



Promoting
Academic
Freedom and
Excellence

ACTA Announces 2024 Philip Merrill Award Winner: Nadine Strossen



Nadine Strossen with ACTA President Michael Poliakoff and board member Paul Levy at her Levy Forum presentation.

We are delighted to announce that **Nadine Strossen** is the winner of ACTA's 19th annual Philip Merrill Award for Outstanding Contributions to Liberal Arts Education. Professor Strossen is the John Marshall Harlan II Professor of Law Emerita at New York Law School and served as the first female president of the American Civil Liberties Union (ACLU) from 1991 to 2008. Through her activism, public commentary, and scholarship, she has worked tirelessly to ensure that all Americans understand, appreciate, and exercise their fundamental right to free expression, which is the very lifeblood of liberal education. The integrity of her thought and her unwavering commitment have been an inspiration to others in the campaign to uphold this bedrock principle of American civic values.

Professor Strossen has given thousands of public presentations on constitutional law

and civil liberties. Although now emerita, her schedule still includes over 200 public presentations each year. She has testified before Congress on several occasions and was named one of the *National Law Journal's* "100 Most Influential Lawyers in America." Supreme Court Justices Ruth Bader Ginsburg, Antonin Scalia, and David Souter participated in her retirement luncheon. She currently serves on the advisory boards of the ACLU, the Academic Freedom Alliance, Heterodox Academy, the National Coalition Against Censorship, the Foundation for Individual Rights and Expression, and the University of Austin.

She has received myriad awards and honorary degrees, including the American Bar Association's prestigious Margaret Brent Women Lawyers of Achievement Award in 2017. In 2023, the National Coalition Against Censorship honored her with its

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Save the Date! ATHENA Roundtable 2024

On **October 18**, ACTA will present the **2024 Philip Merrill Award** to **Professor Nadine Strossen**, who has worked tirelessly to ensure that all Americans understand the fundamental right of free expression and the responsibilities that come with being an informed citizen in a free society. Join us in honoring Professor Strossen at our 19th annual **ATHENA Roundtable Conference and Gala** at the Ronald Reagan Building in Washington, DC. Details to come soon!

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Rabbi Moshe Scheiner
Palm Beach Synagogue, Florida

“I [want] to give a big thank you to Michael Poliakoff . . . executive director of ACTA, a phenomenal organization that ensures that the values being taught on our campuses represent what our country stands for.”

Note: From remarks given on March 5 by Rabbi Scheiner at the Levy Forum for Open Discourse, which featured an address delivered by U.S. Ambassador John Bolton.

J. Bayard Boyle, Jr., Chairman Emeritus
Boyle Investment Company, Tennessee

“Michael and the rest of you in the front lines at ACTA are doing heroic work and accomplishing wonders. Must be

rewarding to see all the effort and preparation paying off in spades.”

Mark Bellini, Trustee, Pennsylvania Western University–Edinboro; Vice President, Pennsylvania Association of Councils of Trustees

“Thank you very much for supporting our PACT spring conference. I appreciate what you, Armand, and Kyle did to make our conference a success. . . . Keep up the great work.”

Note: ACTA recently presented at the Pennsylvania Association of Councils of Trustees’ (PACT) annual conference.

ACTA Launches Institutional Neutrality Campaign

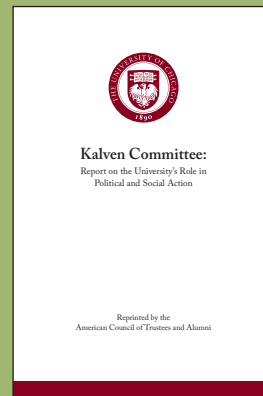
In March, ACTA unveiled a new campaign to encourage trustees across the country to adopt a policy of institutional neutrality modeled on the University of Chicago’s Kalven Report. ACTA believes that higher education institutions should abstain from declaring a collective opinion on political and social issues in order to protect and foster the free exchange of ideas on campus. Institutional neutrality does not prevent universities from addressing topics that affect their mission or operations but stands as a bulwark against politicization and empowers individual students and faculty to form and express their own opinions on the issues of the day.

