes, urged no violence, and posed no danger. Yet absent any definable misstep, let alone evidence of such, they were threatened with suspension unless they immediately surrendered certain fundamental rights to the baseless talisman of public safety.

While public safety is very much a cornerstone of the social compact, an agreement where citizens, including students, surrender certain individual freedoms in exchange for collective benefit, it is not a pretext that permits a seizure of individual rights.

A plain read of the so-called safety sweep ordered and undertaken by Columbia University established that it was a mere ploy to gain prohibited access to the hearts, minds, souls and beliefs of students to which neither the state nor the university is lawfully entitled. At its core, this effort was little more than an intrusive intelligence-gathering operation that leveraged a peaceful, perhaps unsanctioned, event to gain information beyond the legitimate need and necessary reach of Columbia.

The absurdity of throwing students out of school for attending a non-violent teach-in on the most compelling issue of the day or for refusing to participate in the inquisition about it which followed is worthy of Kafka. Perhaps the leadership of Columbia University would do well to study the writings of the great legal thinker molded at Columbia Law School 100 years ago, William O Douglas. Having served 37 years on the Supreme Court, Justice Douglas wrote hundreds of opinions, but two statements, one legal and the other pedagogical, are especially applicable to this case.

“a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest.” *Terminiello v. City of Chicago*, 337 U.S. 1,4 (1949)(internal citation omitted).^[6]

Notes.

[1] See, <https://todayinclh.com/?event=columbia-university-fires-two-disloyal-faculty>.

[2] See <https://exhibitions.library.columbia.edu/exhibits/show/1968/causes/gym>

[3] The event was recorded and posted without redaction publicly on X (formerly Twitter) which was apparently shared among a quarter of a million followers of the platform as of March 24 2024.

[4] In addition to emails, private investigators suddenly appeared at the doors of two targets asking to interview them after somehow obtaining entrance to buildings that were otherwise secured and required a swipe of a student ID card for entry,

[5] It is of course well settled that words and words alone no matter how disturbing do not create a risk to public safety or constitute a breach of criminal law. See, *Brandenburg v. Ohio*, 395 U.S. 444 (1969)(upholding the right of the Ku Klux Klan to meet, demonstrate

and even spew hateful speech, in announcing a test that remains good law today, the Supreme Court found the statute under which Brandenburg was prosecuted ignored whether or not the advocacy it criminalized actually led to imminent lawless action. *See, also, Texas v. Johnson*, 491 U.S. 397 (1989)(The fact that an audience takes offense to certain ideas or expression does not justify prohibitions of speech); *Street v. New York*, 394 U.S. 576,592 (1969)(“It is firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers”). *Cf. People v. Tolia*, 214 A.D.2d 57,64 (1st. Dept. 1995)(*Brandenburg* protection not applicable where “defendant’s intentional actions posed a “clear and present danger” which led to violent, tumultuous behavior engaged in by 10 or more people. Indeed, this is not a case of a few poorly chosen words that led to unintended consequences ... Rather, it is a case of steadily deteriorating circumstances worsened by defendant’s relentless calls for the crowd to use force to resist and stop the police from ending the concert, at which police officers were greatly outnumbered.”).

[6] *See, also, An Almanac of Liberty New York*: Doubleday, Douglas, William O., p. 363 (1954) (“The most important aspect of freedom of speech is freedom to learn. All education is a continuous dialogue-questions and answer that pursue every problem to the horizon. That is the essence of academic freedom and scientific inquiry”).

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