

PETITION

Ensure Academic Freedom and Freedom of Speech for APSA Members in Canada

Whereas the APSA is committed to “promoting scholarly research and communication, domestically and internationally; . . . defending the legitimacy of scholarly research into politics and government; . . . encouraging the application of rigorous ethical and intellectual standards in the profession; [and] serving the public, including disseminating research and preparing citizens to be effective citizens and political participants” [http://www.apsanet.org/content_4403.cfm];

And whereas the Association in its policy for determining the site of its annual meeting states as a general guideline that the “APSA is committed to high standards of professional conduct and ethics in siting, planning, and conducting its meetings, including protection of academic freedom, equitable access to opportunity, and a commitment to non-discrimination,” and moreover now encourages “enhanced engagement with host cities on state and local issues of importance to the APSA” [<http://www.apsanet.org/imgtest/APSA%20Meeting%20Siting%20Policy%206-26-2008.pdf>];

And whereas Canada’s Human Rights Commissions (HRCs) have recently sought to suppress speech and impose legal penalties on speakers for expressing opinions on issues ranging from the morality of homosexual conduct and the question of legal recognition of same-sex unions to the threat to freedom posed by violent extremists acting in the name of Islam — speech that, according to all accounts, would be protected by the First Amendment of the Constitution of the United States;

And whereas, while we know of no direct suppression of academic freedom that has yet occurred in Canada, yet the writ of Canada’s HRCs runs without evident limit to encompass any speech, academic or otherwise, to which potential complainants take “offense” — and whereas, the arbitrariness and procedurally unconstrained practices of the HRCs create an air of uncertainty regarding whose speech, on what subjects, before what audiences, will be targeted next;

And whereas members of the Association ought to be able at the 2009 annual meeting to present research and argument on controversial topics, such as public policy concerning homosexuality or the character of and proper response to terrorist elements acting in the name of Islam, without fear of legal repercussions of any kind,

THEREFORE we petition the Council and staff of the APSA to take all steps necessary to ensure that academic freedom and free speech, even on controversial topics such as these, are not threatened at the 2009 annual meeting, including soliciting legal advice and seeking the assurance of the Government of Canada and local authorities that the civil rights and liberties of members to free speech and academic freedom will be secure.

Current Signatories (institutional affiliations for identification purposes only)

William B. Allen, *Michigan State University*
Hadley Arkes, *Amherst College*
Richard Avramenko, *University of Wisconsin, Madison*
Walter Berns, *American Enterprise Institute*
Joseph M. Bessette, *Claremont McKenna College*
Stanley C. Brubaker, *Colgate University*
Andrew E. Busch, *Claremont McKenna College*
James W. Ceaser, *University of Virginia*
Robert L. Clinton, *Southern Illinois University*
William F. Connelly, Jr., *Washington and Lee University*
Patrick J. Deneen, *Georgetown University*
Donald A. Downs, *University of Wisconsin, Madison*
Robert K. Faulkner, *Boston College*
Matthew J. Franck, *Radford University*
Robert P. George, *Princeton University*
Gary D. Glenn, *Northern Illinois University*
Lowell Gustafson, *Villanova University*
Ralph C. Hancock, *Brigham Young University*
Richard F. Hassing, *Catholic University of America*
John F. von Heyking, *University of Lethbridge*
Carson Holloway, *University of Nebraska at Omaha*
Brian T. Kennedy, *Claremont Institute*
Charles R. Kesler, *Claremont McKenna College*
Stephen M. King, *Public Interest Institute*
Harvey Klehr, *Emory University*
Leslie Lenkowsky, *Indiana University*
John B. Londregan, *Princeton University*
Harvey C. Mansfield, *Harvard University*
Robert Maranto, *University of Arkansas*
David E. Marion, *Hampden-Sydney College*

Ken T. Masugi, *The Claremont Institute*
Joshua M. Mitchell, *Georgetown University*
Lucas E. Morel, *Washington and Lee University*
Paul D. Moreno, *Hillsdale College*
Richard Morgan, *Bowdoin College*
William Morrisey, *Hillsdale College*
Mary P. Nichols, *Baylor University*
Anthony A. Peacock, *Utah State University*
Ronald J. Pestritto, *Hillsdale College*
Paul C. Peterson, *Coastal Carolina University*
Anne R. Pierce, *Independent Scholar*
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Ellis Sandoz, *Louisiana State University*
David L. Schaefer, *College of the Holy Cross*
Colleen Sheehan, *Villanova University*
Mark G. Shiffman, *Villanova University*
Robert D. Stacey, *Regent University*
Richard G. Stevens, *American University*
James R. Stoner, *Louisiana State University*
Michael M. Uhlmann, *Claremont Graduate University*
Bradley C.S. Watson, *St. Vincent College*
Thomas G. West, *University of Dallas*
Bradford P. Wilson, *Princeton University*
James Q. Wilson, *Past President of APSA*
Christopher Wolfe, *Marquette University*
Jean Yarbrough, *Bowdoin College*
Scott E. Yenor, *Boise State University*

To add your name to this petition, please send an e-mail confirming your electronic signature to:
TorontoAPSA@gmail.com (APSA Members Only).

