

PREPUBLICATION BOOK REVIEW FORM

From MARQUETTE BOOKS

Title

The Lonely Activist: An American Odyssey

Author

David Demers

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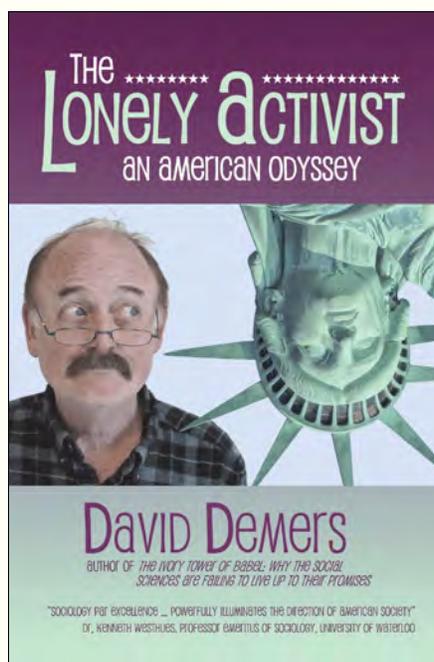
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A softcover version is available for \$22.95
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Subjects: Biography/History/Civil Rights

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Abstract

This semi-autobiographical crossover (trade and academic) book chronicles the true story of one man who spends much of his life promoting free-speech and democratic ideals through his work as a journalist and a mass communication professor. His experiences show, however, that the three American institutions most expected to promote civil liberties — universities, government and



news media — often fail to embrace these ideals. The book concludes with details of his federal free-speech lawsuit against Washington State University (Demers v. Austin), which dealt with the issue of whether professors have a right to criticize administrators on issues of public concern related to teaching or scholarship. The case ended in 2014, when the Ninth Circuit Court of Appeals issued a ruling that countered eight previous federal court decisions.

Reviewers' Comments

"Scholar, professor, author, former newspaper reporter, maverick, and an advocate of First Amendment rights David Demers has written a ... highly readable and thought-provoking book." —Lucy Heckman, St. John's University Library, Jamaica, NY

"[T]his book is sociology par excellence. ... By tracing and reflecting on his personal initiatives and activities in the twilight decades of the twentieth century, Demers powerfully illuminates the direction of American society." —Dr. Kenneth Westhues,

professor emeritus of sociology, University of Waterloo, Canada, and expert on workplace mobbing

"I loved every minute of this piece and ... found it beautifully written and very interesting." —Carolyn Walker, Writer's Digest

"With an approachable and easy style, Dr. Demers uses his life as a means to examine the history of the various sociological theories and trends that have shaped our culture to this day. These are supported by extensive research." —Nancy Barthelemy, Archivist, Peabody Institute Library, Peabody, MA

"This book is ... incredibly well researched and a very interesting, relevant story. ... Demers has a great voice and manages to tell his narrative without sounding holier-than-thou or just someone with a grudge match." —Amanda Scott, Librarian, Cambridge Springs Public Library, Cambridge Springs, PA

Audiences/Markets

Students and Professors in the Social Sciences and Humanities / Social Activists / Lawyers / Journalists / Librarians / Civil Libertarians / University Administrators / Legal Scholars / Conservatives and Liberals

Author's Qualifications

David Demers is a mass media sociologist and activist who has written more than a dozen scholarly and trade books. He worked as a newspaper reporter, research analyst and tenured professor for nearly four decades before turning to a full-time writing/activist career. Demers taught courses in constitutional law, journalism and mass communication research and theory at four universities, including The Ohio State University, University of Minnesota and Washington State University. His research has earned five national awards.

HAVE AMERICAN INSTITUTIONS LOST THEIR WAY?

New FREE Book Questions Their Commitment to Expanding, Protecting Civil Liberties

PHOENIX, AZ — Democracy. Free expression. Due process. Accountable government. Privacy. Individualism.

