

A Tale of Two Professors Under Attack at DePaul

By John K. Wilson

This fall, DePaul University has faced two academic freedom controversies, with mixed results. When the case involved a tenure-track professor, DePaul University has (so far) stood up for his rights, albeit quietly. When the case involved an adjunct instructor who insulted students outside of class, DePaul quickly got rid of the teacher.

When the University of California announced plans to publish DePaul professor Norman Finkelstein's book *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History*, Harvard law professor Alan Dershowitz struck back even before the book was published. Dershowitz had his attorney, Rory Millson, threaten legal action against the University of California regents, the provost, plus the 17 directors of the University of California Press and its 19 members of the faculty editorial committee. Dershowitz accused the Press of being "part of a conspiracy to defame" him, and his attorney threatened, "The only way to extricate yourself is immediately to terminate all professional contact with this full-time malicious defamer."

Dershowitz warned the University of California press that he would "own the company" if Finkelstein's book accused him of plagiarism. Finkelstein argues that Dershowitz lifted quotations from another author's book, but cited the original citations for the quotes rather than the book where he apparently got them. This is lazy scholarship by Dershowitz, but not what is commonly regarded as plagiarism. However, plagiarism is a disputed term, and everyone should be free to promote their own definition of it without legal penalty. According to Dershowitz, "the First Amendment gives no author the right to make up defamatory lies and publish them."

Finkelstein's book was originally going to be published by the New Press, but Finkelstein changed publishers after Dershowitz's legal threats delayed the book (Dershowitz proudly takes credit for getting New Press to drop the book, a claim denied by New Press and Finkelstein). The University of California Press hired four lawyers to screen the book and forced Finkelstein to make changes to his manuscript and tone down some of his accusations.

Dershowitz declared, "Any person has a right to make an honest mistake, but no one has the right to defame another maliciously and knowingly." Actually, everyone should have the right to defame another person, as Dershowitz does when he declares about Finkelstein, "he's a Jew and an anti-Semite— and a neo-Nazi supporter, and a Holocaust trivializer, and a liar, and a falsifier of quotations and documents."

Dershowitz wasn't satisfied with his legal threats against the University of California Press. He apparently wrote California Governor Arnold Schwarzenegger asking to have the book banned. "You have asked for the Governor's assistance in preventing the publication of this book," Schwarzenegger's office responded to Dershowitz in a Feb. 8, 2005 letter, but "he is not inclined to otherwise exert influence in this case because of the clear, academic freedom issue it presents."

Now that Finkelstein's book has been published, Dershowitz is promising not to sue Finkelstein or his publishers ("If I wanted to sue him, I'd own him"), but is instead declaring that he will come to DePaul University at his own expense in 2006 when Finkelstein is up for tenure in order to get him fired: "I will document the case against Finkelstein. I'll demonstrate that he doesn't meet the academic standards of the Association of American Universities." It's not clear what academic standards Dershowitz is talking about, but open lobbying for firing a professor as an act of personal revenge probably doesn't meet them.

The attack on Finkelstein is not the only academic freedom controversy at DePaul. Thomas Klocek, an adjunct instructor, got in a heated argument with DePaul Palestinian students at an information table on Sept. 15, 2004. After the students complained, he was suspended on Sept. 24 and then fired. Dean Suzanne Dumbleton explained, "The students' perspective was dishonored and their freedom demeaned. Individuals were deeply insulted.... Our college acted immediately by removing the instructor from the classroom."

The DePaul administration accuses Klocek of "threatening and unprofessional behavior," although it has never specified any threats made by Klocek. AAUP guidelines protect the extramural speech of all

academics, including adjunct instructors. Removing an instructor for an argument outside of class is a violation of due process, and firing him is even worse. Extramural comments are only subject to punishment if they indicate professional misconduct, and hostile arguments may be unpleasant but certainly do not rise to that standard.

Although some critics point to Klocek's firing as an example of political correctness, it primarily reflects the powerlessness of adjunct faculty and the corporatization of colleges where students are seen as customers and those who offend them will be removed.