



SPECIAL DOCUMENT FILE

ACADEMIC FREEDOM AND THE TEACHING OF PALESTINE-ISRAEL: THE COLUMBIA CASE, PART II

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In October 2004, press reports of a film featuring interviews alleging intimidation of Jewish students by pro-Palestinian faculty at Columbia University placed the university at the center of a controversy that soon was to become a cause célèbre. The film, entitled Columbia Unbecoming, was never shown publicly but was selectively screened in various versions to assorted journalists, political figures, and Columbia University officials. Though few others actually saw the film, it brought to a head a polarization that had been growing since spring 2002, when pro-Israeli monitoring groups such as Camp Watch and the action oriented nationwide Israel on Campus Coalition were set up to combat the anti-Israel sentiment fueled by Israel's siege of the West Bank (see Special Document File in JPS 134). The Boston-based David Project, producer of Columbia Unbecoming, is an associate member of the coalition. As of early 2002, professors with outspokenly critical views of Israel have been closely monitored.

In an effort to defuse the crisis that gripped the campus and that could adversely affect fundraising, the Columbia administration in January 2005 appointed a five-member ad hoc faculty committee to look into the abuses alleged in the film and any others that might be brought forward. The specific incidents investigated by the committee all involved faculty in the Department of Middle Eastern and Asian Languages and Cultures (MEALAC), and most especially Dr. Joseph Massad, assistant professor of modern Arab politics and intellectual history (and a member of the JPS editorial committee) who had been spotlighted in the film. In the committee's report released in late March 2005, Massad was alone among the accused faculty members to be criticized: the committee found it "credible" that he had "responded heatedly" to a student in a spring 2002 classroom incident. Another complaint against Massad,

though also found “credible,” was judged to fall into a “grey zone” since it occurred not on campus but at an event the “time, venue, and sponsorship” of which could not be determined. (Massad’s response to the Ad Hoc Committee can be found at www.columbia.edu/cu/mealac/faculty/massad/#response. Also of note: After the committee report was released, twenty students in Massad’s spring 2002 course wrote to the university specifically refuting the accusing student’s claims. This letter is posted on www.censoringthought.com/twentystudentpetition.html.)

Though the MEALAC case ostensibly dealt with faculty misconduct (the exclusive mandate of the ad hoc committee), few questioned that the real issue was academic freedom or, crudely stated, the extent to which the Palestine-Israeli conflict can be taught from a non-mainstream perspective in American universities without censorship. It was for this reason that the MEALAC case was closely followed in universities across the country, where the same issues are being debated. In an open letter to Columbia University, some fifty of its faculty in sixteen different departments noted that within a university context “neither faculty nor students have a right to be shielded from disagreeable or unfamiliar ideas, the production of which is integral to the mission of the university.”

JPS is running four documents related to the MEALAC case. In addition to the key sections of the ad hoc committee report, these include Massad’s testimony to the committee, which furnishes a record of the lengths to which pro-Israeli monitoring organizations are prepared to go in pursuit of their objectives, a letter from the New York Civil Liberties Union, which offers a critique of the committee report, and a New York Times editorial on the report and the Massad case in general.

**A. JOSEPH MASSAD, STATEMENT TO THE COLUMBIA UNIVERSITY
AD HOC GRIEVANCE COMMITTEE, NEW YORK, 14 MARCH 2005
(EXCERPTS).**

The full text of Massad’s statement and his response to the Ad Hoc Committee, challenging its findings, are available online at www.columbia.edu/cu/mealac/faculty/massad.

I appear before you today because of a campaign of intimidation to which I have been subjected for over three years. While this campaign was started by certain members of the Columbia faculty, and by outside forces using some of my students as conduits, it soon expanded to include members of the Columbia administration, the rightwing tabloid press, the Israeli press, and more locally the *Columbia Spectator*. Much of this preceded the David Project film “*Columbia Unbecoming*,” and the ensuing controversy. . . .

I started teaching at Columbia in the fall of 1999. At the conclusion of my first academic year, during which I taught my class on Palestinian and Israeli Politics and Societies, I received a Certificate of Appreciation for teaching presented by “The Students of

Columbia College, Class of 2000,” and was nominated and was one of the two finalists for the Van Doren teaching award which went that year to Professor Michael Stanislawski. In my second year, I began to be told of whispers about my class on Palestinian and Israeli Politics and Societies. Jewish students in my class in the spring [of] 2001 would tell me that I was the main topic of discussion at the Jewish Theological Seminary and at Hillel and that my class is making the Zionists on campus angry. I took such reports lightly, as the class had doubled in size from the first year. I did notice, however, that the class included some cantankerous students who insisted on scoring political points during the lectures. I would always defuse the situation by allowing all questions to be asked and by attempting to answer them informatively. I would do so in class and during office hours. I had strong positive evaluations from most of my students with some complaining that the class was biased. Although my course description explained that “The purpose of the course is to provide a thorough yet critical historical overview of the Zionist-Palestinian conflict to familiarize undergraduates with the background to the current situation,” I decided in the following year (spring 2002) to emphasize that point more clearly. The course description read as follows:

The course examines critically the impact of Zionism on European Jews and on Asian and African Jews on the one hand, and on Palestinian Arabs on the other—in Israel, in the Occupied Territories, and in the Diaspora. The course also examines critically the internal dynamics in Palestinian and Israeli societies, looking at the roles class, gender, and religion play in the politics of Israel and the Palestinian national movement. The purpose of the course is *not* to provide a “balanced” coverage of the views of both sides, but rather to provide a thorough yet critical historical overview of the Zionist-Palestinian conflict to familiarize undergraduates with the background to the current situation from a *critical* perspective.

The point of the class description is to make sure the students understood that no side was being presented, neither the Palestinian nor the Zionist side, but rather that this was a course that was critical of both Zionism and Palestinian nationalism. . . .

It was with this as background that I started my spring 2002 semester. My Palestinian and Israeli course seemed to have a more cantankerous crowd that year than before. Even though this year, the class had two discussion sections to accommodate the number of students, a number of students insisted on having discussions during the lecture. Some would bring with them a pro-Israel lobby propaganda book from which they would insist on reading in class. I would let them.

One student in particular stood out. A smart older student in General Studies, who identified herself as having a South African Jewish background, would insist on asking many questions every lecture, most of which were about scoring political points. The class had over 80 students and therefore it was difficult to accommodate such a large number of questions from students. No matter, I decided to let her ask all her questions in every lecture in order to make her feel comfortable and that she feel that the class is a space where she could express herself freely. She would E-mail me asking for exact

sources for information that I would give in class. I would E-mail her back what she needed. For a while, it seemed that I was her research assistant, which I was happy to do, in order to teach her that there are indeed scholarly sources and scholarly answers to her political queries. I later found out from other students that she was circulating a petition in the class to have me fired from Columbia. I asked her after class one day if that was the case, and told her that if it were so, that she would be free to circulate it outside of class, not inside. She smiled back without comment.

I saw her on college walk one day after spring break. She came up to me and told me that she had just been to Israel and the occupied territories and expressed how bad she felt about the situation there. She apologized about the petition and told me that she had been approached "from the outside" to do it, but she had dropped the matter. She spoke of people at the medical school and others from outside the university who were behind the idea, but did not provide details. I did not inquire.

Another student of mine (now at the School of International and Public Affairs), who self-identified as a "Likudnik," also approached me on campus one day during the spring 2002 semester, telling me that he and a few other students had been invited to see a female professor at the medical school. He described the meeting as being so "surreptitious" and "conspiratorial" that it felt as if they were planning on having me "murdered." In fact, the meeting was to strategize how to get me fired. The student told me that they discussed the option of meeting with Reeva Simon, who worked at the time at the Middle East Institute, to coordinate the plan with her. He told me that he had informed the students and the medical school professor that even though he disagreed with me, he thought I had the right to express my views.

The female student who initiated the petition against me was not alone in class who consistently posed hostile questions. Three or four other students would do so intermittently. One of them insisted on reading out loud in class paragraphs from a propaganda book issued by a pro-Israel lobbying organization. The book is *Myths and Facts: A Guide to the Arab-Israeli Conflict* written by one Mitchell Bard and published by the American-Israeli Cooperative Enterprise, which states on its Web site that "We are committed to arming students with the information they need to respond to the very difficult issues raised on the campus."¹ Many students complained that these few students were disruptive in class, especially as there are discussion sections for them to raise their concerns. I allayed their anxiety by explaining that there is something to learn from some of the students' politically motivated questions, namely, that all students would learn the political arguments of proponents and opponents of certain scholarly analyses of the conflict, and that students who had political queries would also learn that there are indeed persuasive answers to the queries they raise from a critical and scholarly angle. For me, allowing these students to disrupt my lecture was of pedagogical benefit to them and to the rest of the class.

During the same semester, in April 2002, I was attacked and misquoted by the *Spectator* after attending an on-campus rally in support of Palestinians under Israeli military attack in the West Bank and Gaza. . . . which took place on Wednesday, 17 April 2002. I was one of countless speakers. I spoke out and asserted the following: "Like white South Africans who felt threatened under apartheid and who only felt safe when they gave up their commitment to white supremacy, Israeli Jews will continue to feel

threatened if they persist in supporting Jewish supremacy. Israeli Jews will only feel safe in a democratic Israeli state where all Jews and Arabs are treated equally. No state has the right to be a racist state.” The *Spectator* misquoted me as saying that Israel is “a Jewish supremacist and racist state,” and that “every racist state should be threatened.”² When I protested the misquotation, the *Spectator* journalist who wrote the story, Xan Nowakowski, apologized and informed me via E-mail that she did not even attend the rally and got the quotes from another reporter. She assured me that the newspaper would run a correction. After a back and forth for almost a week on E-mail, the *Spectator* ran the correction on 24 April 2002.

However, two major pro-Israeli propagandists, namely Martin Kramer and Daniel Pipes, would insist on reproducing the misquotes in articles that they wrote to newspapers and that they posted on their Web sites. . . . Following the launch of CampusWatch [started by Pipes and supported by Kramer], my E-mail was spammed for months with over 4,000 E-mails daily, which I had to sift through until finally Columbia was able to install an anti-spamming program. Moreover, I was subjected to identity theft when thousands of racist E-mails would be sent in my name to individuals and listservs, including a few to the White House and congressmen threatening them with terrorist action. Moreover, thousands of other E-mails would be sent to people with requests of notes of receipt being sent back to my E-mail account, which clogged it further with thousands of such E-mail receipts. I also received tens of racist E-mails and phone messages including death threats directed at me. In the meantime, Pipes’s Web site called on our own students to spy on us in the classroom and report to him, and Kramer called for my dismissal from Columbia University³. . . .

