

VIA ELECTRONIC MAIL AND U.S. FIRST CLASS MAIL

August 8, 2014

Dr. Phyllis M. Wise
Chancellor
University of Illinois at Urbana-Champaign
Swanlund Administration Building
601 John Street
Champaign, IL 61820
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Dear Dr. Wise:

As organizations dedicated to upholding the rights of individuals to advocate their political views without repression, we urge the University of Illinois at Urbana-Champaign (UIUC) to reinstate Professor Steven Salaita. UIUC recently took the drastic measure of terminating Prof. Salaita, mere days before his appointment was to begin, in direct response to his social media posts critical of Israel's human rights abuses. This action is a severe violation of Salaita's First Amendment and academic freedom rights. It is also an example of the dangerous capitulation of the university to campaigns that aim to shield Israel from scrutiny by silencing all advocacy for Palestinian rights, especially in academia.

Professor Salaita has long been active on social media, making pointed, sardonic, and controversial statements on Twitter. His tweets during Israel's latest military assault on Gaza (during which nearly 2000 Palestinians have been killed, 10,000 injured, and approximately 485,000 internally displaced), however "uncivil" the University perceived them to be, cannot be an excuse for the University to renege on his appointment, in violation of his constitutional rights. Indeed, a University spokeswoman defended Salaita's tweets in response to complaints, stating "Faculty have a wide range of scholarly and political views, and we recognize the freedom-of-speech rights of all of our employees."¹ The AAUP's statement in response to the University's actions also defended faculty rights to engage in such speech:

...faculty comments made on social media, including Twitter, are largely extramural statements of personal views that should be protected by academic freedom. While

¹ Christine Des Garennes, Soon-to-be UI prof's Mideast posts drawing ire, The News-Gazette, July 22, 2014, <http://www.news-gazette.com/news/local/2014-07-22/updated-soon-be-ui-profs-mideast-posts-drawing-ire.html>.

Professor Salaita's scholarship does appear to deal with the topic of Palestine, his posts were arguably not intended as scholarly statements but as expressions of personal viewpoint. Whether one finds these views attractive or repulsive is irrelevant to the right of a faculty member to express them. Moreover, the AAUP has long objected to using criteria of civility and collegiality in faculty evaluation because we view this as a threat to academic freedom. It stands to reason that this objection should extend as well to decisions about hiring, especially about hiring to a tenured position.²

Moreover, the Supreme Court has held that “speech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.”³ Indeed, the First Amendment would be meaningless if it did not protect the expression of the most acerbic and scathing of dissent, and instead required a parsing of what is “civil” and acceptable speech and what speech may be censored, based on the vagaries of reigning political orthodoxies.

UIUC’s dismissal of Salaita because his private tweets support Palestinian rights constitutes impermissible “viewpoint discrimination” – a violation of his First Amendment rights.⁴ As a public university, UIUC is required to adhere to First Amendment and academic freedom principles that protect the rights of faculty members to “speak or write as citizens,” and to be free from “institutional censorship or discipline.” It is also obligated to protect faculty’s academic freedom to decide collectively, as a department, under a university’s bylaws, to invite a respected colleague to join the department, as we understand to have happened in this case. UIUC’s censoring of political and academic discussion casts exactly the “pall of orthodoxy” on academics on matters of public concern that the Supreme Court warned against in the wake of the McCarthy era:

To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. . . . Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.⁵

² See American Association of University Professors, Statement on Case of Steven Salaita, Aug. 7, 2014, <http://www.aaup.org/media-release/statement-case-steven-salaita>.

³ *Connic v. Myers*, 461 U.S. 138, 145 (1983)

⁴ See American Association of University Professors, 1940 Statement of Principles on Academic Freedom and Tenure; *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992).