In February, ACTA sent a letter to all governing board members at over 1,500 public and private universities asking them to consider adopting a policy of institutional neutrality. We also issued a reprint of the University of Chicago’s 1967 Kalven Committee: Report on the University’s Role in Political and Social Action, making it available in PDF form to university presidents and trustees across the nation. The Kalven Report states in part, “The university is the home and sponsor of critics; it is not itself the critic. . . . The neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints.”

Most recently, Columbia University and College of the Holy Cross issued statements in support of institutional neutrality. When protesters demanded that the University of Chicago side with Palestine, President Paul Alivisatos invoked the Kalven Report and responded that “if the university did so as an institution, it would no longer be much of a university.”

If your university would like to join this growing movement, ACTA is here to help. Please email us at info@GoACTA.org with the subject line “Kalven Report” to discuss the next steps your board can take to foster free and open inquiry on campus. ●

Scan the QR code to download the Kalven Report and find out more about ACTA’s campaign to get universities out of politics and back to their true mission: educating students.



ACTA Scores Legislative Win in Virginia

ACTA began the 2024 legislative year on the offensive. On April 8, 2024, **Virginia Governor Glenn Youngkin** vetoed legislation that would have had a severe and negative impact on the accountability structure of Virginia’s public institutions of higher education. Senate Bill 506, introduced by Senate Majority Leader Scott Surovell in January, aimed to shift the primary duty of loyalty of governing board members toward the university and only secondarily to the taxpayers of the Commonwealth.

In early January, ACTA’s Trustee & Government Affairs Department identified the legislation and quickly issued a statement and published an op-ed in the *Richmond Times-Dispatch* warning the public of the new bill. ACTA Senior Program Officer Nick Down traveled to Richmond to speak against the legislation before the House of Delegates’ Subcommittee on Higher Education. Mr. Down testified, “[Boards of] visitors serve the public by looking to the common good rather than merely the immediate interests of their institutions. For example, when a college administration proposes a tuition increase, it is the responsibility of visitors to determine whether it’s appropriate for the citizens of Virginia. By removing the duty of visitors to serve the citizens of the Commonwealth first, you are removing the only internal check against the narrow interest of each college or university, which weakens the ability of these institutions to self-regulate.”

Senate Bill 506 continued to move through the legislature until it reached the governor’s desk on March 11. Fortunately, Governor Youngkin vetoed the measure on the grounds that the bill contradicted a formal opinion released by the Virginia attorney general in October 2023 in which he stated that trustees’ primary duty of loyalty is to the Commonwealth and then to the institutions they serve.

In reaction, ACTA President Michael Poliakoff stated, “Bravo, Governor Youngkin! The first duty of the boards of visitors of our public universities is to serve the citizens of this state. They do this by prudent oversight of their schools and by creating policies directed at the public good, not at narrow parochial desires that an institutional constituency might demand.” ●

Nadine Strossen, *continued from 1*

Judy Blume Lifetime Achievement Award for Free Speech. She has published over 300 works for both scholarly and general-interest publications, including *Hate: Why We Should Resist It with Free Speech, Not Censorship*, released in 2018 by Oxford University Press, and *Free Speech: What Everyone Needs to Know*®, published in 2023 by Oxford University Press. She was also the host and project consultant for *Free To Speak*, a documentary film series released on public television in 2023. She received her B.A. from Harvard College and her J.D. from Harvard Law School, where she served as editor of the *Harvard Law Review* and graduated *magna cum laude* in 1975.