As I was on sabbatical in London that year, I was relatively shielded from the campaign, even though my E-mail account continued to be disrupted. . . . In late January 2003, I began to write a column to the Egyptian Weekly *Al-Abram*, which deals mostly with Palestinian-Israeli affairs and with the Arab world more generally. Every time I published an article, Kramer and Pipes would write about it, as would new student recruits that they had on campuses. One such ideological recruit was a first year student in General Studies whom I had never met called Ariel Beery. Beery would become one of the main people defending the claims of the David Project in whose film he appeared and called me “one of the most dangerous intellectuals . . . on campus.” Beery has never taken a class with me and never met me. Beery, who claims to have served in the Israeli army in Lebanon, had his own *Spectator* column and a personal blog. Beery arrived on the Columbia campus when I was on sabbatical, yet, surprisingly, he chose to write about me in his column. After criticizing my Palestinian and Israeli Politics and Societies course, which he never took, Beery asserted:

One would think that we need a teacher in the classroom, not a critic. . . . The problem lies not in what Massad believes, but in his openly biased presentation in the classroom. The statements he issues are anywhere from questionable to fundamentally wrong. [. . .] Columbia should not trust the minds of its charges to a professor with a limited knowledge of the body politic of the region he supposedly is an expert in. [Massad also] says that the claim that Israel is democratic

is no more than a “propagandistic image.” . . . th[is] . . . charge on Israel should again disqualify Massad from teaching at Columbia.⁴

...

Upon returning to Columbia in the fall of 2003, I was scheduled to give a lecture on the 2nd of October at the Society of Fellows at the Heyman Center. The lecture was attended by a large number of people including many faculty members. Professor Nicholas Dirks, who had not yet become vice-president, was among them. After the lecture I was asked a number of hostile questions from young students and from one Rabbi Charles Sheer, about whom I had heard the previous year when he railed against MEALAC professors in the context of the pro-Palestinian rally that took place on campus in April 2002. I had never met him before. I answered all the questions put before me. Several professors came to me afterwards, including Brinkley Messick of the Department of Anthropology and my departmental colleague Janaki Bakhle, among others, wondering how I managed to remain calm in the face of rude and hostile questions of the caliber I had been asked. Rabbi Sheer’s secretary called me and left a message asking for the text of the lecture. I never responded. The lecture has been published in the scholarly journal *Cultural Critique* and has recently been the topic of a newspaper article in the *New York Sun*, and I believe also in the *Daily News*.⁵ On 6 January 2004, Rabbi Sheer posted a letter on the Hillel Web site addressed to Columbia and Barnard students, in which he discussed my lecture . . . and then summarized it by making outrageous claims that were never made in the lecture:

Professor Massad has reversed the roles of all the players and re-defined many of the historic events: the Zionists are the new Nazis; the Palestinians are oppressed victims and therefore the new Jews. . . . From a distance, this diatribe may sound ludicrous. However, its impact on campus is serious. MEALAC should enable our students to explore issues vital to their understanding of the modern Middle East in a balanced way . . .

We will see how the false claim . . . by Rabbi Sheer that I said that “the Zionists are the new Nazis” . . . would find its way to Ariel Beery who would make the same claim in the video *Columbia Unbecoming*,⁶ as would Noah Liben in his description of my course—a false claim that would be repeated ad absurdum in the media. Sheer concluded . . . [by effectively calling] on students not to take my class, and . . . announcing the filming of *Columbia Unbecoming*:

Of course, academic freedom is a cornerstone of our University. However, students are understandably reluctant to take courses from faculty who impose their biases in their teaching. A student group is currently working on a video that records how intimidated students feel by advocacy teaching, and how some are discouraged from taking MEALAC courses or majoring in Middle East studies.

Sheer further called on Columbia University to “share my passion for unbiased scholarship and the establishment of a proper learning environment so our students—Jews and non-Jews—can learn about complex issues with honesty and integrity.”⁷

Suffice it to say that my class had over fifty students for the spring 2004 and students did not heed the call made by Sheer. The class did, however, include a number of auditors (I found out they were unregistered during the last week of class) who would consistently harass me with hostile ideological questions that ignored all the readings. Students complained about the disruption this caused the class. I tried to emphasize to the auditors that their questions must be relevant to the subject at hand and that they must do the readings. They never did and I continued to answer their questions until the end of the semester to avoid creating a tense atmosphere in the classroom.

During this period, the *New York Sun* and Kramer and Pipes continued to attack me in their columns and on their Web sites. In an article on 30 December 2003, the *Sun* had again attacked one of my newspaper columns misquoting me. In my column, I stated that "While Israel has no legitimacy and is not recognized by any international body as a 'representative' of the Jewish people worldwide but rather as the state of the Israeli people who are citizens of it," the *Sun* quoted me as saying that "Israel has no legitimacy." I asked for a correction from the reporter Jacob Gershman. He agreed and the newspaper ran it the next day.⁸ This, however, was just a brief lull. On 4 May 2004, the *Sun* ran another article about me by one Jonathan Calt Harris, identified as an associate of Daniel Pipes at Campus Watch, titled "Tenured Extremism." After a litany of misquotes, half quotes, and outright fabrications, Calt Harris, who referred to my views as akin to those of "Nazis," concluded by stating: "Mr. Massad is soon up for tenure review. Should this once distinguished university stoop to provide a permanent forum for his views, it would signify a truly stunning oversight. . . . He knows no distinction between a classroom lecture and advocacy at a public demonstration."⁹

Based on this repeated call to deny me tenure at Columbia, which had already been expressed by Martin Kramer, I set up an appointment with Provost Brinkley and met with him. I sought his help and the help of the university's legal services to fight this defamation of character. The latest article in the *New York Sun* included such blatant and insidious misrepresentations that I seriously considered suing them for defamation. I provided copies of my written work for the Provost and told him of the campaigns to which I had been subjected in the previous years. While the provost seemed mildly supportive, he did not think that suing would be practical. I asked him if he could arrange for me to meet with legal services to which he reluctantly agreed. I had to remind him by E-mail to set up a meeting for me. After he put me in touch with legal services, my E-mails to them went unanswered. I asked the provost to intervene, which he did. His intervention produced a response from their office asking me about my available times to set up an appointment. I sent it to them and never heard back. I dropped the matter after I left in mid-summer for vacation abroad.

In the meantime, however, I received a letter from Joel J. Levy, director of the New York chapter of the Anti-Defamation League, copies of which had been sent to President Bollinger and Provost Brinkley. The letter was, significantly, dated 6 May 2004, two days after Calt Harris published his article in the *Sun*. The letter complained to me that, according to one report it received from one student who attended a lecture that I had given at the University of Pennsylvania on 24 March 2004 (which incidentally was the same lecture I gave at Columbia's Society of Fellows the previous October), ideas expressed in my lecture are "anti-Semitic." The letter made false claims about what my lecture said and asked that I retract them and issue an apology for my allegedly

anti-Semitic remarks. I wrote Mr. Levy back and copied President Bollinger and Provost Brinkley. I stated in my letter that:

My principled stance against anti-Semitism and all kinds of racism is a matter of public record and cannot be assailed by defamatory “reports” or by letters from the ADL that consider them credible sources. Indeed I have condemned anti-Semitism in my Arabic and English writings, regardless of whether the person expressing it was pro-Israel or anti-Israel, an Arab, an American Christian, or an Israeli Jew. . . . I therefore expect a prompt correction of the errors contained in your letter and demand an immediate apology, a copy of which should be sent to President Bollinger.

I never heard back from the ADL or from the provost.

It was with this as background that news about the David Project film *Columbia Unbecoming*, surfaced on 20 October 2004 in a *New York Sun* article.¹⁰

The Aftermath of *Columbia Unbecoming*

I was horrified by the media campaign against me and the calls for my dismissal from Columbia that were issued by Congressman [Anthony] Weiner and by the editors of the *Daily News* and the *New York Sun*, as well as calls by Jewish members of the New York City Council to investigate the matter. These calls were issued as declarations about the controversy by the national head of the ADL and Mayor Bloomberg [and] were also made to the press, and the film was suddenly being shown in Israel before a government minister at an anti-Semitism conference. I had requested a meeting with Provost Brinkley who did not contact me once during the early days of the controversy, during which President Bollinger was making all kinds of statements to the press. My request to meet with the Provost was made through the chair of my department, Marc van de Mieroop, who attended our meeting in the Provost’s office on the 27th of October. I inquired of the provost as to why he would sit down secretly to watch a propaganda film produced by a lobbying group and why he would remain silent about it after he had seen it. The provost apologized and admitted that these were mistakes but that now we needed to contain the problem. He assured me that he had received countless letters in my support and few against me. When I spoke with Vice-President Dirks later, he also informed me that he had received “hundreds” of letters in my support and “three or four” against me. I trust that the President, the Provost, and the Vice-President, have shared with you these letters. While the provost and I corresponded briefly on E-mail, mainly about my concerns regarding statements made by President Bollinger, which the Provost would challenge and represent as the media’s inaccurate rendering, soon there would be no further communication with him. President Bollinger to this day has not contacted me.