<http://www.freestudies.org/torontopetition.html>

Please direct inquiries to Bradley Watson at bwatson@stvincent.edu and (724) 805-2145 or
James Stoner at poston@lsu.edu and (225) 578-2538.

September 12, 2008
Prof. Peter Katzenstein, President
American Political Science Association
C/o Michael Brintnall, Executive Director

Dear Professor Katzenstein:

Thank you for your letter of September 5, acknowledging the Association's reception of our petition concerning the protection of academic freedom and free speech at the 2009 meetings in Toronto. Let us respond to the two questions raised by the Council in reverse order.

First, regarding assurances, we think that the Association ought at least to do the following: (1) secure the advice of legal counsel in Toronto as to the possible risk that might be posed to members who express controversial opinions on issues such as public policy towards homosexuality, the character and proper response to terrorist elements acting in the name of Islam, and the question of free speech itself; (2) seek written assurance from the Ontario Human Rights Commission (including the new Human Rights Legal Support Centre) and the Canadian Human Rights Commission that they will not interfere with legitimate academic discourse, by political scientists who attend the conference, concerning issues such as those mentioned above, even if strong opinions are expressed that cause discomfort among those who may disagree. We understand that the distinction between federal and provincial jurisdiction in Canada is complex, and that some (though not all) of the incidents that have caused us alarm took place under the jurisdiction of other provinces. But we consider legal complexity a further reason for the Association to seek legal clarification of the situation in Toronto itself.

Second, we do have some new information about an academic complaint of the sort that might chill speech at the 2009 convention: According to Janet Ajzenstat, a respected Canadian political scientist, the Canadian Political Science Association is being asked to censure a session chair for allowing academic speech deemed offensive during a conference session. Without judging the details of the dispute, as reported it seems to be the sort of thing that is not imaginable under American or APSA norms — yet, it seems to us to reflect the rather different norms about offensive speech developing in Canada. We have documented Human Rights Commission actions in various places in Canada, including at the federal level, contesting the speech of journalists and clergy; we know of nothing in Canadian law that exempts academic speech or the speech of foreign nationals from strictures placed on others' speech, and several of the issues we identify are precisely issues where journalistic or clerical speech has been impugned.

We appreciate the seriousness with which the Association is taking our claims, but we do wonder whether a different burden of proof is being asked of us than was asked of others raising siting concerns about other conferences. Moreover, we think that when academic freedom and freedom of speech are at issue — freedoms which cut to the core of our very activity as scholars and which are protected by the APSA Constitution — the showing of reasonable cause for concern ought to be enough to prompt the Association to seek the sort of assurances we request. We think that, unless one supposes that professors are somehow immune to the laws that others must submit to, the incidents we relay are sufficient cause for concern.

Sincerely,

/s/

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/s/

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September 5, 2008

James R. Stoner, Jr.
Department of Political Science
Louisiana State University

Dr. Bradley C.S. Watson
Center for Political and Economic Thought
Saint Vincent College

Dear Professors Stoner and Watson:

The APSA Administrative Committee received the petition you forwarded to Michael Brintnall and discussed it at its August 26th meeting, and they in turn raised the issue with the APSA council on the 27th. Thank you for bringing the concerns you have to the attention of the Association.

Your materials leave the Council with further questions. Before determining what steps to take on this issue, they have asked me to seek further information from you. In particular, Council raised two questions.

First, Council asked whether you have additional information about any activities of Human Rights Councils that were consequential for academic meetings and for the academic freedom of scholars, both Canadian and foreign. Is there evidence that the Councils actions were relevant to meetings of scholars'? Are you aware of episodes where it seemed plausible that such incidents might have occurred but did not?

Second, the Council asked for some greater explanation of what you mean by the "assurances" that you request. What in your view would characterize relevant assurances that the Association might seek and provide?

The Council acknowledges that you are making very serious claims, and wishes to know more fully what it is that underpins the concerns. With this information in hand, Council will make a decision promptly about how to proceed based on all the evidence presented.

Please communicate through Michael Brintnall at the APSA offices. Thanks for raising this issue, and I look forward to hearing from you.

Sincerely,

/s/

Peter J. Katzenstein
President