Professor Strossen has been a strong supporter of ACTA’s mission to protect academic freedom and encourage rigorous and unfettered debate in American

higher education. She is the author of ACTA’s 2020 publication, *Resisting Cancel Culture: Promoting Dialogue, Debate, and Free Speech in the College Classroom*. In this dynamic essay, she defined a free speech culture as “one that encourages the most open, inclusive exchanges,

arts education, especially legal education. It teaches students the critical thinking skills that are essential for future careers and constructive engagement in civic life. She has fiercely and articulately argued that any attempt by institutions or individuals to censor ideas or retaliate against

“Not only should all speakers and ideas be included in the discussion, but all ideas should also be subject to intense critical analysis, questioning, and refutation.”

—Nadine Strossen, from ACTA’s 2020 publication, *Resisting Cancel Culture: Promoting Dialogue, Debate, and Free Speech in the College Classroom*.

equally open to all people and to all ideas, no matter how marginalized or even despised any individual or idea might be. Not only should all speakers and ideas be included in the discussion, but all ideas should also be subject to intense critical analysis, questioning, and refutation.”

Professor Strossen has emphasized that this kind of open debate is vital to liberal

speakers erodes the right to free speech not just for those whose ideas are deemed unwelcome, but for all people.

In his essay “The Spirit of Liberty,” federal judge Learned Hand wrote, “Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it.” We are greatly indebted to Professor Strossen for her work to ensure that freedom of speech and thought is kept alive and cherished in our institutions of higher education and as part of our national identity. We are very proud to honor her with our 2024 Philip Merrill Award. ●

Effective TRUSTEESHIP

ACTA Webinar Examines Anti-Jewish Protests on Campus

On April 11, ACTA held the latest event in our trustee webinar series, entitled “Antisemitism, Academic Freedom, and Board Leadership.” In the first segment of the webinar, ACTA President **Michael Poliakoff** and Harvard University President Emeritus **Lawrence H. Summers** charted the rise of discriminatory treatment of Jewish students on campus since the events of October 7, 2023, and discussed how trustees can uphold free expression while protecting students from harassment. Dr. Summers shared, “The beginning of wisdom on this topic is to recognize a few things. The first is that academic freedom does not include freedom from criticism. People have a right to express opinions, and people in their private capacities that don’t disrupt or seek to intimidate others should be permitted to express their opinions. But they do not have the right to be respected for their opinions; they do not have the right to avoid criticism, even very great criticism, for what they do. And there is an obligation of leaders in any institution to uphold its basic morality and values.”

The second segment featured a discussion between **Pamela Paresky**, senior fellow at the Network Contagion Research Institute; **Nadine Strossen**, former president of the ACLU; and **Eli Noam**, director of the Columbia Institute for Tele-Information at

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Defining the Higher Education Crisis with George Will

In February, ACTA President Michael Poliakoff welcomed *Washington Post* columnist and author George Will to our Higher Ed Now podcast. A former university professor, Dr. Will’s insightful columns have pinpointed how politicization and administrative bloat in higher education erode the value of the American college degree. Below are excerpts from their conversation.

Michael Poliakoff (MP): In your December 13th op-ed, which is titled “Cheering Hamas on campus, too uneducated to grasp how grotesque that is,” you excoriate “the moral cretins in academic cocoons.” How did American universities that once could indisputably be called the envy of the world descend to this level of intellectual and moral degradation?

George Will (GW): Today’s elites aren’t elite. That’s our principal problem

at this point. We don’t have exemplary people in high places. Higher education today is run by uneducated people. We always talk about prestigious universities and academically superior universities. . . . Part of our problem is it seems to me that when we say highly educated, we mean expensively credentialed. People are paying enormous amounts of money, rationally, in a sense, to buy the momentum that a Princeton, Harvard, or Yale degree can give them, but it’s perfectly possible to emerge from these universities unscathed by education.

You can get an English degree from Yale without reading Shakespeare. You can graduate from many American colleges and universities without ever having taken an American history course. I have said over and over again that when I’m dictator of America, the only

permissible college major is going to be history. I’m just so tired of having to reinvent the wheel every generation by teaching people the humility that comes from studying history properly taught. Properly taught, history says, “Look at what other people have surmounted. Look at the desperate ambiguities of the situations they were born into.” Instead, today, history teaches arrogance. People read history and say, “How could they have been so much inferior to me?” History is used by someone who can say, “Well, I’m only an adjunct professor of media and gender studies at Siwash Community College, but I’m a superior person to Winston Churchill, because I am smart about the liberation of India and he wasn’t.” People sip from history to slake their thirst for ersatz distinction.

