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On Student Rights

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by Greg Lukianoff

Is higher education taking its cues from the totalitarian regimes of the 20th century in administering "student justice"? This question may sound absurd to those unfamiliar with the systematic erosion of students' rights on campuses across the country. Even recognizing the trend, one asks, isn't comparing our universities to, for example, Czechoslovakia in the 1970s a bit excessive?

Consider the case of American University [AU] undergraduate Benjamin Wetmore. A classic dissenter, Ben runs a website called benladner.com [named for the president of AU] where he mocks and criticizes the university, reporting, for example, administrators' salaries and expenses. For obvious reasons, Ben has earned the contempt of the AU administration. In April, Ben attended a campus speech by former second lady and almost Senate candidate Tipper Gore. Having heard that the university was paying Mrs. Gore what seemed to him an extravagant sum, he brought his camcorder to videotape what the students were getting for their money. There was no indication that filming was not allowed, so he sat and taped her speech without incident. Then the plainclothes campus police arrived, who, according to Ben, refused his multiple demands that they identify themselves. They finally convinced him to exit the arena. Almost as soon as he did, according to reports, he was pinned, handcuffed and his videotape taken from him.

At this time Ben contacted the Foundation for Individual Rights in Education [FIRE], the civil liberties organization for students where I am director of legal and public advocacy. I wrote AU as an alumnus, assuming the university's embarrassment would quickly lead to amends.

AU did not apologize, or return the wrongfully confiscated videotape; instead it decided to throw the book at Ben. Administrators held a trial where Katsura Kurita, the director of judicial affairs, served as grand jury, judge and juror. The other two members of the jury were Katsura Kurita's law clerk and an old political rival of Ben's. Nothing was "impartial" about this process: During the proceedings Ben was chastised for his website, and he later received a letter from university counsel [on a supposedly unrelated matter] in which she focused on Ben's "derogatory" website. Unsurprisingly, Ben was found guilty by a unanimous jury.

Among his crimes was "possession of stolen property" for videotaping Mrs. Gore's intellectual property. [Students who videotape at AU should be aware that their cameras are apparently now considered thieves.] He was also found guilty of disobeying an officer and endangering the health and safety of other students by not acquiescing immediately to random unidentified authorities trying to shut down protected activity.

The written verdict rebuked Ben for lack of respect for the "university community," for "using" the hearing to protest the judiciary system, and for his failure to take responsibility for his actions [in other words, for pleading innocent]. One line encapsulates the terrifying absurdity of the "student justice" mindset: "The manner in which you questioned the authority of university officials and challenged the deficiencies within the organization with opposition and resistance is not appropriate in our academic and learning environment." Ignoring the manifest thuggery of their own security agents and centuries of pedagogical doctrine, AU administrators apparently believe that blind, unquestioning obedience is the path to true enlightenment.

AU still refuses to return the videotape to Ben, which contains crucial evidence of the police's abuse of authority. Ben has been placed on probation, removed from his elected position, warned that any future action could mean expulsion, saddled with community service hours, and, in true Orwellian fashion, forced to produce a paper on "conflict resolution" to atone for his sin.

This is not an isolated case, and the problem grows worse nationwide. FIRE sees hundreds of cases like this: students targeted for their opinions, independent student journalists found guilty of absurd or trumped-up charges, students expelled without even a shadow of due process. Often, when a university is caught acting this badly, it is smart enough to make amends to avoid public scorn. For this reason, most of FIRE's cases are resolved discreetly, without public fanfare.

AU administrators are unusual. They don't seem to mind if the whole world knows how they treat student dissenters; or perhaps they simply don't see the deep betrayal of basic freedoms and decency that their actions represent.

So I again put the question: What ought we to call a place where one is abused for being a journalist, deprived of property without legal recourse, charged with crimes that have no relationship to law, judged by a jury of one's opponents, found guilty for one's thoughts and attitudes, ordered to imbibe "right thinking," punished with no appeal, and subject to deprivation of one's academic career and future livelihood on the basis of autocratic whim? The totalitarian analogy isn't all that far-fetched.