⁵ *Keyishian v. Board of Regents*, 385 U.S. 589, 684 (1967); see also *Adler v. Board of Education*, 342 U.S. 485 (1952); *Cramp v. Board of Public Instruction*, 368 U.S. 278, 82 S.Ct. 275, (1961); *Board of Regents v. Roth*, 408 U.S. 564 (1972); *Perry v. Sindermann*, 408 U.S. 593 (1972); *Mt. Healthy City Board of Ed. v. Doyle*, 429 U.S. 274 (1977); *Adams v. Trs. of the Univ. of N.C. - Wilmington*, 640 F.3d 550 (4th Cir. 2011) (*held*: public university professors are protected by the First Amendment when they speak with a citizen’s interest on political and social issues that arise within the campus community or society at large).

In addition to violating his free speech and academic freedom rights, the University's action is a severe example of what has been a long-term and consistent effort to intimidate, punish and censor academics who dare criticize Israel or support Palestinian rights. Palestine Solidarity Legal Support has documented many such attacks on academics in the last several years, including the ongoing campaign against Palestinian Professor Rabab Abdulhadi at San Francisco State University attacking her research trips to Palestine.⁶ Other efforts to investigate, obstruct and punish academics that speak out about Palestine include the campaigns against University of California Los Angeles professor David Shorter and California State University David Klein for posting links about the boycott, divestment and sanctions movement on their university websites;⁷ complaints against San Jose State Professor Persis Karim for organizing a conference on how to teach Israel-Palestine;⁸ attempts to cancel a speaking tour by Israeli academic Ilan Pappé at California State Universities;⁹ and efforts to cancel a conference on legal approaches to Palestinian rights at UC Hastings,¹⁰ to name only a few instances in the last three years.

The campaign against Salaita by groups such as the Simon Wiesenthal Center¹¹ must be placed within this larger effort to make scholarship and advocacy on Palestine taboo by threatening those academics who engage in it with veritable blacklisting, loss of employment, and emotionally draining personal attacks. The basis of all of these attacks is that criticism of Israel is anti-Semitic, a false equation that would effectively silence critical discussion of one of the most important international issues of our time. Universities must resist the pressure to respond to politically motivated campaigns that aim to silence views that certain individuals object to or find offensive.

⁶ See <http://palestinelegalsupport.org/2014/06/19/san-francisco-state-university-president-defends-professor-rabab-abdulhadis-travel-and-research-after-latest-mccarthyist-campaign/>.

⁷ See Professor David Shorter's controversial link on course website is protected by UC bylaws, April 26, 2012, http://dailybruin.com/2012/04/26/_professor_david_shorters_controversial_link_on_course_website_is_protected_by_uc_bylaws_/; <http://palestinelegalsupport.org/2013/09/25/ccr-and-nlg-stand-up-to-protect-cal-state-professor-attacked-for-criticizing-israel-on-university-server/>

⁸ See MESA Committee on Academic Freedom, Letter concerning San Jose State University response to attacks against Professor Persis Karim after conference on teaching the Israeli-Palestinian conflict, Jadaliyya, May 23, 2013, <http://www.jadaliyya.com/pages/index/11864/letter-concerning-san-jos%C3%A9-state-university-respon>.

⁹ See State University hosts Israeli historian Ilan Pappé- says no to McCarthyite campaign, MuzzleWatch, Feb. 18, 2012, <http://muzzlewatch.com/2012/02/18/state-university-hosts-israeli-historian-ilan-pappe-says-no-to-mccarthyite-campaign/>.

¹⁰ See Sue Fishkoff, Calif. Law school draws fire for disavowing Palestinian rights conference, Jewish Telegraphic Agency, April 14, 2011, <http://www.jta.org/2011/04/14/news-opinion/united-states/calif-law-school-draws-fire-for-disavowing-palestinian-rights-conference>.

¹¹ See Hannah Hayes, Wiesenthal Center calls UI professor's controversial Twitter posts anti-Semitic, The Jewish Voice, August 6, 2014, http://jewishvoiceny.com/index.php?option=com_content&view=article&id=8125:wiesenthal-center-calls-ui-profes.

We therefore urge UIUC to reverse its decision, and to ensure that the rights of members of the university community to engage in First Amendment-protected expression are safeguarded from efforts to silence them for disagreeing with their views.

Sincerely,

Council on American-Islamic Relations – Chicago office (CAIR-Chicago)

National Lawyers Guild- Chicago chapter

Palestine Solidarity Legal Support