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March 30, 2009

By email: william.leahy.1@bc.edu and First Class Mail
Father William P. Leahy, S.J.
President, Boston College
Botolph House
18 Old Colony Road
Chestnut Hill, MA 02467

Dear Fr. Leahy:

The ACLU of Massachusetts writes to express its concern over the college administration's cancellation of a lecture by education professor William Ayers.

In censoring the Ayers speech and preventing him from addressing the academic community in person, Boston College has abandoned its own mission statement which expresses a firm commitment to academic freedom, academic excellence, and intellectual rigor. While Boston College has worked to build its reputation nationally as an educational institution, that reputation is diminished now because there can be no academic excellence or intellectual rigor without a commitment to the free exchange of ideas and vigorous debate.

According to published reports, when news of Ayers' upcoming lecture was made public, a radio talk show host organized a campaign to pressure college administrators to prevent Ayers from appearing at BC. The talk radio host, Michael Graham, repeatedly asserted –without basis - that the anti-war Weather Underground (with which Ayers had associated many years ago) had been linked to the killing of Boston police officer Walter Schroeder in 1970.

Unfortunately, the college caved in to the pressure and prevented the lecture from taking place. BC Vice President for Student Affairs, Patrick Rombalski, has stated that the college took the action “out of concern for the safety and well being of our students and respect for the local community where the alleged actions of the Weather Underground continue to reverberate today.” In an earlier statement, BC said it had an obligation “to be respectful of our host community” and that the “emotional scars of the murder” of Schroeder could not be ignored.

By shutting down the Ayers lecture because of complaints, misinformation, fear of demonstrators, and fear of causing offense, BC has betrayed its commitment to “the free expression of ideas.” This kind of censorship is known as the “heckler’s veto” and is no less a threat to freedom of speech than if someone physically yanked a microphone away from an unpopular speaker. Not only does it violate Boston College’s own principles, but it is also at odds with the New England Association of Schools and Colleges (NEASC) principles, under

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which BC receives accreditation. Standard Eleven: Integrity, at 11.3 provides that the institution must be “committed to the free pursuit and dissemination of knowledge. It assures faculty and students the freedom to teach and study a given field, to examine all pertinent data, to question assumptions, and to be guided by the evidence of scholarly research.”

The College’s censorship is also at odds with the principles of the American Association of University Professors (AAUP). The AAUP statement on outside speakers is available at <http://www.aaup.org/AAUP/comm/rep/A/outside.htm> and addresses directly what is wrong with the College’s silencing of Ayers. The AAUP notes especially the misuse by some colleges of a concern over security to justify censorship.

The university is no place for a heckler’s veto....We have always been clear that colleges and universities bear the obligation to ensure conditions of peaceful discussion, which at times can be quite onerous. Only in the most extraordinary circumstances can strong evidence of imminent danger justify rescinding an invitation to an outside speaker.”

There was no such evidence in this case.

These principles are just as important at a private university like Boston College as they are at a public university which is bound by the First Amendment. This was recognized recently by Tufts University President Lawrence Bacow. See “Freedom of Expression at Tufts (August 27, 2007), available at http://president.tufts.edu/1173575083523/Pres-Page-pres2w_1187964033049.html

While Tufts is a private institution and not technically bound by First Amendment guarantees, it is my intention to govern as President as if we were. To put it another way, I believe that students, faculty, and staff should enjoy the same rights to freedom of expression at Tufts as they would if they attended or worked at a public university.... During the McCarthy era, a number of university presidents in the United States failed to defend the principle of freedom of expression. Students, faculty, and staff paid for this equivocation as the government sought to purge college campuses of those expressing particularly unpopular opinions. We must be vigilant in defending individual liberties even if it means that from time to time we must tolerate speech that violates our standards of civility and respect.

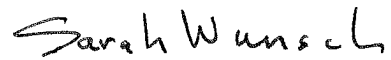
We urge you to acknowledge, as President Bacow did at Tufts, that mistakes have been made by Boston College in cancelling the Ayers lecture. The administration should reiterate to students, faculty, and staff that Boston College is committed to the principles of freedom of expression on campus and College policy should make that explicit. We also ask that a very clear and speedy process be established by which members of the community can file complaints if it appears that

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a violation of these principles is threatened. It would also be appropriate to invite Ayers again to speak to the Boston College community.

Thank you for considering these views. I would appreciate hearing back from you.

Sincerely,

A handwritten signature in black ink that reads "Sarah Wunsch". The signature is written in a cursive, slightly slanted style.

Sarah Wunsch