

CHUCK GRASSLEY, IOWA, CHAIRMAN

MIKE CRAPO, IDAHO
PAT ROBERTS, KANSAS
MICHAEL B. ENZI, WYOMING
JOHN CORNYN, TEXAS
JOHN THUNE, SOUTH DAKOTA
RICHARD BURR, NORTH CAROLINA
JOHNNY ISAKSON, GEORGIA
ROB PORTMAN, OHIO
PATRICK J. TOOMEY, PENNSYLVANIA
TIM SCOTT, SOUTH CAROLINA
BILL CASSIDY, LOUISIANA
JAMES LANKFORD, OKLAHOMA
STEVE DAINES, MONTANA
TODD YOUNG, INDIANA

RON WYDEN, OREGON
DEBBIE STABENOW, MICHIGAN
MARIA CANTWELL, WASHINGTON
ROBERT MENENDEZ, NEW JERSEY
THOMAS R. CARPER, DELAWARE
BENJAMIN L. CARDIN, MARYLAND
SHERROD BROWN, OHIO
MICHAEL F. BENNET, COLORADO
ROBERT F. CASEY, JR., PENNSYLVANIA
MARK R. WARNER, VIRGINIA
SHELDON WHITEHOUSE, RHODE ISLAND
MAGGIE HASSAN, NEW HAMPSHIRE
CATHERINE CORTEZ MASTO, NEVADA

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

KOLAN DAVIS, STAFF DIRECTOR AND CHIEF COUNSEL
JOSHUA SHEINKMAN, DEMOCRATIC STAFF DIRECTOR

September 25, 2019

Dr. Cristle Collins Judd
President
Sarah Lawrence College
1 Mead Way
Bronxville, New York 10708

Dear Dr. Judd:

The United States Senate Committee on Finance has exclusive jurisdiction within the U.S. Senate over matters of federal taxation, and as its chairman I am committed to making sure the United States' tax laws are administered to fairly and effectively. As part of that commitment, it is my job to make sure that entities exempt from tax are fulfilling their tax-exempt purposes. As you are surely aware, Sarah Lawrence College is an educational institution exempt from tax by way of 26 U.S.C. § 501(c)(3) and, according to its Form 990 for year 2016, the college's "unique educational practices, including unparalleled time with faculty, aim at preparing the whole student to solve problems in new ways, to cross disciplinary boundaries, and to think and act independently as they become protagonists on the world stage."¹

Unfortunately, over the past year I have read a variety of media reports discussing incidents in higher education involving faculty suffering difficulties with or expressing concerns about teaching or researching topics that might challenge or encourage critical thinking about the conventional wisdom or a popular ideology of the day. Recently in the *Wall Street Journal*, former Yale Law School dean and current professor Anthony Kronman criticized U.S. higher education for failing to live up to its purpose of "preserving, within the larger democratic order, islands of culture devoted to the undemocratic values of excellence and truth."² If this is true, it strikes at the heart of why U.S. universities are generally exempt from tax. In a case involving a college's tax-exempt status, the U.S. Supreme Court described the reason for tax exemption in this way: "Charitable exemptions are justified on the basis that the exempt entity confers a public benefit -- a benefit which the society or the community may not itself choose or be

¹ Sarah Lawrence College 2016 Form 990, *available at* <https://pdf.guidestar.org/PDF/Images/2017/237/223/2017-237223216-0efb8714-9.pdf>.

² Anthony Kronman, *The Downside of Diversity*, WALL STREET JOURNAL, August 3, 2019, <https://www.wsj.com/articles/the-downside-of-diversity-11564758009>.

able to provide, or which supplements and advances the work of public institutions already supported by tax revenues.”³ The Association of American Universities (AAU) describes the tax-exempt purpose in the context of higher education as “fundamental to fostering the productive and civic capacity of [the Nation’s] citizens.”⁴ Prof. Kronman invokes Tocqueville to describe this purpose as challenging “the instinct to believe what others do in order to avoid the labor and risk of thinking for oneself.”⁵ I agree with both the AAU and Prof. Kronman. Students who can work and think critically for themselves are best equipped to tackle the most difficult challenges we face and participate fully and effectively in our democracy.