The *Columbia Spectator* ran an editorial asking me to respond to the allegations. They wrote me and called me asking that I issue a statement. I agreed with their editorial page editor, Rachael Scarborough King, on the number of words and sent it to them. They refused to publish it unless I cut it to 1,600 words, 400 words below what they had

agreed to. I cut down my statement and resent it. They still refused to publish it. The editorial page editor, Ms. King, sent me an apology about her sense of shame that the editor in chief “overruled” her and refused to run it. I have kept our E-mail correspondence. I opted to post my response to the allegations on my Columbia Webpage on 3 November 2005, against the advice of the Provost, who counseled that my silence was of more benefit to me. The *Spectator* would later publish Charles Jacobs’s, the director of the David Project, response to my statement.¹¹

Let me begin by responding to the claims put forward in *Columbia Unbecoming*, both based on press reports and on the recent transcript of the film made available on the Web. I still have not seen the film. Let me reiterate what I said in my statement regarding the claims put by the students in the film:

I am now being targeted because of my public writings and statements through the charge that I am allegedly intolerant in the classroom, a charge based on statements made by people who were never my students, except in one case, which I will address momentarily. Let me first state that I have intimidated no one. In fact, Tomy Schoenfeld, the Israeli soldier who appears in the film and is cited by the *New York Sun*, has never been my student and has never taken a class with me, as he himself informed the *Jewish Week*. I have never met him. As for Noah Liben, who appears in the film according to newspaper accounts (I have not seen the film), he was indeed a student in my Palestinian and Israeli Politics and Societies course in the spring of 2001. Noah seems to have forgotten the incident he cites. During a lecture about Israeli state racism against Asian and African Jews, Noah defended these practices on the basis that Asian and African Jews were underdeveloped and lacked Jewish culture, which the Ashkenazi State operatives were teaching them. When I explained to him that, as the assigned readings clarified, these were racist policies, he insisted that these Jews needed to be modernized and the Ashkenazim were helping them by civilizing them. Many students gasped. He asked me if I understood his point. I informed him that I did not. . . . As for his spurious claim that I said that “Jews in Nazi Germany were not physically abused or harassed until Kristallnacht in November 1938,” Noah must not have been listening carefully. During the discussion of Nazi Germany, we addressed the racist ideology of Nazism, the Nuremberg Laws enacted in 1934, and the institutionalized racism and violence against all facets of Jewish life, all of which preceded [Kristallnacht]. This information was also available to Noah in his readings, had he chosen to consult them. Moreover, the lie that the film propagates claiming that I would equate Israel with Nazi Germany is abhorrent. I have never made such a reprehensible equation.

I remember having a friendly rapport with Noah (as I do with all my students). He would drop off newspaper articles in my mailbox, come to my office hours, and greet me on the street often. He never informed me or acted in a way that showed intimidation. Indeed, he would write me E-mails, even after he stopped being my student, to argue with me about Israel. I have kept our correspondence. On 10 March 2002, a year after he took a class with me, Noah wrote me an E-mail chastising me for having invited an Israeli speaker to class the year before when he was in attendance. It turned out that Noah’s memory failed him again, as he mistook the speaker I had invited for another Israeli scholar. After a long diatribe, Noah excoriated me: “How can you bring

such a phony to speak to your class??" I am not sure if his misplaced reproach was indicative of an intimidated student or one who felt comfortable enough to rebuke his professor!¹²

As for the claim made by Ariel Beery, whom I have never met and who has never been my student, that my "favorite description is the Palestinian as the new Jew and the Jew as the new Nazi." Such a statement is an outright lie. Beery gets this quote not from anything I said or wrote, but from the fabrication made up by Rabbi Sheer on his Hillel web posting of January 4th 2004. As for the claims made by Deena Shanker, whose story suddenly appeared in a report in the *New York Sun* after my posted statement dismantled the false claims made by Liben and Schoenfeld, her claims are also outright lies.¹³ In her *New York Sun* account, Ms. Shanker stated that she asked me

"if it is true that Israel gives prior warning before launching strikes in Palestinian Arab territories" . . . That provoked him to start screaming, "If you're going to deny the atrocities being committed against the Palestinians then you could leave the class," Ms. Shanker said. . . . She said she was "shocked" by his reaction, and that Mr. Massad "usually answered civilly along the lines of, 'No, you're wrong.'" She said Mr. Massad compared Israelis to Nazis during lectures in class.

Shanker later told the *New York Times* a different story: "She said that Professor Massad sometimes ridiculed her questions and during one class exchange yelled at her to get out. (She stayed.) 'People in the class were like blown away,' she said."¹⁴ Her account to the *Jerusalem Post* was also inconsistent with the other two accounts:

"If you're going to deny the atrocities being committed against the Palestinian people then you can get out of my classroom!" Massad shouted, according to Shanker's account. . . . Shanker was shocked. . . . "Sometimes teachers and professors yell at students—it happens—but this was not like anything I've ever experienced. He was not treating me like a student," she said. . . . Shanker said she had grown accustomed to Massad's antagonism toward Israel, but the professor's rage at her for speaking up was frightening. . . . "I felt—I wouldn't say 'intimidated' was the right word—I would say: humiliated, violated, scared. This was very overt and explicit."¹⁵

Deena Shanker is lying in all three versions of her story. I have never asked her or any student to leave my class no matter what question they asked. In fact, I never asked any of my students to leave class for any reason. I have no visual memory of Deena Shanker who never came to office hours or spoke with me after class. The incident she describes never took place.

In the aftermath of the film, I received, and still receive, a barrage of hate mail and racist E-mails and voicemail messages. The first such E-mail message was from a medical school professor called Moshe Rubin. Professor Rubin wrote me on October 20th, the

same day as the first report was published in the *Sun*. Under the subject heading “Anti-Semite” he wrote:

Go back to Arab land where Jew hating is condoned
get the hell out of America
you are a disgrace
and a pathetic typical arab liar
Moshe Rubin

Many more such E-mails would follow. The campaign would quickly expand and include medical school professor Judith Jacobson, whom I believe is the professor who invited my students in the spring of 2002 to plan my firing from Columbia. Such threatening E-mails have also targeted others in my department. A recent E-mail was sent last week to all the Jewish students and faculty at MEALAC from an Israeli group calling itself “United Trial Group—Peoples Rights International,” informing them that:

We advise you to immediately dismiss/kick ass of Joseph Goebbels, aka Joseph Massed based on the President Bush Bill against anti-Semitism and according with the US anti-terrorism law, proscribing Nazi propaganda and incitement to terror. If you and the administration won't immediately dismiss that fascist bastard, you and the administration will be personally liable and accountable for aiding, abetting and harboring this Muslim criminal, and subject to criminal prosecution and multimillion compensations in damages. . . . You have 30 days to comply and inform us.

I should state that I have received immense support from across the world, through countless letters and thousands of signatures on an online petition. These include hundreds of individual letters from academics, students, and supporters, and tens of letters from my own students, especially my Jewish students. All these letters were sent to President Bollinger, Provost Brinkley, and Vice-President Dirks. Copies of many of these letters were sent to me. In addition, a colleague at the University of Texas at Austin, Professor Neville Hoad, circulated a letter within a few days of the controversy and obtained 828 signatures of major scholars and academics around the United States and the world, which he also submitted to the President, the Provost, and the Vice-President. Another academic colleague at the State University of California, As'ad AbuKhalil, set up an on-line petition, which obtained upwards of 3,000 signatures, a copy of which was also sent to Bollinger. Hooligans attempted to undermine the petition by signing names like “Adolf Hitler” and “Osama Ben Laden,” but they were not able to shut the petition down. In addition, two letters were sent to the President, the Provost, and the Vice-President, one by 24 graduate students at MEALAC, and another by 52 graduate students from other departments at Columbia. The Middle East Studies Association's Academic Freedom Committee also issued a letter defending my academic freedom, as did the American Association of University Professors (AAUP), the New York chapter of the American Civil Liberties Union (ACLU), and the American-Arab Anti-Discrimination

Committee. Thirty professors from the American University in Cairo also sent a letter defending me. President Bollinger has as of yet not responded to any of these individuals or organizations with the notable exception of the ACLU. A response was also sent by the Provost to the AAUP. In the meantime, my own senior colleague Dan Miron had joined the fray with claims to the *New York Sun* that students in the department had been complaining to him of class humiliation by professors every week for years.¹⁶

President Bollinger's Failure to Defend the Faculty

...
Columbia's first response to the allegations contained in the film, "Columbia Unbecoming," was a statement released by the President [Bollinger] himself. . . . In his statement, Bollinger referred to the "disturbing and offensive nature of incidents described in the film" without using the word "alleged" before incidents. This was certainly not an oversight, especially coming from a lawyer. He further added that academic freedom "does not, for example, extend to protecting behavior in the classroom that threatens or intimidates students who express their viewpoints." Bollinger failed to make any reference as to whether academic freedom extends to protecting students engaged in intimidating professors by raising a media campaign against them. Nor did the statement address whether the intimidation of the faculty and the Columbia administration by outside pressure groups, the press, and government officials would be tolerated.¹⁷ Instead, Bollinger in his statement announced that he had asked the Provost to "look into" the students' claims, which in subsequent press reports quoting him, he referred to as an "investigation."¹⁸

The next day, on October 28, Bollinger met with national director of the Anti-Defamation League, Abraham Foxman. . . . According to press accounts, Bollinger sought to meet with Foxman and other leaders of Jewish organizations. On 11 November, after delivering a lecture at the University Club on Fifth Avenue, Mr. Bollinger was asked about the student accusations against Columbia faculty members, "according to an audience member who did not wish to disclose his identity. . . Mr. Bollinger . . . said he was committed to academic freedom but wouldn't condone 'stupid' behavior by faculty members."¹⁹ . . . In response to allegations by students repeated to him by a reporter from *New York Magazine* that "On day one, students say, [Massad] tells his class they shouldn't expect 'balance.' There's even a disclaimer in his syllabus." Bollinger responded:

I believe a disclaimer before starting your course is insufficient. . . . It doesn't inoculate you from criticism for being one-sided or intolerant in the classroom. . . . That's not to prejudge any claims here. But if you're asking, in the abstract, "Can a faculty member satisfy the ideal of good teaching by simply saying at the beginning, *I'm going to teach one side of a controversy and I don't want to bear any other side and if you don't like this, please don't take my course,*" my view is, that's irresponsible teaching.²⁰

Bollinger never contacted me to check whether this is true and has not seen copies of my syllabi. While he claimed that he was answering a hypothetical question to

New York Magazine, he would soon be so emboldened by the very repetition of the claims against me that he would abandon the necessity he initially saw for the hypothetical caveat. This is how the reporter of the *Jewish Week* put it:

Bollinger is careful not to name names, but he makes clear he is at odds with some professors in the [MEALAC] department, whether or not they are guilty of the allegations against them. . . . “Just as I can’t go in to my First Amendment class and say you know, I happen to think that censorship is a very good idea, and if you want to take a course on freedom of speech that emphasizes, you know, against censorship, God bless you, and go do that,” he said.²¹

Indeed, Bollinger now speaks of these allegations as outright facts. Witness what he told students over dinner a few days ago as reported by the *Columbia Spectator*: “I’m not going to talk about whether the accusations are true or not. Let’s just assume they’re true,” Bollinger said.²² The *Spectator* reporter adds the following:

The second claim made by the film, according to Bollinger, was that some professors did not permit students to voice their own opinions about matters of discussion in the classroom. He identified this action as a clear violation of academic freedom. . . . The third claim was that some MEALAC courses are blatantly biased, presenting only one side of the spectrum of opinions on contentious subjects. Bollinger said that the warnings professors gave ahead of time about the one-sidedness of their courses were “unacceptable.”²³

Note that the situation was no longer hypothetical. I should emphasize here that not only did Bollinger or Provost Brinkley never contact me about my course, neither of them responded to my announcement that I had cancelled it, which I made in my publicized statement in response to the intimidation to which I was being subjected. I had indeed sent a copy of my statement to Provost Brinkley before posting it. He wrote me back counseling me not to release it. However neither he nor Bollinger, nor even Vice President Dirks, expressed any discomfort that I, a Columbia faculty member, was canceling one of my courses because of intimidation. None of them informed me that I would be protected by the university were I to teach it again and that the university would ensure my rights and protect me against intimidation. Indeed, what I was subjected to is not more protection by my own university but more intimidation. The most concrete manifestation of which was the formation of your committee.