Americans and their institutions love their civil liberties and the activists who promote them.

Or do they?

When journalist-turned-professor David Demers uncovered a “slush fund” scandal in student government, college student senators, instead of condemning the offenders, gave them a vote of confidence.

When Demers tried to investigate a story about cancer rates in a town whose major employer was one of the world’s biggest chemical companies, his corporate newspaper managers axed the story.

When Demers helped journalism students obtain access to student evaluations of faculty and publish stories about faculty salaries, his university tried to fire him.

When two different police departments refused to give Demers' students access to routine criminal complaint records, Demers filed freedom-of-information lawsuits — but supreme courts in two different states each ruled that police need not be accountable.

When Demers wrote a book urging scholars to make their research more relevant to the public policymaking process because scholarly research is often ignored, university administrators admonished him and ordered him to publish more in esoteric journals.

When a state auditor found that a university's investigation of a professor was tainted by a conflict of interest, the president of the university, instead of informing the professor, concealed the state auditor's investigation and continued to persecute the professor.

When the third largest newspaper in Washington state refused to publish a political advertisement, Demers learned the newspaper had been refusing to publish numerous letters-to-the-editor critical of the publishers.

When a university administration was accused of violating the free-speech rights of faculty, it denied the charges but then argued in court documents that professors do not deserve free-speech rights when they speak as employees. A Ninth Circuit Federal District Court judge agreed.

Through these and other stories and social scientific research evidence, *The Lonely Activist: An American Odyssey* shows that the American institutions most expected to defend our civil liberties — universities, the government, the courts and news organizations — often fail to practice what they

preach.

Some of the anti-liberty actions are attributable to conservative politics.

But Demers argues that bureaucracies often discourage individual activism and encourage consensus decision-making, even fostering an “other-directed” need for approval from others.

Have American institutions lost their way?

The Lonely Activist was written in part for courses in the social sciences and humanities that examine the history and impact of the Bill of Rights, civil liberties and Age of Enlightenment ideals.

(A FREE PDF of the book can be downloaded at www.ACFCL.org/LonelyActivist.HTML)

The book also was written to appeal to social activists, journalists, lawyers, librarians, civil libertarians, university administrators, conservatives and liberals.

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Demers taught courses in journalism, constitutional law and mass communication research and theory at four universities, including The Ohio State University, University of Minnesota and Washington State University (WSU). His research on corporate structure has won five national awards.

In 2001, he founded Marquette Books, which has published more than 130 scholarly, trade and children’s

books. In 2012, he founded the not-for-profit American Center for Civil Liberties, which promotes freedom of expression, due process, democracy and other individual freedoms.

Many of his experiences within journalism and academic organizations are chronicled in *The Lonely Activist*, which attempts to explain why three American institutions most expected to promote civil liberties — universities, government and news media — often fail to embrace those ideals.

In 2009, Demers filed a free-speech lawsuit (*Demers v. Austin*) against four WSU administrators after they punished him for creating a 7-Step Plan to improve the Edward R. Murrow College of Communication. In 2014, the Ninth Circuit Court of Appeals ruled in his favor, declaring that professors have a right to criticize administrators and offer alternative plans for structuring an academic unit when the speech involves matters of public concern and is related to teaching or scholarship. That lawsuit, which also helps protect shared governance, is chronicled in detail in later chapters of the book.

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INSTITUTIONS SLOW TO EMBRACE CIVIL LIBERTIES, NEW BOOK ARGUES

Lack of Commitment Reflected in Declining Support for Journalism Programs at Major Universities

PHOENIX, AZ — Administrators at many American institutions often talk about the importance of freedom of expression, due process, democracy, accountability, objectivity, equality and individualism, but they often fail to practice what they preach, a new book asserts.

“This proposition applies not just to private business or nonprofit organizations (which of course are under no legal obligation to comply with many of these ideals), but to universities, journalism organizations, governments and the courts as well — institutions that historically have been expected to embrace and protect those liberties,” writes David Demers, a former newspaper reporter and professor of mass communication, in *The Lonely Activist: An American Odyssey*.