(continued on 7)



Two Exciting Updates to WhatWillTheyLearn.com

Since 2009, ACTA's What Will They Learn?[®] (WWTL) project has rated over 1,100 colleges and universities with a stated liberal arts mission on an "A"–"F" scale based on how many of the following seven subjects they require students to study as part of the core curriculum: Composition, Literature, (intermediate-level) Foreign Language, U.S. Government or History, Economics, Mathematics, and Natural Science. ACTA believes all students, regardless of their major, should take rigorous courses in these seven subject areas in order to gain the skills essential for successful careers and informed citizenship.

We have added two new grades to our rating scale. The A+ will distinguish schools that require all seven of the core subjects, setting them apart from schools that earn an A by requiring six subjects. The B+ will distinguish schools that require five subjects as opposed to the four subjects required to earn a B grade. Out of the 1,132 universities we review, only seven universities currently earn an A+ rating: Christopher Newport University, Patrick Henry College, Thomas Aquinas College in California, Thomas Aquinas College in Massachusetts, Thomas More College of Liberal Arts, the University of Dallas, and the University of Saint Katherine.

We are also adding five additional subject areas to WWTL. The new subject areas are Western Civilization, Religious Studies, Philosophy, World History, and Fine Arts. While having requirements in these areas will not affect a school's WWTL grade, ACTA provides this information to give students and parents an even clearer picture of each school's academic program.

These new updates further distinguish What Will They Learn?[®] as the only rating system focused on the academic

quality of America's colleges and universities, rather than prestige, endowment size, or amenities. Visit WhatWillTheyLearn.com to see how the schools you care about stack up on not only the strength of their core curricula, but also graduation rates, tuition costs, and free speech policies. ●



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H E A R D C A M P U S O N

New Bill on Campus Freedom

On March 15, Congressman Brandon Williams (R-NY) and Education and the Workforce Committee Chairwoman Virginia Foxx (R-NC) introduced House Resolution 7683, the Respecting the First Amendment on Campus Act. The bill is part of a series of legislation aimed at reforming the Higher Education Act (HEA). Among other provisions, the new bill would make protecting free speech on campus a condition of receiving Title IV funds under the HEA; ensure students are educated about their First Amendment rights; prohibit institutions from forcing students, faculty, or applicants to take political litmus tests; and require all colleges and universities to disclose their First Amendment policies each year. ACTA released a statement on the new bill that reads, “H.R. 7683 is a step in the right direction toward protecting freedom of speech, association, and religion on college and university campuses across the country. The bill’s introduction is a positive sign that Congress is listening to

major public concerns as the battle for the soul of American higher education continues to play out . . . ACTA thanks Congressman Brandon Williams (R-NY) and Education and the Workforce Committee Chairwoman Virginia Foxx (R-NC) for introducing this bill, and we look forward to working with them and other members of Congress to address this pressing issue.”

ACTA Staff Participate in Fifth Annual Regents’ Cup

Three of ACTA’s staff members were invited to be judges for the 2024 Regents’ Cup on March 23, an annual debate competition between Arizona State University, Northern Arizona University, and the University of Arizona. Chief of Staff Armand Alabay, Fund for Academic Renewal Director Rebecca Richards, and Paul & Karen Levy Fellow in Campus Freedom Steven McGuire served as expert judges as students competed in Oxford debate and storytelling categories.

Now in its fifth year, the Regents’ Cup

was created by Karrin Taylor Robson, who served on the Arizona Board of Regents from 2017 to 2021 and now serves on ACTA’s Board of Directors. The Regents’ Cup is a celebration of free expression and civil discourse, showing Arizona students what these principles look like in action. The competition allows students to earn course credit and academic scholarships as they represent their schools and interact with leading figures from government, industry, and academia.