On the issue of the formation of your ad-hoc committee, the first point I want to refer to is the establishment of the committee and then move to its mandate. The step taken by the administration to establish a committee to investigate professors based on student grievances that were not lodged with any university body but rather aired through an off-campus lobbying group sets a dangerous precedent of violating the academic freedom of professors. The establishment of the committee coupled with the statements by Bollinger to the press have given the clear impression that the David

Project had legitimate issues to raise with Columbia, and that even though Bollinger himself had assured everyone that there were no registered complaints against any of the accused professors through any Columbia channel, and that he had already convened a secret committee to investigate similar allegations the previous semester, the so-called Blasi committee, which found no evidence of bias, he still saw a need for a second special committee to become the address of such complaints. . . .

I am very concerned about the choice of Floyd Abrams as your advisor, a position whose mandate has not been made public. Mr. Abrams is publicly identified with pro-Israeli politics and activism. He has spoken at fund raisers for causes in Israel,²⁴ has worked and consulted with the Anti-Defamation League, one of the parties campaigning against me, and received a major award from it in 2003, the Hubert H. Humphrey Award, and has endorsed the book *The Case for Israel* by Alan Dershowitz, who has been speaking publicly in lectures and to the media against me, in the context of the ongoing witch-hunt, alleging that I support terrorism. In his blurb endorsing Dershowitz's book, Abrams states:

In a world in which Israel seems always to be the accused, regardless of the facts, Alan Dershowitz's defense offers an oasis of sanity and straight talk. It may be too much to hope that Israel's accusers will read this powerful and persuasive response to their charges. It is not at all too much to ask that fair-minded observers do so.²⁵

Given these statements by Abrams, the decision to appoint him as advisor to this committee conveys at the least the appearance of partiality.

On the question of my scholarship and my integrity as a teacher, Bollinger's statements sadly suggest that he has taken sides against the faculty and the university in this controversy. [. . . According to the *Jewish Week*], "Bollinger acknowledged, albeit elliptically, that the Israeli-Palestinian conflict is not being taught in a balanced way that reflects the complexity of the region. He believes that 'the historic, horrific treatment of Jews, especially in the 20th century, is not something to be taken as a matter of the past, and while I may not share all the policy judgments of the Israeli government, I believe the conflict cannot in any way be fairly regarded as lying at the feet of choices that Israel has made.'"²⁶ Instead, Bollinger recommends that MEALAC be "expanded" and that it continue to teach the Palestinian Israeli conflict but not as it has done so far:

"I happen to think that the Israeli-Palestinian conflict is of central importance in the modern world," he said, "and we want to be able to think about that in its full complexities. That's going to mean that there will be thoughts some people will find difficult, or even offensive, and yet we must be able to explore given our belief in academic freedom. However, it is our obligation to do that with full respect to the complexity, and if we don't do that, we have failed ourselves, we have failed our own principles."²⁷

The implication being that those of us, and the reference is clearly to me, who teach the Palestinian Israeli conflict at MEALAC do not teach it with its "full complexity" or

that I do not “respect” such complexity. Perhaps I need to state to the committee that I derive my authority as a scholar of the Middle East from my doctoral training here at Columbia’s Political Science Department which granted me my PhD with distinction, a rare honor that was further certified by the Middle East Studies Association which granted me its most prestigious award for a social science dissertation for 1998, the Malcolm Kerr Award. My book, which was based on my dissertation, was published by Columbia University Press, and has been endorsed and reviewed favorably by the most prominent Middle East scholars in the academy. The only unfavorable review, out of [eighteen] . . . received was in Martin Kramer’s unscholarly magazine, *Middle East Quarterly*. My book and my articles on the Palestinian Israeli conflict are used as standard texts for courses on nationalism and on Palestine and Israel across the United States and Europe. My recent work on sexuality and queer theory is also taught across the country, and a book-length study on the subject is forthcoming from Harvard University Press. I currently have two standing offers from prestigious presses for a book based on my published essays on Zionism and Palestinian nationalism. An attack on my scholarship therefore is not only an attack on me and on MEALAC, but on Columbia’s political science department, on prestigious academic presses, including Columbia University Press, and on the Middle East Studies Association (MESA), an opinion expressed by Martin Kramer, who also condemns Middle East Studies at Columbia and MESA itself. I should affirm here that President Bollinger is under the impression that he can set the research agenda for Middle East scholarship at Columbia much better than Columbia’s Middle East faculty. He told the *Jewish Week* that “we need to integrate better than we have other fields that have knowledge relevant to the work being done in MEALAC. What is the relationship, for example, between the environmental facts of life in the Middle East and Asia, or its diseases, and the culture there?”²⁸ This retreat to 19th century climatology and medical anthropology is disturbing. Would President Bollinger also think that there is a relationship between “environmental facts, its diseases and the culture” of African Americans or of American Jews?

I am concerned that Bollinger may well be making an academic judgment about me that is based not on my scholarship or pedagogy, but on my politics and even my nationality. A case in point is Bollinger’s recent response to a letter sent by one James Schreiber, a member of Columbia Law School’s Board of Visitors and former federal prosecutor, [which] says that a lecture that I gave and which he attended at Columbia’s Middle East Institute three years ago was comparable to a speech at a “neo-Nazi rally.” Bollinger met with Schreiber privately at his home and reportedly told him that he found his letter to be “powerful” and that he seeks to “upgrade” the faculty in the Middle East studies department.²⁹ In addition, when a number of faculty members and I signed a petition in 2002 calling on Columbia to divest from companies that sell weapons to Israel, a country guilty of human rights abuses, President Bollinger’s response betrayed a strong emotional reaction and a stronger political bias: “The petition alleges human rights abuses and compares Israel to South Africa at the time of apartheid, an analogy I believe is both grotesque and offensive.”³⁰

While the campaigners against me off this campus do not have the direct power to influence my future employment at Columbia, Bollinger clearly does, and therefore his failure to defend academic freedom is detrimental to my career and my job. I am further

chilled in this regard by reports that at the recent general meeting of the Faculty of Arts and Sciences, Bollinger sought to change the fifty-year tradition regarding how tenure cases are decided at Columbia when he stated that he and the trustees, in accordance with the statutes but in contravention of a fifty-year tradition, would want to have the final say in tenure cases in the future.³¹

In conclusion, the foregoing has given you in the minimum of details and historical narrative regarding this coordinated campaign from inside and outside the university targeting me, my job, and my chances for tenure, based on my political views, my political writings, and my nationality. That the Columbia University administration acted as a collaborator with the witch-hunters instead of defending me and offering itself as a refuge from rightwing McCarthyism has been a cause of grave personal and professional disappointment to me. I am utterly disillusioned with a university administration that treats its faculty with such contempt and am hoping against hope that the faculty will rise to the task before them and force President Bollinger to reverse this perilous course on which he has taken Columbia's faculty and students. The major goal of the witch-hunters is to destroy the institution of the university in general. I am merely the entry point for their political project. As the university is the last bastion of free-thinking that has not yet fallen under the authority of extreme rightwing forces, it has become their main target. The challenge before us is therefore to be steadfast in fighting for academic freedom.

B. COLUMBIA UNIVERSITY AD HOC GRIEVANCE COMMITTEE, FINAL REPORT, NEW YORK, 28 MARCH 2005 (EXCERPTS).

The committee was chaired by Ira Katznelson (Ruggles Professor of Political Science), with Lisa Anderson (Dean of the School of International and Public Affairs); Farab Griffin (Director of the Institute for Research on African American Studies); Jean E. Howard (Vice Provost for Diversity Initiatives); and Mark Mazower (Professor of History) as members. Floyd Abrams served as advisor throughout the deliberations. The committee was set up in January 2005 to "listen to, and when appropriate, investigate" student complaints about "inappropriate faculty behavior in their role as teachers" pending the formation of a permanent faculty committee for hearing grievances. The committee was not to examine political beliefs or activities or to review curricula content, but to focus on charges of "pedagogical intimidation or the failure to create a civil learning environment." The formation of the committee was publicized to enable individuals with complaints to come forward. During the nine weeks the committee was in session, it met with sixty-two individuals (students and accused faculty members) and considered more than sixty written submissions.

The first two sections of the report, available in full on Columbia University's Web site at www.columbia.edu, describe the committee's formation, its mandate, and the norms and principles guiding its work.

III. Student Grievances: Fact-Finding

Some of the events reported to us occurred as many as four or five years ago. Memories are fallible; students who might corroborate or refute particular statements have

moved on. Nonetheless, from among a larger set of complaints, there are three particular episodes reported to us from the academic year 2001–2002 about which the committee has been particularly concerned because they challenge in varying degrees our collegium’s widespread normative expectations concerning a civil and tolerant learning environment.

1. The most serious incident was reported in both oral and written testimony to the committee by Deena Shanker concerning Professor Joseph Massad’s spring 2002 class on Palestinian and Israeli Politics and Societies. She recalls:

Professor Massad was discussing Israeli incursions into the West Bank and Gaza, but I do not remember exactly what he was saying. I raised my hand and asked if it was true that Israel sometimes gives warning before bombing certain areas and buildings so that people could get out and no one would get hurt. At this, Professor Massad blew up, yelling, “If you’re going to deny the atrocities being committed against Palestinians, then you can get out of my classroom!”

I don’t remember exactly how I responded except saying, I’m not denying anything. I wasn’t. But I was so shocked by his reaction that I don’t think I said much more than that.

