

F O U N D A T I O N F O R I N D I V I D U A L R I G H T S I N E D U C A T I O N

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February 10, 2009

President Barry Mills
Bowdoin College
Hawthorne-Longfellow Hall
5700 College Station
Brunswick, Maine 04011-8448

Sent by U.S. Mail and Facsimile (207-725-3795)

Dear President Mills:

The Foundation for Individual Rights in Education (FIRE) unite

Later on August 25, Judd phoned him and summoned him to a meeting to be held twenty minutes later. Goldstein had another appointment at that time a.teinldsJudd po b“[g]et lost.”

complainant. Should you decide to form an investigative committee to further examine these allegations [of “failure to cite sources” and “plagiarism”], we also recommend that that committee consider: (1) the status of the document in question, and its position along a continuum between draft and published paper; and (2) the question of ‘honest error’ in cases of alleged research misconduct, as noted in section I.D.1.a of the Faculty Handbook.

Although Judd had the option not to continue prosecuting her own case against Goldstein, she chose to continue doing so. In a letter to Goldstein on November 18, Judd announced that she was going to “convene a formal investigation” of her allegations against him. In a subsequent letter on December 1, Judd notified Goldstein that she had appointed faculty members Ron Christensen, Marilyn Reizbaum, Louisa Slowiaczek, and Calvin MacKenzie to the investigative committee. No findings from this committee have yet been reported.

Although Bowdoin is a private college not legally bound by the First Amendment, it is morally and contractually bound to honor its promises of freedom of speech for faculty members. Bowdoin’s *Faculty Handbook 2008–09* promises:

Free speech is a constitutional right in a democratic society and a cornerstone of intellectual life at Bowdoin. Members of the college community are encouraged to express their views on all matters including controversial, political issues in the public domain. Preservation of freedom of speech is a primary task of the College; the right to express both popular and unpopular views is to be protected. The College furthers this end best by serving as a forum where ideas may be debated and discussed.

As should be readily apparent, any honest reading of this admirable guarantee must conclude that Goldstein’s speech was entirely protected by Bowdoin’s explicit promise of free expression on campus. To argue otherwise would be simply unreasonable.

Furthermore, Goldstein’s speech in his paper is fully protected by every traditional understanding of academic freedom. Indeed, the *Handbook* states that “[t]he students and faculty of Bowdoin College belong to a community of scholars dedicated to the principles of free inquiry and free expression.”

Let us be clear: If Goldstein had not come to embarrassing conclusions in his paper and had not distributed his paper to the public audience (i.e., prospective students and their parents) he deemed most likely to be interested in his findings, it is difficult to imagine that Bowdoin would have investigated any of the claims filed and investigated by Judd. The fact that the complaints of research misconduct were both filed and assessed by Judd—the same person who originally intended to proceed against Goldstein on insupportable and fanciful grounds of “harassment”—makes the true purpose of this investigation abundantly clear, as does the fact that Judd did not make the choice to avoid a blatant conflict of interest by letting someone else assess the inquiry committee’s findings and recommendations. Choosing to investigate Goldstein for his paper sends a clear message to all faculty members who might reach similar findings: Embarrassing Bowdoin via scholarly research will lead to official investigation and threats of punishment.

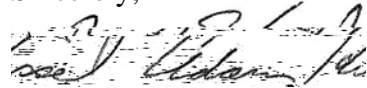
Finally, we must note that Judd's vague requirement of "civility" would never pass muster at a public college bound by the First Amendment. FIRE can find no Bowdoin policy that mandates civility. The only mention of this term in the *Handbook* appears in an aspirational statement about nondiscrimination, harassment, and intimidation:

The students and faculty of Bowdoin College belong to a community of scholars dedicated to the principles of free inquiry and free expression. The College is also a community of men and women whose pursuit of knowledge and whose social relations should rest upon the ethical foundations of a free and humane society: tolerance, honesty and civility. An institution of higher learning, devoted in large part to the examination of human values, can realize its goals only when each of its members recognizes the dignity and worth of every other member, and when

further request that you announce to the faculty that their writings will never be investigated simply because of the conclusions they draw and the distribution of their findings.

We request a response by March 3, 2009.

Sincerely,



Adam Kissel

Director, Individual Rights Defense Program

cc:

Cristle Collins Judd, Dean for Academic Affairs

James Higginbotham, Associate Dean for Faculty Development

Scott Meiklejohn, Interim Dean of Admissions

William Torrey, Senior Vice President for Planning and Development and Secretary of the College

Jeffrey Ward, Director of Athletics

Scott Hood, Vice President for Communications and Public Affairs

William Barker, Isaac Henry Wing Professor of Mathematics

Steven Cerf, Professor of German

Ron Christensen, James Stacy Coles Professor of Natural Sciences

David Collins, Professor of English

Thomas Cornell, Richard Steele Professor of Studio Art

Deborah DeGraff, Chair, Economics Department

John Fitzgerald, Professor of Economics

Paul Franco, Professor of Government

Kristen Ghodsee, Associate Professor of Gender and Women's Studies

John Holt, William R. Kenan, Jr., Professor of the Humanities in Religion & Asian Studies

Jane Knox-Voina, Chair, Russian Department

Daniel Levine, Thomas Brackett Reed Professor of History and Political Science Emeritus

James McCalla, Associate Professor of Music

Scott MacEachern, Professor of Anthropology

Sarah McMahan, Associate Professor of History

Carey Phillips, Professor of Biology

Patrick Rael, Chair, History Department

Marilyn Reizbaum, Professor of English

Rosemary Roberts, Professor of Mathematics

Scott Sehon, Chair, Professor of Philosophy

Lawrence Simon, Chair, Philosophy Department

Louisa Slowiaczek, Professor of Psychology

John Turner, Professor of Romance Languages

David Vail, Adams-Catlin Professor of Economics

James E. Ward, Professor of Mathematics

William Waterson, Edward Little Professor of the English Language and Literature

Jean Yarbrough, Chair, Government Department