A FREE PDF of the book is available at www.ACFCL.org/lonelyactivist.HTML.

To back up the proposition that American institutions are failing to embrace civil liberties, Demers provides both anecdotal and social scientific evidence in his semi-autobiographical book.

For example, despite well-articulated codes of ethics, Demers found that “many journalism organizations ignore (i.e., censor) stories or commentaries that would harm their publishers’ interests or subject the newspaper to public criticism; police routinely deny access to or make it difficult for citizens to access public records ...; governments and politicians often refuse to take action against powerful community leaders and developers, even when they deliberately violate laws and rules; university administrators, to avoid being accountable, often refuse requests from aggrieved faculty to record meetings and or make the results of settlement offers public; and the courts often give government leaders immunity from damages, even when they do wrong”

The lack of commitment to civil liberties, Demers argues, is particularly evident in the declining support for journalism programs at major universities. A healthy press, he points out, is central to a democratic society. “Yet administrators at a growing number of universities over the past five decades have declared that journalism is not central to the mission of their institutions and have eliminated or curtailed many of those programs”

Instead of civil liberties, administrators place more value on social control and personal security, Demers maintains. “Top managers believe the goals of the organization, as well as their own personal goals, cannot be achieved without significant control over subordinates or the public,” he writes. “Giving underlings or the public too much authority is perceived as a threat to elite rule, rather than as a mechanism for empowering individual rights and for generating ideas that can help organizations and

society achieve their goals and adapt to change.”

But personal security is even more important to administrators than social order, Demers asserts.

“Many are focused on climbing the social ladder or protecting their current jobs They value money and power far more than freedom of speech or standing up for others ... who are ... unfairly targeted”

Demers offers five major reasons or conditions to explain why organizational elites, politicians and judges resist extending civil liberties and more power or authority to subordinates or the public. They are (1) political impotence of the social sciences, which means social science research has had relatively little effect on the public policymaking process, (2) ideology of American management theory, which stresses the power of the manager over workers; (3) conservatism, which blames the individual rather than the social structure for social problems, such as racism, crime and poverty; (4) prescriptive bureaucratic control, which involves more and more rules telling people not just what they cannot do, but what they HAVE to do; and (5) insufficient knowledge and understanding of civil liberties and their origins.

Of these, conservatism should be given the highest priority, Demers writes, because it represents the biggest threat to civil liberties and because there is a greater chance of getting news coverage for the issue, since news media are drawn to controversial political debates. Civil liberties activists also need to point out that private businesses and corporations have as much potential as big government to do harm to liberty and freedom — a fact that is missing in conservative free-market positions. A “free market” does not necessarily produce a more free people. Demers adds that civil liberties and democracy can be protected only if there is a strong cultural commitment to those ideals in society and in its organizations.

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CONSERVATISM THREATENS CIVIL LIBERTIES, NEW BOOK ASSERTS

Liberals Are 39 Percent More Likely than Conservatives to Tolerate Protestors and Nonmainstream Ideas

PHOENIX, AZ — Conservatism represents the single biggest threat to individual freedom and civil liberties in America, according to a new book written by a former journalist and college professor.

“Conservatives are far less likely than liberals to embrace civil liberties as well as scientific research,” writes Dr. David Demers in his semi-autobiographical book, *The Lonely Activist: An American Odyssey* (a free PDF is available to the public at www.ACFCL.org/LonelyActivist.HTML).

“Conservatives devalue civil liberties and scientific research because they value tradition and social order over reason and social change. Empowering individuals through civil liberties threatens conservative values and privileges.”

To support these claims, Demers, who is a media sociologist, analyzed University of Chicago polling data collected from more than 40,000 Americans from 1972 to 2006.