A fundamental piece of this democracy-enabling purpose is that college and university professors should be free to teach and research – and students should be free to learn – to the best of their abilities in defiance of an undiscerning “instinct to believe what others do.” The United States’ higher education has long been the envy of the world for its ability to do just that. This letter respectfully requests information regarding the university’s commitment to creating such an educational environment in which its faculty can teach topics and take positions on matters that defy conventional wisdom and challenge orthodoxies in necessary but perhaps uncomfortable ways, what Sarah Lawrence College refers to as “preparing the whole student ... to think and act independently as they become protagonists on the world stage.” This letter respectfully requests information regarding the college’s fulfillment of that asserted non-profit purpose.

As you are aware, last fall the *New York Times* published a commentary authored by Sarah Lawrence College professor Samuel J. Abrams in which he discussed the rising influence of non-teaching college administrators on campus and what he perceived to be an ideological imbalance toward political liberalism among such administrators across the United States.⁶ In that commentary, Prof. Abrams listed various liberal-to-conservative ratios among non-teaching administrators at colleges in different parts of the country, such as 25-to-1 in New England and 16-to-1 on the West Coast and in the Southeast.⁷ He concluded his commentary with,

This warped ideological distribution among college administrators should give our students and their families pause. To students who are in their first semester at school, I urge you not to accept unthinkingly what your campus administrators are telling you. Their ideological imbalance, coupled with their agenda-setting power, threatens the free and open exchange of ideas, which is

³ *Bob Jones Univ. v. United States*, 461 U.S. 574, 591 (1983).

⁴ Nonprofit Tax Compliance, Association of American Universities, at <https://www.aau.edu/issues/nonprofit-tax-compliance>.

⁵ Anthony Kronman, *The Downside of Diversity*, WALL STREET JOURNAL, August 3, 2019, <https://www.wsj.com/articles/the-downside-of-diversity-11564758009>.

⁶ Samuel J. Abrams, *Think Professors Are Liberal? Try School Administrators*, NEW YORK TIMES, October 16, 2018, <https://www.nytimes.com/2018/10/16/opinion/liberal-college-administrators.html>.

⁷ *Id.*

*precisely what we need to protect in higher education in these politically polarized times.*⁸

The purpose of this letter is not to discuss the statistics, or even the conclusions discussed by Prof. Abrams in his commentary. Rather, this letter specifically asks questions about events that are reported to have transpired after the publication of that commentary. According to one account, as partially reprinted below (and attached to this letter in its entirety),

After penning an op-ed for The New York Times decrying the ideological homogeneity of his campus administration, a conservative-leaning professor at Sarah Lawrence College discovered intimidating messages—including demands that he quit his job—on the door of his office. The perpetrators had torn down the door's decorations, which had included pictures of the professor's family.

In the two weeks since the incident, Samuel Abrams, a tenured professor of politics at Sarah Lawrence, has repeatedly asked the college's president, Cristle Collins Judd, to condemn the perpetrators' actions and reiterate her support for free speech. But after sending a tepid campus-wide email that mentioned the importance of free expression, but mostly stressed her "commitment to diversity and inclusive excellence," Judd spoke with Abrams over the phone; according to him, she accused him of "attacking" members of the community.

"She said I had created a hostile work environment," Abrams said in an interview with Reason. "If [the op-ed] constitutes hate speech, then this is not a world that I want to be a part of."

What's more, when the two met in person, Judd implied that Abrams was on the market for a new job, he said.

"I am not on the job market," he said. "I am tenured, I live in New York. Why would I go on the job market?"

Abrams interpreted Judd's remarks as a suggestion that he might be better off leaving the school. Judd did not respond to a request for comment.

That article goes on to describe other events on campus as follows:

Many Sarah Lawrence students and alumni did not appreciate Abrams calling attention to this issue.

"There was an emergency student senate meeting, to my knowledge," said Abrams. It was his understanding that the meeting produced a declaration calling for him to be stripped of tenure and dismissed from the college. Judd sent

⁸ *Id.*

a campus-wide email about the meeting, which she described as “not only thoughtful, but thought-provoking.”

“The Senate asked me to publicly affirm that Black Lives Matter, that LGBT+ Lives matter, and that Women’s Justice matters,” wrote Judd in the email. “I emphatically did.”

The student senate did not immediately respond to a request for comment.

*Abrams’ office door was vandalized on October 16, hours after the op-ed’s publication. The perpetrators posted a sign on the door that read, “Our right to exist is not ‘ideological,’ a*****e,” and was signed “transsexual [EPITHET].” Another flyer demanded that he apologize to residence life staff and the director of campus diversity, students of color, queer students, trans students, and other marginalized persons. Multiple messages instructed Abrams to “quit,” and one told him to “go teach somewhere else, maybe Charlottesville.”*

Abrams believes the perpetrators tried to break into his office; some of his books had fallen off their shelves as if the sign-posters had slammed the door and the walls.