After the event, Arizona Regent Larry Penley stated, “While our universities may have a spirit of competition, today was a shining example of how we are unified in our commitment to free speech.” ACTA encourages regents across the country to bring programs like the Regents’ Cup and ACTA’s College Debates and Discourse Alliance to their campuses. Together, we can reinvigorate democratic engagement and the free exchange of ideas that our universities and nation so desperately need. ●

ACTA Webinar Examines Anti-Jewish Protests, *continued from 4*

Columbia Business School. Ms. Paresky remarked, “I want to start out by reminding people . . . that the chants ‘Jews will not replace us’ and ‘From the river to the sea’ mean precisely the same thing, and so for people for whom ‘Jews will not replace us’ is an abhorrent chant, they should find the other similar chant as abhorrent.” Dr. Noam said that trustees must also be aware of the more subtle ways in which discrimination against Jewish students takes place. He described how the rise of the emphasis on DEI in higher education has corresponded with a decline in Jewish student admits and Jewish faculty hires.

Professor Strossen recommended that adopting a stance of institutional neutrality is the best way to protect the university’s integrity. But she also acknowledged the hypocrisy that several universities have demonstrated during the present crisis. She said, “For the reasons that were so well explained by the Kalven principles back in 1967, it is precisely to maximally liberate every individual member of the campus community to express his or her viewpoint on these contested issues that universities should remain silent. . . . What again was the double standard here was that a number of institutions whose presidents were opining on every single issue that people asked them to opine on either did not speak, or spoke too late, or spoke too lamely about the Hamas attacks.”

She continued, “Now some universities have said we are going to use the lessons we’ve learned from this—including the lesson that no matter what you say, you’re going to make everybody angry and it’s a tremendous waste of time, as well as having a chilling impact on community members—to say, ‘Better late than never, we’re moving forward, we’re going to adopt institutional neutrality principles.’ I would say that maybe it’s a pretext to avoid condemning violence against Israel, but let’s hold them to it. Let’s make sure that they really do neutrally adhere to policies of institutional neutrality moving forward.”

You can view a full recording of our panelists’ fascinating discussion on ACTA’s YouTube channel. ●

Higher Ed Needs a Re-invitation Revolution

Cornell University recently invited Ann Coulter to return to campus after she was shouted down by student protesters in 2022. With additional security provided by the university, Ms. Coulter successfully delivered an address on immigration at the Landis Auditorium on April 16 without a single interruption.

The long-overdue effort to right this wrong came not from the student group that invited her last time, but from Cornell Provost Michael Kotlikoff. In a statement explaining his decision, Provost Kotlikoff remarked, “Having been deeply troubled by an invited speaker at Cornell (any speaker) being shouted down and unable to present their views, I agreed that there could be few more powerful demonstrations of Cornell’s commitment to free expression than to have Ms. Coulter return to campus and present her views. This is certainly not because I agree with what she has to say, or because I feel that the content of her presentation is important for our community to hear, but because I believe that Cornell must be a place where the presentation of ideas is protected and inviolable. Shielding students or others in our community from viewpoints with which they disagree, or filtering campus speakers based on the content of their presentation, undermines the fundamental role of a university.”

This is a welcome change of heart. In a March 19 article for *RealClearEducation*, entitled “It’s Time for a Re-invitation Revolution,” ACTA Communications Director Leslie Page and Steven McGuire, ACTA’s Paul & Karen Levy Fellow in Campus Freedom, called for other universities to follow suit. They stated, “If this commonsense trend gathers enough momentum, perhaps even the campuses that crossed the line into violence could try to make amends. Middlebury College could reinvite Charles Murray, while San Francisco State University could beg Riley Gaines to come back.”