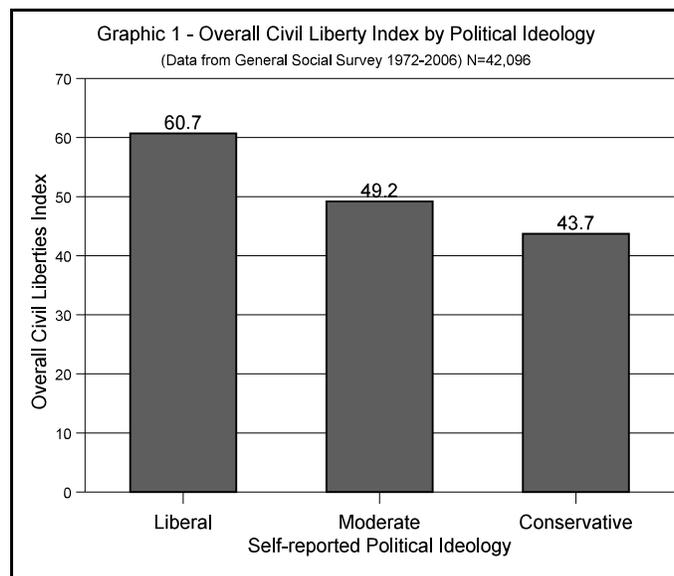
He found that American citizens who identify themselves as liberals are 39 percent more likely than conservatives to tolerate social activists and nonmainstream ideas and the people who hold and teach such ideas [39% = $(60.7\% - 43.7\%) \div 43.7\%$; the percentage *point* difference between the two groups is 17 (60.7% - 43.7%)].

Liberals also were more tolerant of news media that publish sensitive government data and were less tolerant of government surveillance and control over citizens and suspects.

Conservatives often oppose progressive social change, Demers writes, because they believe “social problems stem more from a lack of individual initiative than from historical or structural conditions or problems, such as slavery, hereditary privilege, unequal access to education, discrimination and racism.”

The conservative motto is “pull yourself up by your bootstraps,” Demers writes. “That’s a lot easier to do when you are born into a family that shops for boots or shoes at Nordstrom’s as opposed to one that shops at Payless.”

(See next page)



Demers, who promotes civil liberties through his not-for-profit American Center for Civil Liberties, argues that in many areas of the country, conservatives in government and the judicial system are actively working to curtail individual rights and civil liberties. This includes attempts to eliminate due-process protections for government whistle blowers and free-speech rights for university professors.

“Although some conservative libertarian groups claim they embrace civil liberties more than liberals, their philosophies are almost always predicated on the idea that government is the only major organizational entity in society that has the power to limit liberties and social justice. Not true,” Demers writes. “Large private corporations and businesses also represent a threat to liberty, sometimes even more than government, as the deaths caused by the General Motors’ ignition problems demonstrate. ... A dedicated proponent of civil liberties sees any large-scale organization as a potential threat to liberty, even though organizational size does not guarantee that threat.”

In addition to conservatism, Demers identifies four other major reasons or conditions to explain why organizational managers, politicians and judges resist extending civil liberties or authority to subordinates or the public: ideology of American management theory, prescriptive bureaucratic control, political impotence of the social sciences and insufficient knowledge. Conservatism represents the biggest single threat to civil liberties, according to Demers, because it encourages the growth of powerful business corporations without state regulation and ignore the structural cases of social problems.

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ED MURROW'S LEGACY: ACTIVIST JOURNALISM, NOT INTEGRITY

New FREE Book Challenges Conventional Wisdom About Edward R. Murrow's Affect on Broadcasting

PHOENIX, AZ — Most journalism historians have cast legendary CBS news broadcaster Edward R. Murrow as a man with impeccable integrity, who criticized greedy news executives and helped stop the pernicious attacks that anti-communist Sen. Joseph R. McCarthy leveled at innocent Americans.