“I’m really shaken,” he said.

Abrams’ dealings with Judd have further unnerved him. During their conversation, she implied that he should have cleared his public writings with her before submitting them, something he described as unacceptable.

Several of Abrams’ colleagues met with Judd to discuss the vandalism and express their view that such acts could not be tolerated. Judd agreed, but did not pledge to take any further actions. These professors thought she seemed scared that the students might hold more protests, creating a public relations disaster, according to Abrams.⁹

I have the following questions about this matter:

1. Do you understand the facts discussed in the partially reprinted article immediately above – that in the wake of the publication of Prof. Abrams’ commentary in the *New York Times*, “perpetrators [tore] down [his office] door’s decorations, which had included pictures of the professor’s family” – to be accurate? Did any personnel at Sarah Lawrence College investigate this event? If so, what were the results of that investigation? If these acts of vandalism did occur, is it your understanding that Sarah Lawrence University students committed them?

⁹ Robby Soave, *Sarah Lawrence Professor’s Office Door Vandalized After He Criticized Leftist Bias*, REASON, November 2, 2018, <https://reason.com/2018/11/02/sarah-lawrence-professor-samuel-abrams>.

- a. Prior to the publication of the article listed above, what actions did you or any other Sarah Lawrence College personnel take to address this purported act of vandalism?
 - b. Is the partially reprinted article above correct in its reporting that “[s]everal of Abrams’ colleagues met with [you] to discuss the vandalism and express their view that such acts could not be tolerated. [You] agreed, but did not pledge to take any further actions. These professors thought [you] seemed scared that the students might hold more protests, creating a public relations disaster.....”? Did this meeting take place? If so:
 - i. At this meeting, did you discuss the purported vandalism of Prof. Abrams’ door with Sarah Lawrence College personnel?
 - ii. Did you agree with this meeting’s attendees that such purported vandalism should not be tolerated? Is it correct that, at this meeting, you did not pledge to take further action against the perpetrators of this purported vandalism?
 - iii. Is the observation stated in this article correct that you did not wish to take further action out of concern for instigating further protests?
 - iv. Have you or any other Sarah Lawrence College personnel discussed or analyzed the implications of tolerating such vandalism? If so, what were the results of such discussion or analysis?
2. Is the partially reprinted article above correct in its reporting that during this phone call with Prof. Abrams you told him his commentary in the *New York Times* “created a hostile work environment”?
- a. If so, did you intend to communicate to Prof. Abrams that his commentary in the *New York Times* constituted a “hostile work environment” in the legal sense for establishing a form of prohibited discrimination against certain protected classes of individuals? If so, what authority did you rely on in coming to that determination, and what portions of Prof. Abrams’ commentary created a “hostile work environment”?
 - b. If not, what did you otherwise mean by this use of the phrase “hostile work environment”? Do you regard the vandalism that occurred to Prof. Abrams’ office door, if it occurred, as the creation of a hostile work environment for Prof. Abrams?
3. Is the partially reprinted article above correct in its reporting that -- in the wake of the publication of Prof. Abrams’ commentary in the *New York Times* -- you spoke with Prof. Abrams in person about that commentary and asked him if he is in the market for a new job? Was Prof. Abrams correct by

inferring from this meeting that you suggested to him that he might be better off leaving the school? If so, what was your basis for that implication? At all relevant times, was Prof. Abrams a tenured professor at Sarah Lawrence College?