They continued, “In each of these cases, top university officials should be the ones to extend the invitations, and they should offer to introduce their guests and participate in the full event. It is often students and sometimes faculty and staff who demand cancellations, shout down speakers, and, in some cases, assault guests. But it is school administrators who disgrace themselves and abdicate their duties to stand athwart the mobs and stop the violence . . . rather than showing the moral courage to model those values themselves.” ●



PHOTO: Gage Skidmore from Surprise, AZ, United States of America, CC BY-SA 2.0 <https://creativecommons.org/licenses/by-sa/2.0>, via Wikimedia Commons

George Will Interview, *continued from 4*

MP: I want to move to a topic that flows out of the degradation of our universities. What are the admonitions, indeed, the exhortations, you would give to boards of trustees?

GW: They have to assert themselves, and they should not count on the donors to do it, particularly at the most prestigious universities. . . . First of all, they can embarrass, and that’s a good thing to do. They can embarrass an institution when it wavers. Part of the problem is that the accretion of bureaucracy in the universities (there are now about twice as many administrators as faculty) is parasitic, and most of them are there to massage the students and make sure they have a nice, as we say, college experience—climbing walls and the Mongolian barbecue in the student union and all the other essentials of academic life. As this bureaucracy of student management and student cossetting grows, the trustees might understandably feel that they’re marginalized, but they’re not. They can push back by saying, “We are the defenders of the university against this new class of bureaucrats who are parasitic off the scholarly enterprise themselves, with not a particle of scholarship in them.”

What we need is a healthy, robust argument about the purpose of a university. For example, the University of Chicago showed the way decades ago with the Kalven Report. Harvard and Yale and all these others have got into terrible trouble be-

cause they haven’t taken the right position on Israel’s war with Hamas. There is no right position for a university to take. A university should say what the University of Chicago did in 1967 when students were inflamed about the Vietnam War, and rightly so. Students said, “The University of Chicago should take a stand.” The University of Chicago said, “No. We’re here not to tell people what to think but how to think.”

MP: Where do you see hope in the various challenges that we have to confront?

GW: Well, the market helps. The market is helping now, because academia has been churning out Ph.D.’s for which there is no job market, and this is going to come back to bite them. All kinds of English departments are saying, “Gosh, it’s terrible. No one wants to take English.” Well, of course not, because if you’re a young person and you love English literature, you wouldn’t want to take English from these people who are going to spoon feed you with unintelligible theories and propaganda. . . . It’ll take a bit of time, but over time, the market will correct and these people who are now running our universities and running them down are going to look around and say, “Hmm, we’ve lost our constituency.”

Listen to the full podcast on GoACTA.org/category/podcasts. ●



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INSIDE ACADEME

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Judith Messina Joins ACTA's Board



We are pleased to announce that Judith Messina has joined ACTA's Board of Directors. An award-winning journalist, Ms. Messina served as a senior reporter for *Crain's New York Business* from 1994 to 2000, covering technology, finance, and healthcare. "ACTA is so very fortunate to have such a dedicated and experienced writer and higher education leader," stated President Poliakoff. "The ACTA staff will benefit greatly from her guidance."

Ms. Messina's work has appeared in numerous publications, including *Modern Health Care*, *Business Insurance*, *Workforce*, *Investment News*, *Advertising Age*, and the Health Monitor Network magazines, as well as NBC.com, CNBC.com, and RIABiz.com. She has won several awards for her reporting on Silicon Alley, including the Gold Award for Best Feature from *Crain's New York Business* in 2000 and the First Place for Editorial Excellence award from Crain Communications in 1998.

Deeply committed to excellence in higher education, she was a member of the board of visitors of the Columbia University Graduate School of Journalism from 2012 to 2018. She joined the Hood College Board of Trustees in 2004, serving as chair from 2017 to 2023. She is a trustee of JCCA, formerly known

as the Jewish Child Care Association, and she is a visiting fellow at the Center for an Urban Future. Ms. Messina received her B.A. from Hood College, her M.B.A. from the Wharton School of Business at the University of Pennsylvania, and her M.S. from Columbia University's Graduate School of Journalism. ●