But a new book from a former journalist and mass communication professor says Murrow's most important legacy wasn't his integrity. After all, "Murrow had a number of personal and professional ethical lapses during his lifetime," Dr. David Demers writes in *The Lonely Activist*, a semi-autobiographical book that explores American institutions' commitment to civil liberties.

Instead, Demers argues that "Murrow's most significant contribution to broadcast journalism was his activist brand of journalism. Murrow was an indefatigable advocate of democracy, free speech, due process, egalitarianism, transparent government, education, rule of law and civil liberties. These values are reflected in many ... stories he covered through the years, such as the 'Harvest of Shame' investigative report, a powerful indictment of America's agricultural system, which mistreated migrant workers."

In fact, Demers writes, when a reporter from *Look* magazine asked Murrow to explain his motives for the McCarthy segment on Murrow's "See It Now" news magazine television program, which turned the tide against the right-wing politician, the left-leaning broadcaster replied: "I wouldn't say it was liberalism. ... I think it stems from my feeling about the sacredness of due process of law. ... The thing about McCarthy that bothers me is his disrespect for the due process of law."

Since his passing in 1965, Murrow has been the subject of four book-length biographies and hundreds of newspaper and magazine articles and academic papers.

Murrow has been called "the patron saint of the profession," a "prince," a "shooting star," a "meteor," and the "man who put a spine in broadcasting" and "established the norms by which we in the profession pretty well live today."

Yet journalists and others still struggle to understand the Murrow legacy, Demers says.

Integrity continues to be the most popular legacy theme.

For example, an administrator at Washington State University, where Murrow earned his bachelor's degree and Demers taught for 16 years, praised Murrow for "carving out the moral and ethical high ground through his courageous reporting and later role as head of the U.S. Information Agency under President John F. Kennedy."

"But the integrity theme," Demers argues at one point in his book, "is strong only if one excludes the lies he made when he applied for the job at CBS; his failure to defend one of his colleagues to CBS

management; his unsuccessful attempt to censor one of his own stories while at USIA; his decision to go after McCarthy only when it became clear McCarthy was coming after him; and his lack of concern about the fairness of watching McCarthy's (broadcast) response (to Murrow's show) before it was broadcast."

None of this means, Demers writes, that "Murrow was devoid of journalistic integrity — only that integrity is perhaps not the best defining feature of his legacy."

Journalistic activism is more significant, Demers argues.

"Murrow's love of civil liberties ... is illustrated in an interaction he had with his 10-year-old son, Casey, who wanted a new bike," Demers writes. "Casey said his dad told him that 'he would buy it for me but that I would have to explain the Bill of Rights. I was terrified. But I learned the Bill of Rights and got my bike.'"

Most accounts argue that Murrow was pushed out of CBS because he criticized executives for placing more emphasis on profits than on high-quality news.

Demers questions this.

Murrow's journalistic activism, more than profits, was his undoing at CBS News, Demers says. That activism forced CBS to broadcast many responses to Murrow's analytical reports, which irritated CBS executives like William Paley and made Murrow's show look unobjective.

"Murrow was a man who had deep convictions about democracy and due process," Demers writes. "But objective journalism and full-blown commentary were not sufficient to maintain and advance those ideals. His journalism captured the middle ground — opinion solidly grounded in facts or sound logic.

"He was, in other words, the quintessential (Age of) Enlightenment activist."

"And that is a legacy worth building upon," Demers says.

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DEMERS V. AUSTIN PROTECTS PROFESSORS' RIGHT TO HELP GOVERN UNIVERSITIES

Ninth Circuit Appeals Court Decision Prevents Administrators from Punishing Faculty with Good Management Ideas

PHOENIX, AZ — A 2014 Ninth Circuit Court of Appeals decision that extends First Amendment protection to a professor's plan for improving an academic unit at a public university implicitly protects the concept of shared governance, which gives faculty a voice in the management of their universities, according to a new book.