Two students have corroborated the main elements of Ms. Shanker’s account. One was a registered student; another was a visitor for the day. In a detailed account, the former recalls that Professor Massad “leaned over the lecturn, raised his voice considerably, and said ‘I will not stand by and let you sit in my classroom and deny atrocities.’”

Professor Massad has denied emphatically that this incident took place, telling the committee, “I would never ask a student to leave my class.” Further, three participants in the class who were interviewed by the committee—two graduate student teaching assistants and an undergraduate—do not recall such an episode. Nor is it recorded in the teaching evaluations made available to us.

Ms. Shanker did not report the incident to anyone in authority at the time, nor did she speak to Professor Massad about it, although she did discuss it with family and friends. Not until she saw another student, who was in the class at the time, describe the incident in “Columbia Unbecoming” did she identify herself as the individual so described in the movie.

Upon extensive deliberation, the committee finds it credible that Professor Massad became angered at a question that he understood to countenance Israeli conduct of which he disapproved, and that he responded heatedly. While we have no reason to believe that Professor Massad intended to expel Ms. Shanker from the classroom (she did not, in fact, leave the class), his rhetorical response to her query exceeded commonly accepted bounds by conveying that her question merited harsh public criticism. Angry criticism directed at a student in class because she disagrees, or appears to disagree, with a faculty member on a matter of substance is not consistent with the obligation “to show respect for the rights of others to hold opinions differing from their own,” to exercise “responsible self-discipline,” and “to demonstrate appropriate restraint.”

2. Tomy Schoenfeld, a former student at the School of General Studies, spoke with the committee about an incident with Professor Massad. Mr. Schoenfeld reports that he attended a lecture on the Israeli-Palestinian conflict given by Professor Massad in the late fall or early spring terms of the 2001–2002 academic year. He does not recall the exact location or the sponsors of the event, but believes it convened in a building adjacent to campus on 113th or 114th street and to have been sponsored by a student group. Having found Professor Massad's views offensive and inaccurate, he chose to wait until the question and answer period before expressing his disagreement. Then, he reports

I raised my hand to ask a question, and presented myself as an Israeli student. Professor Massad, in his response, asked me whether I served in the Israeli military, to which I replied I had been a soldier. Then, to my surprise, Professor Massad asked me, "Well, if you served in the military, then why don't you tell us how many Palestinians have you killed?" I replied by saying that I did not see the relevance of that question to the discussion. Professor Massad, however, insisted, and asked again, "How many Palestinians have you killed?" I did not answer his question, and remained silent. A few minutes later, as my frustration grew, I decided to show Professor Massad how absurd was his response since it was stereotypical in nature. I raised my hand and asked Professor Massad how many members of his family celebrated on September 11th. By asking this question, I wanted to prove that stereotypes are misleading and do not contribute to an academic discussion. Professor Massad was very naturally very upset from my question, and the organizer of the event, at that point, decided to step in and stop the discussion. That is all my recollection from that evening.

Another former student in the School of General Studies accompanied Schoenfeld and concurs that the incident happened as he describes it. She also does not recall with any precision when or where the alleged incident took place. Mr. Schoenfeld told the committee that he had not spoken to a dean or advisor about the incident. By contrast, an assistant dean of student affairs in the School of General Studies recalls that Mr. Schoenfeld spoke with her about the incident shortly after it occurred. Although he seemed upset, she remembers that at the time he did not think this episode warranted further action.

Professor Massad responds that Mr. Schoenfeld never took a class with him, that no date or location is associated with the allegation, and that he has no recollection of the event. Further, since it is not said to have taken place on campus, he firmly believes this incident does not lie within the committee's purview. He also emphatically claims never to have met Mr. Schoenfeld.

In light of the confirmation of the event by another student and the contemporaneous reporting to a dean, the committee finds it credible that an exchange of this nature did occur at a location adjacent to campus. It is conceivable that Professor Massad did not know that Mr. Schoenfeld was a student. An evaluation of the seriousness of this event

is a good deal more difficult, especially as it is not possible to pin down issues of time, venue, and sponsorship. It appears that this incident falls into a challenging grey zone, neither in the classroom, where the reported behavior would not be acceptable, nor in an off-campus political event, where it might fit within a not unfamiliar range of give and take regarding charged issues.

3. Lindsay Shrier was enrolled in Professor George Saliba's Introduction to Islamic Civilization in the fall 2001. She reported being troubled by a video that dealt with the modern Muslim world that she considered to be very one-sided, and she was disturbed by the absence of a post-film class discussion. Ms. Shrier reports that as the class session ended she "approached Professor Saliba with many questions and thoughts that the documentary/video provoked. I started to challenge him on many aspects of the video and question the validity of some of its claims." The discussion, which began inside Schermerhorn Hall, then moved outside to the area in front of Philosophy Hall. "We discussed the history of Jews in Israel. . . . Saliba told me I had no voice in the debate. I was puzzled by his comment. Then he slowly came towards me, moved down his glasses, looked right into my eyes, and said, "See you have green eyes; you are not a Semite. I am a true Semite. I have brown eyes. You have no claim to the land of Israel."

Though "stunned and horrified," and though she reported the incident to close friends and her parents, Ms. Shrier stated that "I never made a formal complaint against him. At the time, I thought that this was a terrible isolated incident and I did not want to get Professor Saliba in trouble," and she feared for her grade and reputation. On reflection, after graduation, she is convinced that "Saliba wanted to intimidate me into silence." If not for this session, she told the committee, "the class would not have stood out."

Professor Saliba first discussed this allegation in public in a *Columbia Spectator* op-ed article on 3 November 2004. He wrote that he had "no memory of the student in question nor of the conversation that she claims took place," and characterized Ms. Shrier's representations as "blatantly false," while adding that "I do not accuse the student of fabricating the conversation." He then attributed "what seems to have happened" to "a misquotation of an argument I sometimes make and may have made then" to the effect that biological or genetic continuity arguments are not persuasive as the basis for claims to land.

Professor Saliba referred the committee to this article in his statement before the committee, reiterating that his failure to recall the student was likely the result of teaching very large classes. The argument he believes Ms. Shrier misunderstood and misquoted is one "I sometimes use . . . to demonstrate the absurdity of making historical claims for land on the basis of religious premises . . . I am sorry she obviously did not understand the argument and garbled the reference made to the color of eyes to make it sound like I did not like the color of her green eyes."

As these were the only participants in the reported exchange, and as, ultimately, Professor Saliba acknowledges it did likely take place, we find it credible that this conversation did occur and that a reference to eye color was made near its conclusion. But as it is impossible to judge the imputation, and since more than one reading of the statement is viable, we conclude that however regrettable a personal reference might have been, it is a good deal more likely to have been a statement that was integral to an

argument about the uses of history and lineage than an act approaching intimidation. A 45-minute conversation outside of class or office hours is not consistent with such an effort at intimidation. Indeed, Ms. Shrier has indicated that she is not entirely sure “exactly what this incident meant.”

In addition to these three specific incidents, the committee heard testimony about a larger array of concerns:

A. The majority of complaints focused on what a number of students perceived as bias in the content of particular courses. Complaints also were lodged that particular professors had an inadequate grasp of the material they taught and that they purveyed inaccurate information. The committee judged that our charge did not encompass the examination of such matters. The adequacy of a faculty member’s scholarship and teaching should, however, in the normal course of university life, be stringently assessed by hiring and review committees, and by peer review of teaching. The adequacy of courses and syllabi should be judged by departments and School Committees on Instruction.

B. Another area of concern focused on the cancellation of certain classes in April 2002 so that professors could attend or speak at a pro-Palestinian rally to protest the incursion into Jenin by Israeli military forces. Two particular issues were brought to our attention regarding that day. Some students felt they were inappropriately enjoined to attend by particular faculty members or their teaching assistants; other students complained about the cancellation of classes, especially when no make-up session was offered. The committee received conflicting testimony about both matters. It is not clear to us whether, in accordance with university policy, every professor who cancelled class later offered a make-up. Nor is it clear exactly what was said by those, whether faculty or teaching assistants, who dismissed particular classes. During that spring, a number of people in authority, including the Ombudsperson and the Dean of Academic Affairs in Columbia College, did respond with varying degrees of success to the complaints lodged by students, faculty and the Executive Director of Hillel about these incidents. This committee wishes to underscore that as a matter of course faculty should make up any classes they miss or cancel in accordance with the policy set forth in Section 7 of the *Faculty Handbook* regarding “Instructional Responsibilities.” Moreover, in the event of cancellation for political events, faculty should not assume, or attempt to compel, the coincidence of their political views with those of their students.

C. Across the spectrum of these concerns, we found no evidence of any statements made by the faculty that could reasonably be construed as anti-Semitic. Professor Massad, for one, has been categorical in his classes concerning the unacceptability of anti-Semitic views.

D. We found no evidence that students had been penalized for their views by receiving lower grades.

IV. Pedagogy in Context

No interaction between professors and students can fully be evaluated on the basis of isolated statements divorced from the context in which they were made. For this reason, our findings should be considered in the context of several factors bearing on

the period 2001–2004. In 2001–2002, political developments in the outside world made themselves felt with unusual directness within the university. The attack of 9/11 and its aftermath, as well as the consequences for Israelis and Palestinians of the second intifada, and the subsequent incursion by Israeli forces into Jenin and other areas, heightened the tension on campus on general, and in the classroom in particular, as far as the Middle East was concerned. The intensity of feelings created by these events imposed an unusual burden, but also additional responsibilities, primarily upon the faculty, but also upon students, to ensure that discussion of these issues took place in an atmosphere of civility and mutual respect.

These difficulties were exacerbated with respect to Professor Massad's spring 2002 class on Palestinian and Israeli Politics and Societies. Testimony that we received indicated that in February 2002 Professor Massad had good reason to believe that a member of the Columbia faculty was monitoring his teaching and approaching his students, requesting them to provide information on his statements in class as part of a campaign against him.

This appears to have been a particularly tense class. Some students referred to "emotional outbursts," another to the atmosphere being "combative." A significant number of students found Professor Massad to be an excellent and inspiring teacher, and several described his class as the best they took at Columbia. But even some of the students who found the class valuable noted Professor Massad's repeated deployment of a tendentious and highly charged vocabulary, and some complained about what they felt was his repeated, even unremitting, use of stigmatizing characterizations and his sometimes intemperate response to dissenting views. Some reported that they were deterred from asking questions by the atmosphere this created.