4. Is the partially reprinted article above correct in its reporting that – in the wake of the publication of Prof. Abrams’ commentary in the *New York Times* – there was an “emergency student senate meeting” that “produced a declaration calling for [Prof. Abrams] to be stripped of tenure and dismissed from the college.”
 - a. Did you or any other administrator at Sarah Lawrence College discuss or seriously entertain the suggestion that Prof. Abrams be stripped of tenure? Did you or any other administrator at Sarah Lawrence College discuss or seriously entertain the suggestion that Prof. Abrams be dismissed from the college?
 - b. Please describe in detail whatever discussions or meetings you may have had with any personnel at Sarah Lawrence College about the prospects of stripping Prof. Abrams of tenure and/or dismissing him from the college. In your response, please also provide a copy of the email discussed in this paragraph.
5. Is the partially reprinted article above correct in its reporting that – in the wake of the publication of Prof. Abrams’ commentary in the *New York Times* – at some point you implied to Prof. Abrams that “he should have cleared his public writings with [you] before submitting them” to the *New York Times*?
 - a. As of October 16, 2018, when the *New York Times* published Prof. Abrams’ commentary, what was Sarah Lawrence College’s written policy regarding tenured professors publishing opinion-based commentaries, if any?
 - b. If Sarah Lawrence College had no such written policy as of October 16, 2018, what was Sarah Lawrence College’s unwritten policy regarding tenured professors publishing opinion-based commentaries, if any, and what was the process by which such unwritten policy was communicated to tenured professors at Sarah Lawrence College?
 - c. Since October 16, 2018, did Sarah Lawrence College adopt a policy, either written or unwritten, regarding tenured professors publishing opinion-based commentaries? In your response, please provide a copy of such policy discussed in this paragraph.
 - d. Prior to the publication of Prof. Abrams’ commentary in the *New York Times*, had you ever required academics working under to you seek your

prior approval for commentaries they might submit for publication in widely read publications. If so, please describe the circumstances of such required pre-approval.

6. According to Sarah Lawrence College's website, in the week following the publication of the partially reprinted article above, you issued a letter on November 6, 2018 to the Sarah Lawrence College community stating, "academic freedom is a fundamental principle at Sarah Lawrence College" and "Professor Abrams has every right, and the full support of the College, to pursue and publish this work." You then stated in that letter, "The opinion piece [by Prof. Abrams] made claims that many on our campus understandably found not only controversial, but insulting, and even personally intimidating...."
 - a. What exact language from Prof. Abrams' *New York Times* commentary is understandably intimidating?
 - b. Do you believe Prof. Abrams' *New York Times* commentary understandably made individuals in the Sarah Lawrence College community feel unsafe? If so, what exact language from Prof. Abrams' *New York Times* might make individuals in the Sarah Lawrence College community feel unsafe?
 - c. Do you believe Prof. Abrams' *New York Times* commentary might have exposed individuals in the Sarah Lawrence College community to harm? If so, what exact language from Prof. Abrams' *New York Times* commentary might have exposed individuals in the Sarah Lawrence College community to harm?
7. In your letter of November 6, 2018, you then stated, "[N]o one has the right to remove or destroy personal property and replace it with messages of intimidation, as occurred on Professor Abrams' door the evening following the opinion piece's publication," and indicated such actions "are subject to consequences." To the extent not described above, and without revealing personally identifiable information, were there in fact resulting consequences for the acts of vandalism described in this letter, and what were those consequences?
8. According to Sarah Lawrence College's website, you issued a letter on March 12, 2019, that appears to be a response to various student demands, and in that response you stated, "I must also reference the inappropriateness of demands related to the work and tenure of our faculty members, for which my statement to the campus on November 6 stands as my response."

- a. Is this quoted language intended to serve the purpose of rejecting student demands that Prof. Abrams be stripped of tenure by Sarah Lawrence College?
 - b. At any other time since the publication of Prof. Abrams' commentary in the *New York Times* on October 16, 2018, did you explicitly reject demands that Prof. Abrams be stripped of tenure by Sarah Lawrence College? If so, please provide a copy of that communication.
9. I assume Sarah Lawrence College has orientation programming for its new students. During such programming, how does Sarah Lawrence College communicate to those new students the importance of academic freedom, if at all? Please provide copies of any materials used for such programming.

This is to ask that you respond to the Committee no later than October 25, 2019. Furthermore, please answer the questions on a question-by-question basis, indicating which questions you are answering. Of course, while the Finance Committee has a responsibility to ensure the tax laws are administered fairly and effectively, I do not wish to interfere with the legitimate exercise of Sarah Lawrence College's academic freedom and I would certainly invite a discussion of that as well, if you are so inclined. Should you have any questions, please contact John Schoenecker or Quinton Brady at (202) 224-4515. Thank you in advance for your assistance in this matter.



Charles E. Grassley
Chairman
Senate Finance Committee

Sarah Lawrence Professor's Office Door Vandalized After He Criticized Leftist Bias

Samuel Abrams says the college's president accused him of "attacking" the community and suggested he might be looking for a new job.

ROBBY SOAVE | 11.2.2018 4:25 PM

After penning [an op-ed](#) for *The New York Times* decrying the ideological homogeneity of his campus administration, a conservative-leaning professor at Sarah Lawrence College discovered intimidating messages—including demands that he quit his job—on the door of his office. The perpetrators had torn down the door's decorations, which had included pictures of the professor's family.