“From a societal perspective,” writes Dr. David Demers in his book *The Lonely Activist: An American Odyssey*, “the single most important consequence of the Ninth Circuit Court of Appeals ruling in *Demers v. Austin* is the constitutional protection that it offers for shared governance in nine western states. The assumption ... is that teaching and scholarship are impacted by the structure of the organization and its resources. And if those who do the teaching and scholarship have no say in how academic units are structured and how resources are distributed, then the academic search for truth, knowledge and understanding of the world will be compromised.”

Demers adds that “had the ruling come down in favor of administrators, there is the possibility that they would have been given the authority to eliminate shared governance at their institutions.”

In 2009, Demers, a tenured professor of mass communication at Washington State University, filed a federal free-speech lawsuit against four of his administrators, claiming they were punishing him for a controversial 7-Step Plan he created to improve the quality of the journalism and mass communication programs in the Edward R. Murrow School (now a College) of Communication. The trial court judge threw the case out of court, but Demers appealed. In late 2013 and early 2014, the Ninth Circuit ruled in Demers' favor, extending First Amendment protection to professors who speak out on issues of public concern related to teaching and scholarship.

Until *Demers v. Austin*, public university governing boards and administrators were under no legal obligation to provide shared governance to their faculty, Demers writes. They could, barring statutory or university rule restrictions, withdraw that authority at any time.

“This is what happened at Idaho State University in 2011, where President Arthur C. Vailas disbanded the Faculty Senate, even though shared governance was part of the university rules,” Demers writes. “Vailas then tried to push through a university constitution that completely ignores the principle of shared governance.” The faculty voted against that constitution in 2015, but the issue of governance is unresolved.

Although *Demers v. Austin* gives implicit constitutional protection to the principle of shared governance, only a few of the attorneys, academics and legal scholars who have analyzed the case, like White, seem to understand this, Demers writes in his semi-autobiographical book. Some legal scholars criticized the decision as being too judicially active. However, most commentators have welcomed it.

“At the University of Oregon, where faculty in spring 2013 voted to unionize, the UO faculty

committee supporting the expansion of free-speech rights for faculty cited *Demers v. Austin* to back up its position that faculty deserved First Amendment protection when speaking in their service-related, or shared-governance, roles,” Demers writes. At the time, UO President Mike Gottfredson’s administration initially rejected the faculty proposal. He even tried to limit academic freedom to only speech uttered in the classroom or in scholarship. But Gottfredson eventually signed the pro-speech policy and resigned (many faculty say he was forced out) from his position as president.

Meanwhile, Rick Levy, a law professor at the University of Kansas, also used *Demers v. Austin* to challenge a controversial Board of Regents proposal that would have allowed administrators “to suspend, dismiss or terminate from employment any faculty or staff member who makes improper use of social media.” The policy change was prompted by a controversial social media “tweet” from a University of Kansas journalism professor, who criticized the National Rifle Association after the mass shootings in 2013 that killed 13 people in the Washington, D.C. Navy Yard.

The Regents policy, which was enacted in 2014, says universities can terminate faculty, administrators and staff who post messages on social media that incite "imminent violence" or, when made pursuant to the employee’s official duties, are "contrary to the best interests of the employer." The former statement on "imminent violence" conforms to national free-speech standards, Demers writes, because it punishes action, not speech, per se. The latter clause on speech “contrary to the best interests of the employer,” however, violates the intent of the Ninth Circuit Court of Appeals decision in *Demers v. Austin*, Demers said.

On June 2, 2015, Greg Lukianoff, president and chief executive officer of the Foundation for Individual Rights in Education, urged the Subcommittee on the Constitution and Civil Justice for the U.S. House of Representatives to enact a law that will protect freedom of expression at public colleges and universities in the United States. He cited *Demers v. Austin* and other cases to show that the courts have handed down mixed rulings on the issue of speech on campus.

Demers said it is highly unlikely Congress would support such a bill, but federal courts in other areas of the country could join the Ninth Circuit in ruling that professors’ speech on issues of public concern related to teaching or scholarship is protected. “Only time will tell,” Demers said.