We have no basis for believing that Professor Massad systematically suppressed dissenting views in his classroom. To the contrary, there is ample evidence of his willingness—as part of a deliberate pedagogical strategy—to permit anyone who wished to do so to comment or raise a question during his lectures. For many students this approach itself became problematic because it allowed a small but vociferous group of fellow students to disrupt lectures by their incessant questions and comments.

Outside the classroom, there can be little doubt of Professor Massad's dedication to, and respectful attitude towards, his students whatever their confessional or ethnic background or their political outlook. He made himself available to them in office hours and afterwards. One student, critical of other aspects of his pedagogy, praised his "warmth, dynamism and candor" and his unusual accessibility and friendliness. One of the group of students who questioned him regularly and critically in class told us of their friendly relations outside class where their discussions often continued. A student who has complained that he was mocked in class by Professor Massad in the spring of 2001, was still in email contact with him one year later.

Over the next two years, circumstances changed in the following ways:

While the international environment had less impact upon the classroom than previously, the involvement of outside organizations in the surveillance of professors teaching the Middle East increased. The watch-list of professors published online from late 2002 by a group called Campus Watch which invited students to send in reports on their instructors, led to the named professors receiving hate mail. We heard credible evidence

that in spring 2004 someone began filming in one of Professor Saliba's classes without permission and left after being challenged. The inhibiting effect upon classroom debate was noted by a number of students. One undergraduate in Professor Saliba's class told us that she was afraid to defend her views in the classroom "for fear of attack from students but also from reporters who may continue their investigations of our school undetected." Graduate student teaching assistants reported that they no longer felt able to express their views freely for fear of retribution from outside bodies and that their teaching was affected as a result. Some expressed anxiety about how press attention would affect their job prospects.

In the spring of 2004, a significant number of students attended Professor Massad's lectures on Palestinian and Israeli Politics and Societies because of reports about his class two years earlier. One student told Professor Massad directly that he wished to audit his class because he had heard from numerous people about its controversial nature. He was permitted to do so, and he found no signs that Professor Massad treated students with any kind of systematic bias. What he did find, however, was, as he put it, "a professor who was constantly harassed by outside agitators." A small group of unregistered auditors attended Professor Massad's lectures, and their frequent interruptions and hostile asides disturbed many of the students.

V. Grievances

[The first half of this section explains the existing channels for registering complaints, their inadequacy, and the confusion surrounding them—Ed.]

Students expressed their concerns about classes and faculty to members of the Chaplain's Office, particularly to the staff of the Columbia/Barnard Hillel. There is evidently active informal information-sharing about classes and faculty in this context; students reported being warned about particular courses by other students at Hillel. In an article in the *Columbia Spectator* in the spring of 2002, then Jewish Chaplain Charles Sheer expressed his dismay with reports by students that classes had been canceled to permit faculty to attend a rally in support of the Palestinians, describing the faculty behavior as "not kosher," and provoking an angry exchange in *Spectator* with MEALAC department chair Hamid Dabashi. It was not then, nor is it now, clear what responsibilities the members of the Chaplain's Office, the Campus Ministries, or the Columbia/Barnard Hillel have in matters of academic affairs, nor how they should discharge them. That faculty construed Rabbi Sheer's intervention as inappropriate is understandable; that Rabbi Sheer and the students whom he believed he was supporting were frustrated by that response is equally unsurprising.

Students also reported registering their concerns with faculty. Indeed one faculty member acknowledged having heard "plenty of complaints about [particular faculty members] . . . over two years" although he acknowledged that he did nothing to alert the University about them. He said he did not even know who his department's Director of Undergraduate Studies was, nor had he considered to whom else he might have reported this information. Another faculty member reported that "over the past three or four years, I've had a steady stream of complaints . . ." Astonishingly, these faculty did not know nor did they attempt to establish how to bring these concerns to any

responsible authorities. As one stated, “Truth is I didn’t know what to do. . . . I couldn’t advise them. I listened and I was very sore about it but didn’t know what to do.” Another said: “In some ways it’s none of my business. It would be wrong. I’m really criticizing my colleagues.”

Yet the failure of faculty to take up the concerns expressed by students with senior administrators, particularly the Vice President for Arts and Sciences, in a timely way had two very harmful effects. It left the students who complained feeling that they had no recourse within the University, and it left the faculty in question subject to continued innuendo without a University venue in which to respond to the claims.

During the several years in which reports of complaints circulated without being formally or effectively registered so that the faculty might address them and the students might get definitive answers, the faculty themselves became aware of complaints through outside groups. In September 2002, the Middle East Forum announced “a new project to monitor campus-based academic work and activism [*sic*]—Campus Watch.” The press release avowed,

the CW staff will inform the general public of the problems in Middle East studies through articles, radio, and television. In addition, CW will work with university administrators, trustees, and alumni, as well as with government officials and legislators. The project’s website, www.campus-watch.org, launched today, provides media reports and original information from students and faculty on college campuses; it also collects dossiers on academic institutions and professors.³²

Among the first eight faculty targeted for Campus Watch attention were two at Columbia: Hamid Dabashi and Joseph Massad. By that time, students were finding a receptive audience for their concerns outside the University.

Over the course of the next several years, it became apparent that the “murkiness” of grievance procedures at Columbia was not only a problem for students. There was, as well, no place in which faculty might lodge complaints about harassment by students, about administrative negligence, or even about each other. Nor were there procedures for graduate students, who often serve as both students and teachers simultaneously. Finally, instructors expressed concern to the committee that policies on who is allowed to attend classes are unclear, which seems to have contributed to the presence of unregistered and sometimes disruptive auditors.

[The Report describes the work of the Blasi committee, an advisory committee on academic freedom established in spring 2003 and which was not charged with investigating specific allegations or grievances. Its findings, reported orally to President Bollinger in April 2004, were: “[a] any investigation of a course or curriculum on grounds of bias or one-sidedness jeopardized academic freedom; [b] there was no evidence of a systematic problem of the faculty abuse of students; and [c] there was evidence of what one member described to us as a ‘local problem’ in MEALAC.”—Ed.]

In the lengthy and unfortunate interregnum between the conclusion of the Blasi committee and the appointment of this ad hoc committee, control of the situation

passed out of the university. The group of students whose testimonies had been conveyed by the Hillel student president to the Blasi committee had met in late 2003 with representatives of an outside organization, the David Project. Based in Boston, the David Project agreed to help Columbia students produce a video-film of student interviews. It was reported to us that the film was intended to serve as an archive of complaints and grievances to be shown internally to senior university administrators. A version of it appears to have been finished in March or April 2004: on 16 April, a press article alluded to the student production of “a video detailing the campus Middle East wars.”

Leaders of the David Project contacted and soon met in mid-June with the then Acting Vice-President for Arts and Sciences, Professor Ira Katznelson, to show him the film. Professor Katznelson was coming to the end of his term. He suggested to the David Project personnel he met that students with grievances should contact the appropriate university bodies directly; he also reported the contents of the film to the Provost. No attempt, however, was made by senior administrators to contact the students themselves. In this way, an outside organization came to serve as an intermediary between the university administration and the students.

There were two principal drawbacks to this arrangement. University officers could not be as sure that their suggestions would reach the students as if they had spoken with them directly. More importantly, the students' grievances remained in the charge of an outside organization. The proper investigation of any grievance requires privacy and the highest degree of confidentiality possible. Outside organizations, on the other hand, have a multiplicity of goals, not all, or sometimes any, of which require privacy.

By the spring of 2004, extraordinary efforts should have been made either to use existing procedures (which is always preferable), or, given the shortcomings of grievance mechanisms, to establish an ad hoc committee. Yet it was not until December 2004 that the ad hoc committee was formed, a delay that led to an acute erosion of trust between faculty and students. Particularly in classes where the Middle East was being taught, but not only in these, the atmosphere became tenser after semi-public showings of the film began in October 2004.

Throughout this semester, both students and faculty felt constrained, watched and inhibited in the free and critical exchange of ideas. All this, as both students and faculty subsequently complained to us, had a detrimental effect upon the quality of their educational experience. The deeply negative impact of these events upon the pedagogical environment in the university as a whole serves as a further reminder of the importance of insuring that in future grievances are handled in a regular and credible fashion by established university bodies with due regard for the privacy of all the parties involved.

VI. Recommendations

We propose the following:

1. Many Schools are now actively considering their grievance procedures. Our investigation into the matters considered in this report leads us to urge that whatever the particular structures adopted in each unit, they be accessible, transparent, geared toward the speedy resolution of complaints and the appropriate protection of privacy, and that the university devise ways to educate all members of the community as to

their existence and proper use. Having good procedures in place is imperative, but widespread knowledge about them is equally important.

2. In order to remedy the lack of information, knowledge, and acceptance of responsibility that we have found, we strongly urge each Dean to undertake a general examination of the advising system in his or her School to ensure that students have regular personal contact with individuals whom they know and trust throughout their career as students.

3. Simultaneously, Arts and Sciences should ensure that all faculty, particularly Departmental Chairs and Directors of Undergraduate and Graduate Studies, are familiar with their responsibilities and obligations in regard to the counseling of students and the handling of grievances.

4. Because there is particular ambiguity over the role of the Office of the University Chaplain and the associated campus ministries, we recommend a review of their prerogatives and responsibilities, with an eye to developing more regular and routinized consultation between the chaplains, appropriate faculty committees, and university offices, including those dealing with student affairs.

5. Many of the matters brought before us did not, in our opinion, constitute the basis for formal grievances but were issues that warranted sympathetic hearing and an appropriate university response. We therefore recommend consideration of a common, central university site to which students, faculty and administrators could turn to express concerns, though not necessarily grievances, about the quality of their experience at Columbia. This might be attached to the Ombuds Office, but it should be advisory to the University administration and empowered to recommend action, not merely to mediate.

VII. Conclusion

The classroom is the principal venue for student-faculty interaction in the pursuit of learning. Safeguarding it as a place where students and faculty can meet in an atmosphere of civility and mutual respect is a responsibility shared by all who enter it. The primary responsibility belongs to the professor. For him or her, the question is how to balance the rights and privileges enshrined in the principle of academic freedom with the special obligations that come with the power and authority membership in the professoriate bestows. In times when, or on subjects where, feelings run high, it becomes all the more important that professors do their best to ensure that a classroom atmosphere is maintained that preserves the possibility of critical enquiry and permits discussion and debate. In such cases, tone and delivery may count as much as content. The issue is not about trying to avoid offense, for while we do not go out of our way to give offense we recognize that no great institution of learning can flourish unless it accepts the importance of allowing the expression of ideas which some may find offensive; the growth of knowledge, insight and learning is served through the clash of ideas rather than the silencing of criticism. Rather, it involves an ongoing and self-critical effort to match language to pedagogic purpose, and to show consideration for the feelings and beliefs of others. An uncompromising or deliberately provocative style may have a real pedagogic value, but shock, hurt, and anger are not consequences to be weighed lightly.