In the two weeks since the incident, Samuel Abrams, a tenured professor of politics at Sarah Lawrence, has repeatedly asked the college's president, Cristle Collins Judd, to condemn the perpetrators' actions and reiterate her support for free speech. But after sending a tepid campus-wide email that mentioned the importance of free expression, but mostly stressed her "commitment to diversity and inclusive excellence," Judd spoke with Abrams over the phone; according to him, she accused him of "attacking" members of the community.

"She said I had created a hostile work environment," Abrams said in an interview with *Reason*. "If [the op-ed] constitutes hate speech, then this is not a world that I want to be a part of."

What's more, when the two met in person, Judd implied that Abrams was on the market for a new job, he said.

"I am not on the job market," he said. "I am tenured, I live in New York. Why would I go on the job market?"

Abrams interpreted Judd's remarks as a suggestion that he might be better off leaving the school. Judd did not respond to a request for comment.

Abram's op-ed criticized the "politically lopsided" events hosted by the college's Office of Student Affairs, including seminars on microaggressions, understanding white privilege, and "staying woke." It also included original research: a nationally representative survey of 900 administrators. According to this data, liberal administrators outnumber conservatives 12 to 1. This would mean the ranks of the administration are even more uniformly liberal than the faculty.

"While considerable focus has been placed in recent decades on the impact of the ideological bent of college professors, when it comes to collegiate life—living in dorms, participating in extracurricular organizations—the ever growing ranks of administrators have the biggest influence on students and campus life across the country," wrote Abrams.

Many Sarah Lawrence students and alumni did not appreciate Abrams calling attention to this issue.

"There was an emergency student senate meeting, to my knowledge," said Abrams. It was his understanding that the meeting produced a declaration calling for him to be stripped of tenure and dismissed from the college. Judd sent a campus-wide email about the meeting, which she described as "not only thoughtful, but thought-provoking."

"The Senate asked me to publicly affirm that Black Lives Matter, that LBGT+ Lives matter, and that Women's Justice matters," wrote Judd in the email. "I emphatically did."

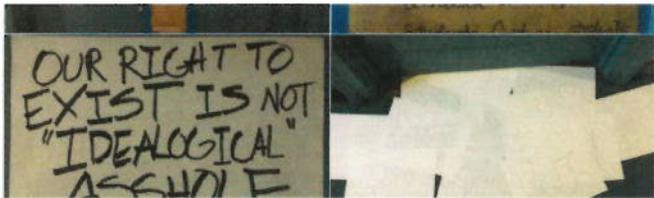
The student senate did not immediately respond to a request for comment.

Abrams' office door was vandalized on October 16, hours after the op-ed's publication. The perpetrators posted a sign on the door that read, "Our right to exist is not 'ideological,' asshole," and was signed "transsexual fag." Another flyer demanded that he apologize to residence life staff and the director of campus diversity, students of color, queer students, trans students, and other marginalized persons. Multiple messages instructed Abrams to "quit," and one told him to "go teach somewhere else, maybe Charlottesville."



Alison Nieman / Wikimedia Commons





The Phoenix
@SLCPhoenix

An unknown person left these signs on Samuel Abram's door today, probably in response to his [@nytimes](#) op-ed. Story to follow.

29 6:13 PM - Oct 16, 2018

[36 people are talking about this](#)

Abrams believes the perpetrators tried to break into his office; some of his books had fallen off their shelves as if the sign-posters had slammed the door and the walls.

"I'm really shaken," he said.

Abrams' dealings with Judd have further unnerved him. During their conversation, she implied that he should have cleared his public writings with her before submitting them, something he described as unacceptable.

Several of Abrams' colleagues met with Judd to discuss the vandalism and express their view that such acts could not be tolerated. Judd agreed, but did not pledge to take any further actions. These professors thought she seemed scared that the students might hold more protests, creating a public relations disaster, according to Abrams.

This incident is an example of a concerning phenomenon: college administrators going soft on free speech in an effort to appease a handful of extremely aggressive students. Administrators should take greater care to avoid explicit ideological bias, and they *must* defend the free speech rights of professors who speak out against it. A college that attempts to muzzle, discourage, or rid itself of speech that offends the far left is failing its mission.

[COLLEGE PC](#)

ROBBY SOAVE is an associate editor at *Reason*.

