



Academic Committee

Lucas E. Morel, Chair

John K. Boardman, Jr.
Professor of Politics,
Washington and Lee
University

Margaret S. Chisolm, MD

Professor of Psychiatry
and Behavioral Sciences
and Professor of Medicine,
Johns Hopkins University
School of Medicine

Donald Downs

Alexander Meiklejohn
Professor of Political
Science Emeritus, Affiliate
Professor of Law, and
Journalism Emeritus,
University of Wisconsin-
Madison

Robert P. George

McCormick Professor of
Jurisprudence, Director
of the James Madison
Program in American
Ideals and Institutions,
Princeton University

Anna Krylov

Professor of Chemistry,
University of Southern
California

David M. Rabban

Dahr Jamail, Randall
Hage Jamail and Robert
Lee Jamail Regents Chair,
University Distinguished
Teaching Professor,
University of Texas at
Austin School of Law

Alejandro W. Rodriguez

Associate Professor
of Electrical Engineering,
Director, Program in
Materials Science
and Engineering,
Princeton University

Abigail Thompson

Distinguished Professor
of Mathematics, University
of California, Davis

Keith E. Whittington

William Nelson Cromwell
Professor of Politics,
Princeton University

**affiliations are for
identification purposes only*

Howard L. Muncy

Director of Operations
hmuncy@academicfreedom.org

November 12, 2023

Dear Provost Andrew Guzman,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

We are deeply concerned by reports that Professor John Strauss has been put on administrative leave. It is our understanding that on November 9, 2023, Professor Strauss engaged in a brief verbal exchange with protestors in a public area on campus. A video of part of the incident was subsequently posted on the Internet by Trojans for Palestine, and that Professor Strauss and other students at the event believe that video was altered so as to make it appear that Professor Strauss yelled “death to Palestinians.” Professor Strauss subsequently began receiving hate email.

It is our understanding that Professor Strauss was involuntarily placed on paid administrative leave and barred from campus and from continuing to teach his undergraduate course. He is only allowed to continue teaching graduate students by Zoom.

I write on behalf of the Academic Freedom Alliance to express our firm view that the university’s actions represent an egregious violation of the principles of freedom of expression and due process to which the University of Southern California has contractually committed itself.

The [Faculty Handbook](#) at 8-D(3) states that faculty may be placed on administrative leave “only as part of the initiation of a dismissal action and only, if in the judgment of the Provost, immediate harm to the faculty member or others is threatened by the faculty member’s continuance.” In such circumstances, the Handbook directs that “the University shall make reasonable efforts to protect the continuity of the academic work of students, faculty and staff who are adversely affected.”

Additionally, the Handbook at 3-B(1)(a) guarantees that “Faculty members are citizens, members of learned professions, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community



imposes special obligations. As educational officers, they should remember that the public may judge their profession and the University by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the University.” As the Handbook recognizes, this language reflects “national standards” of academic freedom and freedom of expression as articulated by the American Association of University Professors.

When professors “speak or write as citizens, they should be free from institutional censorship or discipline.” As the [AAUP](#) has emphasized, “The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness for the position.”

Even if the words falsely attributed to Professor Strauss in the Trojans for Palestine video had in fact been articulated by him in the context of a public political rally, they are fully within the bounds of protected First Amendment speech and within the scope of protected speech under the university’s policies. Private speech on controversial social and political topics can sometimes be heated, ill-tempered, ill-considered, and broadly offensive. We do not hold such speech to the standards that we would properly expect from speech in the classroom or from scholarly research. The video in question does not portray Professor Strauss as issuing a genuine threat to any individual nor as engaging in any harassing conduct. Of course, it is contested whether Professor Strauss even issued those words, and the words he and other witnesses assert that he actually said are even further from the line that would separate protected from unprotected speech. There is no proper investigation to be conducted as to whether Professor Strauss behaved contrary to university policy in a manner that might merit discipline. To the extent that any investigation might be justified to establish the facts of what happened at the rally, it could be concluded extremely quickly and would not justify an administrative leave.

A suspension and investigation are in themselves serious sanctions. Such actions should only be taken when there are good reasons to believe that a professor has violated university policies and, in the case of a suspension, when there are serious risks associated with leaving a professor in place. There is simply no plausible basis for concluding that Professor Strauss poses an immediate risk to other members of the campus community. To the extent to which he is himself being threatened as a result of his constitutionally protected political speech, the university’s obligation is to protect him from such threats and not to sanction him as a result of those threats. There is a great danger to academic freedom from universities jumping to the conclusion that a controversial professor’s presence



poses an unacceptable risk to the safety of the campus community. The flimsiest of evidence of a threat can become the basis for interfering with a faculty member's teaching and research and for effectively punishing a professor for generating controversy. The university becomes the instrument of a heckler's veto when it punishes a member of the faculty when other members of the campus community or of the general public react vociferously enough to a professor's lawful speech. A university has a special obligation to secure an environment in which passionate debates about controversial matters of public concern can take place. A university fails in that duty if its response to threats and intimidation is to punish the victim of the threats and suppress or chill the controversial speech. Such actions are all the more troubling if they effectively incentivize one or both sides in those debates to issue threats in order to suppress the speech of their opponents.

We call on the university to immediately lift the administrative leave from Professor Strauss. A prohibition on him coming to campus or teaching his classes cannot, under these circumstances, be regarded a "reasonable effort[]" to protect the continuity of the academic work of students, faculty, and staff." More fundamentally, a suspension can only be justified under the university's rules if a disciplinary investigation is to be launched, and any such investigation in this case would be clearly pretextual and a violation of Professor Strauss's contractual rights.

Even if the university were to believe that an administrative leave preliminary to an investigation is justified in this case, the absolute prohibition on Professor Strauss continuing to teach his undergraduate class is unreasonable. It should be possible to make greater accommodations to facilitate his continuing to teach his undergraduate course just as the university contemplates for his graduate course. Professor Strauss could engage with his undergraduate students by Zoom and read and grade their written work without the necessity of setting foot on campus. The university's own policy regarding administrative leaves would require such an accommodation.

Sincerely,

A handwritten signature in black ink, appearing to be 'KW', with a long, sweeping horizontal line extending to the right.

Keith Whittington
Founding Chair, Academic Committee, Academic Freedom Alliance
William Nelson Cromwell Professor of Politics, Princeton University (for
identification purposes only)



cc. Divisional Dean William Deverell
Associate Vice Provost Patrick Prince
Dean Amber Miller
Professor John Strauss
General Counsel Beong-Soo Kim