Students, too, have a lesser but no less real responsibility to preserve classroom civility. This is true as regards their dealings with their instructor, but it also means remaining mindful of their fellow students, and of the way their own behavior and utterances may affect the pedagogic experiences of their classmates. There is a thin line between participating fully and enthusiastically in a discussion and intervening in a fashion which significantly disrupts the class. The former is often a sign of pedagogic success and real engagement. Disrupting classes, on the other hand, serves to fray the threads that bind together the common members of a group in the pursuit of learning. As for unregistered auditors, we believe that the cases cited above make a powerful argument for banning them from classes except where they have the explicit, prior permission of the instructor.

It must also be said that faculty have a duty of collegial civility and respect towards one another. We find it deeply disturbing that faculty were apparently prepared to encourage students to report to them on a fellow-professor's classroom statements. Such behavior undermines the standing of the professoriate as a whole, erodes the relationship of trust that ought to exist between a teacher and his students, and threatens to turn the latter into informers.

Responsibility also lies with the individuals who hold the most senior administrative positions in the university. Their first responsibility is to attend to the health of the regular institutions and practices that allow the members of the university community to make sure their concerns and grievances receive a fair and expeditious resolution. When these institutions cease to function effectively, the senior administrators should make every effort to repair and reinvigorate them. Should there be circumstances, because of such a failure, where they feel obliged to intervene directly, it is vital to do so in a timely and scrupulously fair manner, meeting with all affected parties and taking account of the interests of all members of the university community.

In general, what we believe is most needed at this point are not further formal rules or regulations to codify behavior or sanction specific categories of action so much as the reassertion of certain norms. We need to reaffirm that sense of collective responsibility which is vital for the well-being of every community of scholars, and to nurture the mutual respect required to sustain us in our common quest for the promotion of learning and the advancement of knowledge.

C. NEW YORK CIVIL LIBERTIES UNION (NYCLU), LETTER TO COLUMBIA UNIVERSITY PRESIDENT LEE C. BOLLINGER CONCERNING THE REPORT OF THE AD HOC COMMITTEE, NEW YORK, 6 APRIL 2005.

The NYCLU is the New York Affiliate of the American Civil Liberties Union. The letter was signed by Donna Lieberman, Executive Director, and Arthur Eisenberg, Legal Director.

Dear President Bollinger:

We are writing with respect to the Report issued last week by the Ad Hoc Committee in connection with the academic freedom controversy arising out of the David Project film. We find strengths and weaknesses in the Report.

The Report properly identifies the threats to academic freedom posed by the “involvement of outside organizations in the surveillance of professors teaching . . . Middle East [studies]. . . .” But this suggestion is offered only in passing. The body of the Report fails adequately to place the intrusion into the academy by outside organizations in a broader political context that could have profitably informed the Committee’s judgment about the scope of the academic freedom problem at Columbia and that might well have also informed the Committee’s assessment of the credibility of student claims. This failure, on the part of the Committee, to acknowledge the broader political dimension of the problem seems also to have resulted in the curious and naïve suggestion in the Report that students were driven to seek out the David Project in order to document their grievances only because of inadequate administrative responses to student complaints. In addition, the Report gives insufficient attention to the serious claims of harassment encountered by the professors and to the threats to academic freedom posed by such harassment. Finally, in assessing student complaints, the Report reaches factual conclusions about deeply contested events which turn upon the credibility of witnesses. But, the Committee’s processes did not contain sufficient procedural mechanisms to permit the Committee confidently to reach factual conclusions of the sort undertaken in the Report. Notwithstanding these serious criticisms, we find the essential thrust of the Report’s Recommendations and the ultimate tone of the Report’s Conclusion to be wise and balanced. Our reasons for reaching these assessments are amplified below.

I

The academic freedom controversy at Columbia cannot be considered as an isolated episode. For a number of years, many political conservatives have claimed that university faculties, in general, and Mid-East studies departments, in particular, are dominated by liberal and progressive faculty members. Within the past few years, conservative advocacy organizations have intensified their opposition to what they regard as the liberal bias in the academy and have attempted, through a variety of strategies, to pressure universities to alter the content of their curricula and the composition of their faculties in ways that will increase student access to more conservative views.

The Report refers to one such organization and its campaign. It notes that “[i]n September 2002, the Middle East Forum announced ‘a new project to monitor campus-based academic work and activism.’ The new project was entitled “Campus Watch” and, as the Report further indicates, the Middle East Forum issued a press release announcing that Campus Watch would “inform the general public of the problems in Middle East studies through articles, radio and television” and, in doing so, would “[collect] dossiers on academic institutions and professors.” The Report further notes that “[a]mong the first eight faculty targeted for Campus Watch attention were two at Columbia: Hamid Dabashi and Joseph Massad.” Thus, the Report observes that Professors Dabashi and Massad had been designated by Campus Watch for particular surveillance and suggests that such treatment of these professors might have some bearing upon the current Columbia controversy. But the Report never develops this matter. Indeed, in discussing the Campus Watch activities, the Report fails entirely to place such activities in a broader political context which would have invited a better understanding of the problem of academic freedom at Columbia and elsewhere.

More surprisingly, in this regard, is the failure to discuss the ideological agenda of the David Project; to consider its motivation in producing the film, *Columbia Unbecoming*; to compare the strategy and goals of Campus Watch with those of the David Project; or to consider whether the students who offered testimony in the film were the same students who testified before the Ad Hoc Committee and, if so, whether these students shared the political goals of the David Project and should have their credibility judged accordingly.

The Report scarcely refers to the David Project at all, suggesting that the advocacy organization was little more than a passive recipient of a request by students for assistance. In the account set forth in the Report, “the David Project agreed to help Columbia students produce a video-film of student interviews”; and “the film was intended to serve as an archive of complaints and grievances to be shown internally to senior university administrators.”

But, from the public record commonly available to even the most casual observer of this controversy, it is clear that the David Project is not simply an organization devoted to students’ rights that seeks generally to document and archive student complaints about uncongenial and intimidating professors. Rather, the David Project is a vigorous, pro-Israel advocacy organization that advertises, among other things, that it provides “services . . . to pro-Israel Campus Activists,” which services include a training workshop entitled “Making the Case for Israel.” Moreover, in public statements, the David Project has criticized not merely the pedagogical style of professors in the Middle East and Asian Language and Cultures Department (MEALAC) but also the content of their lectures and writings. It has called the professors targeted in its film “Arab propagandists”³³ and one of its officials, Rachel Fish, has indicated that she had hoped “that through making administrators, the public and the Jewish community aware of the problems faced by pro-Israel students, the David Project can trigger an overhaul of Middle East Studies.”³⁴

Given the prominence of the David Project in provoking the controversy that, in turn, gave rise to the appointment of the Ad Hoc Committee, it remains inexplicable that the Committee Report failed to discuss the ideological agenda of the David Project or to consider its motivation in producing the film. This failing is significant because an understanding of the political positions and strategy of the David Project is certainly important as one attempts to evaluate the credibility of those students who chose to associate with the David Project and subsequently offered testimony to the Committee.

The description of the David Project as a passive recipient of student complaints is also curious for another reason. The Report seems to suggest that the unresponsiveness of university administrators along with the “‘murkiness’ of grievance procedures at Columbia” were a source of student frustration which, in turn, caused students to seek out the assistance of the David Project. This criticism of the administration seems unwarranted or, at the least, overstated. A more complete picture of the political nature of the David Project as an advocacy organization might have avoided such self-flagellation and would have provided a more complete presentation from which to evaluate the question of whether the David Project film was a product of student frustration or of its own ideological agenda or a bit of both.

II

We have previously written to you about the importance of an academic environment where discourse is robust and unfettered; and where scholars decide for themselves what they shall teach and write; and where the appropriate response to bad ideas is not coerced silence but “more speech” to refute and correct the unwisdom of erroneous positions. In our previous writings, we have expressed concern about the threats to such an environment posed by the current controversy.

The Report recognizes the normative principles that we have set forth above. It then goes on to acknowledge breaches with respect to those principles arising out of episodes of harassment directed at professors including the sending of hate mail to the professors identified on the Campus Watch list, the attempted filming of Professor Saliba’s class without permission, the disruptive conduct of some registered students and unregistered auditors in Professor Massad’s class, and the apparent efforts by one or more members of the faculty to “encourage” students to “report to them on a fellow-professor’s classroom statements.” The Committee responded appropriately with particular alarm at this last episode, finding such a situation to be “deeply disturbing.”

But, on the whole, given the seriousness of these breaches and their potentially “chilling effect” upon academic freedom, the Report failed to discuss these matters in the detail and with the attention that they deserved. It also failed even to mention that Professor Massad had cancelled a course that he was to have taught this spring as a result of the current controversy and out of fear that it would simply perpetuate the controversy and adversely affect his future employment opportunities.

It may well be the case that the failing of the Report, in these respects, was a function of the narrow mandate directed at the Committee. The 8 December 2004 letter of Vice President Nicholas Dirks to the Ad Hoc Committee asked the Committee “to hear the complaints and grievances of students who chose to speak with it; to evaluate accusations that it considers appropriate for further examination; and to determine the facts surrounding the claims that it investigated.” The mandate also invited the committee “to listen not only to those who lodge complaints, but to those against whom complaints have been lodged, as well as . . . others who, in the committee’s judgment, might have relevant information.” By these terms, the Committee was invited to extend its inquiry beyond the narrow focus of student complaints. But the clear emphasis of the mandate was “to pay particular attention to charges of inappropriate faculty behavior.” And, in these respects, the emphasis was plainly too narrow to provide a full and fair assessment of the problem of academic freedom on the Columbia campus.

III

The Report found one instance of “credible” evidence of professorial misconduct. But, with respect to that one episode, the conclusions of the Report appear weak and not well-reasoned. As set forth in the Report, Deena Shanker quotes Professor Massad as “yelling” the following: “If you’re going to deny the atrocities being committed against Palestinians, then you can get out my classroom.” It then indicates that “two students . . . corroborated the main elements of Ms. Shanker’s account” and quotes one of the students as attributing a different and even more ambiguous statement to Professor

Massad. The witnesses account had Professor Massad raising his voice “considerably” and saying “I will not stand by and let you sit in my classroom and deny atrocities.” The Report concludes, not with any finding that Professor Massad intended to exclude Ms. Shanker from the class, but rather that it found it “credible that Professor Massad became angered at a question that he understood to countenance Israeli conduct of which he disapproved and he responded heatedly.” The Report further observed: “While we have no reason to believe that Professor Massad intended to expel Ms. Shanker from the classroom (she did not in fact leave the class), his rhetorical response to her query exceeded commonly accepted bounds by conveying that her question merited harsh public criticism.”

The problem with these conclusions, however, is that Professor Massad denied that this incident took place and three other participants in the class who were interviewed in the class did not recall the incident. Moreover, as the Report acknowledges, the incident, if it occurred at all, was not regarded by a single student in the entire class, including Ms. Shanker, as being of sufficient significance to be described in any of the teaching evaluations made available to the Committee. Finally, Ms. Shanker “did not report the incident to anyone in authority at the time” although she did claim to have discussed the episode “with family and friends.”

Given this conflicting testimony and the absence of contemporaneous corroboration of Ms. Shanker’s account, it is unclear how or why the Committee chose to believe Ms. Shanker and disbelieve Professor Massad. If the conflicting testimony ultimately devolves into a credibility contest between Ms. Shanker and Professor Massad with inadequate corroboration on either side of the issue, the serious question that must be asked is whether the investigative processes employed by the Committee were sufficient to allow it to reach a factual conclusion with respect to this matter. In this regard, it is clear that the Committee did not take testimony under oath and it did not provide for cross-examination so that the credibility of witnesses could be tested. Nor did it seek out any of the disinterested parties—the dozens of other students in the class who were not motivated to come forward on their own. There may have been good reasons for the Committee not to have employed a more elaborate fact-finding and truth-seeking process. But the failure to provide for such a process should have prompted the Committee to be far more cautious than it was in reaching conclusions about contested facts that turned exclusively on the credibility of witnesses.

IV

Notwithstanding these failings, which in our view are considerable, we concur with the essential thrust of the Recommendations set forth in the Report which calls for an administrative response directed at improving the procedures for entertaining student grievances rather than one directed at the imposition of sanctions on faculty members. Also, the Report strikes an appropriate tone in its Conclusion. Its call for civility and mutual respect is balanced and sensible. It also appropriately imposes a shared responsibility upon teachers, students, and administrators to cultivate an environment conducive to the free exchange of ideas. And it wisely counsels that what “is most needed at this point are not further formal rules or regulations to codify behavior or sanction specific categories of action so much as” the reaffirmation of a “sense of collective responsibility

which is vital to the well-being of every community of scholars. . . .” Finally, the Report urges that “[s]hould there be circumstances because of [an institutional] failure, where [senior administrators] feel obligated to intervene directly, it is vital to do so in a timely and scrupulously fair manner, meeting with all affected parties and taking account of the interests of all members of the university community.”

In that regard we note that, according to an April 1 article in the *New York Times*, you met with the students who were involved in the David Project enterprise to discuss with them your response to the Report. We would hope and expect that, in the exercise of “scrupulously fair” administrative conduct, you would extend equal regard to the many students at Columbia who have provided a far different account of the MEALAC Department and its faculty from that presented in the David Project film. And, we should not need to suggest that it would also be a good idea to discuss your response with the concerned faculty.

We, of course, would also be happy to meet with you should you care to do so.

**D. *New York Times*, “INTIMIDATION AT COLUMBIA” (EDITORIAL),
NEW YORK, 7 APRIL 2005.**

The following, the lead editorial of the day, is available online at www.nytimes.com.

Columbia University has been roiled for months by a contentious dispute over allegations of intimidation of students in the Middle East studies program. Sad to say, the school has botched the handling of this emotionally charged issue from the start, thereby allowing festering concerns to erupt into a full-scale boil.

A faculty committee’s report, released last week, cited the frustration of students who felt they had no place to register complaints about what they considered abusive treatment by outspokenly pro-Palestinian professors. The university had no clear mechanism to handle such grievances.

Only after a film by an outside group brought the students’ complaints to broad public attention did the university appoint a panel to look into the issue. It botched this job, too, by appointing one member who had been the dissertation adviser for a professor who had drawn criticism and appointing three members who had expressed anti-Israel views that, critics allege, might incline them to soft-pedal complaints. It also limited the panel’s mandate to include only some of the areas of complaint.

People involved in the deliberations believe that the panel proceeded carefully and objectively in evaluating the evidence, but its composition ensured that the results would be greeted with skepticism. The members aren’t to blame for that—it’s the fault of the administration, which approached the project with such political ineptitude. Fortunately, Columbia is belatedly rising to the challenge. It will establish new grievance procedures shortly. And it has recognized that the Middle East studies department was out of control and, with the goal of strengthening its scholarship, has wrested away its power to appoint and promote faculty.

Only one member of the department, Joseph Massad, was judged clearly guilty of inappropriate conduct. The panel found that he had replied angrily and heatedly to a

student who had simply asked whether Israel sometimes gave advance warning before bombing a building so people could get out and avoid harm. It also cited a second “gray area” incident, when the same teacher, in an off-campus lecture, responded testily to an Israeli student who had served in that country’s armed forces by asking how many Palestinians he had killed. Had that incident occurred in the classroom, the panel concluded, it would clearly have been out of bounds.

Given the generally high marks accorded the panel by dispassionate observers, its findings seem to indicate that the controversy over Middle East studies at Columbia has been overblown. There is no evidence that anyone’s grade suffered for challenging the pro-Palestinian views of any teacher or that any professors made anti-Semitic statements. The professors who were targeted have legitimate complaints themselves. Their classes were infiltrated by hecklers and surreptitious monitors, and they received hate mail and death threats.

But in the end, the report is deeply unsatisfactory because the panel’s mandate was so limited. Most student complaints were not really about intimidation, but about allegations of stridently pro-Palestinian, anti-Israeli bias on the part of several professors. The panel had no mandate to examine the quality and fairness of teaching. That leaves the university to follow up on complaints about politicized courses and a lack of scholarly rigor as part of its effort to upgrade the department. One can only hope that Columbia will proceed with more determination and care than it has heretofore.

NOTES

1. Available at israeloncampuscoalition.org/aboutus/members/aice.htm

2. Xan Nowakowski, “Students Organize Sit-In to Support Palestinians,” *Columbia Spectator*, 18 April 2002.

3. Sample quotes are from updates to www.martinkramer.org/pages/899529/ on 5 February 2003; 20 February 2004; 14 June 2004; 22 October 2004; 6 November 2004; 10 December 2004.

4. Ariel Beery, “Middle East Certitude,” *Columbia Spectator*, 10 March 2003.

5. Jacob Gershman, “Massad’s Theory: The Zionists are the Anti-Semites,” *New York Sun*, 22 February 2005.

6. See the transcript of *Columbia Unbecoming*, available online at www.columbiaunbecoming.com.

7. Rabbi Charles Sheer, “The Treatment of the Middle East Studies at Columbia University,” 6 January 2004, posted on the Columbia Hillel Web site at akko.hillel.columbia.edu.

8. Jacob Gershman, “Israel Is Accused of Anti-Semitism,” *New York Sun*, 30 December 2003. They ran the correction on 31 December.

9. Jonathan Calt Harris,

“Tenured Extremism,” *New York Sun*, 4 May 2004.

10. Jacob Gershman, “Columbia Abuzz Over Underground Film,” *New York Sun*, 20 October 2004.

11. Charles Jacobs and Avi Goldwasser, “In Defense of the David Project,” *Columbia Spectator*, 16 November 2004.

12. See my “Response to the Intimidation of Columbia University,” posted on my Columbia Webpage on 3 November 2004: www.columbia.edu/cu/mealac/faculty/massad/ [also reproduced in the Special Documents section of *JPS* 134—Ed.].

13. Shanker’s claim was first reported by Jacob Gershman, “Columbia Prepared to Protect Students from Anti-Israel Bias,” *New York Sun*, 17 November 2004.

14. N. R. Kleinfield, “Mideast Tensions Are Getting Personal on Campus at Columbia,” *New York Times*, 14 January 2005.

15. Uriel Heilman, “Non-Academic Debate,” *Jerusalem Post*, 23 December 2004.

16. Jacob Gershman, “Bias Festered ‘For Years,’ Professor Says,” *New York Sun*, 29 October 2004.

17. Lee C. Bollinger, "Statement on the David Project Film," 27 October 2004, online at www.columbia.edu.
18. See, for example, Sam Dillon, "Columbia to Check Reports of Anti-Jewish Harassment," *New York Times*, 29 October 2004.
19. Jacob Gershman, "Columbia Probe Eyed by Council," *New York Sun*, 12 November 2004.
20. Jennifer Senior, "Columbia's Own Middle East War," *New York Magazine*, 10 January 2005.
21. Liel Leibovitz, "The Winter of His Content," *Jewish Week*, 4 March 2005.
22. Lisa Hirshmann, "Over Dinner, Bollinger on Academic Freedom," *Columbia Spectator*, 10 March 2005.
23. Hirshmann, "Over Dinner."
24. See "Israel Cancer Research Fund, Women of Achievement Lunch to Fight Cancer," in *15 Minutes*, about his emceeding such an event.
25. The quote is posted on the book publisher's Web site: www.wiley.com/WileyCDA/Section/id-102314.html.
26. Leibowitz, "The Winter of His Content."
27. Leibowitz, "The Winter of His Content."
28. Leibowitz, "The Winter of His Content."
29. Jacob Gershman, "Ex-Prosecutor Likens Massad Speech to a 'Neo-Nazi Rally,'" *New York Sun*, 25 February 2005.
30. Lee C. Bollinger, "Columbia University Statement on Divestment from Israel," 7 November 2002, online at www.columbia.edu.
31. Minutes of the General Meeting of the Faculty of Arts and Sciences, 16 February 2005.
32. "Campaign Launched to Monitor Middle East Studies: 'Campus Watch' to Survey over 250 Universities," 18 September 2005, online at www.campus-watch.org.
33. Letter to the Editor, *Daily News*, 19 October 2004.
34. Miriam Felton-Dansky, "Ivory Tower Angst," *New Voices*, December 2004, online at www.newvoices.org.