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FORMER WSU PRESIDENT VIOLATED DUE PROCESS RULES, BOOK CONTENDS **Elson Floyd's Administration Also Litigated Against Free-Speech Rights for Faculty**

PHOENIX, AZ — The late Washington State University President Elson Floyd in 2009 deliberately refused to reveal the existence of a state auditor's report accusing a WSU internal auditor of ethical violations in order to prevent a WSU faculty member from filing conflict of interest charges against the auditor, according to a new book.

“President Floyd was trying to protect his administration from a scandal,” said Dr. David Demers, author of *The Lonely Activist: An American Odyssey*. “Floyd brought many good things to WSU. But his legacy is tarnished by the fact that he openly opposed free-speech rights for faculty and failed to respect the administrative due-process rights of one its members.”

The Lonely Activist is a semi-autobiographical crossover (trade and academic) book that examines why administrators at universities and in government and other American institutions often violate the civil liberties of their employees and citizens, even though in theory they are supposed to promote such freedoms.

The book argues that Floyd failed to emphasize free-speech rights and civil liberties in general because his management philosophy de-emphasized those organizational goals.

According to the book, the dispute between Demers and the university began in 2006, when administrators appointed public relations professor Erica Austin to manage the Edward R. Murrow School (now a College) of Communications. A “purge” ensued, with a half dozen faculty leaving their positions.

In January 2007, Demers, a tenured associate professor of mass communication, submitted to the provost's office a 7-Step Plan for improving the quality of the Murrow journalism and professional programs and offered to donate \$50,000 of his own money if the university implemented the plan.

But the plan angered Austin and other faculty and administrators.

Austin eventually asked the university to investigate whether Demers had violated university rules when he gave online tests in his classes and when he created an academic book publishing company. WSU Internal Auditor Heather Lopez concluded that Demers had canceled classes in violation of university rules.

Demers disputed the claims, producing time- and date-stamped documents to prove that he never canceled classes and that he never profited from sales of books in his classes. However, administrators refused to acknowledge the evidence, the book asserts.

Meanwhile, Demers learned that Lopez's sister, who worked for Austin, had contacted Lopez and had secretly gone to Demers' classroom to see whether he was canceling classes. On that day, his students were taking an online exam. But Lopez's sister reported that the class was not in session.

In fall 2008, Demers e-mailed Floyd, asking how he could file a conflict-of-interest complaint against Lopez. Demers argued that Lopez failed to objectively evaluate the evidence because her sister's good

relations with Austin created a “halo effect,” giving Austin’s claims more credibility than they deserved.

Floyd refused to respond to Demers’ request. But he was worried about the conflict of interest claim.

On March 2, 2009, Floyd wrote to Washington state Auditor Brian Sonntag, asking him to issue an opinion on whether Lopez had violated auditor code of ethics. On March 23, 2009, Sonntag responded.

“After consulting Government Audit Standards,” Sonntag wrote back to Floyd, “we concluded that a conflict of interest and impairment to independence did exist based on the facts you provided.”

Floyd withheld the Sonntag letter, which is reproduced in the book, from Demers and the public. Instead, he and university attorneys tried to get Demers to mediate the dispute. That failed when university attorneys refused to agree to a demand from Demers to make the findings from the mediation public.

In fall 2009, Demers filed a federal free-speech lawsuit against Austin, the provost, an associate provost and a dean. A federal district court judge in Spokane dismissed Demers’ lawsuit in June 2011.

Demers appealed. In fall 2013 and again in January 2014, the Ninth Circuit Court of Appeals ruled that Demers’ 7-Step Plan was speech protected by the First Amendment, because it dealt with issues of public concern and was related to teaching and scholarship. The case marked the first time the federal courts had ruled in favor of faculty on service-related speech since the U.S. Supreme Court’s *Garcetti v. Ceballos* decision in 2006, which denied free-speech protection to job-related speech uttered by public employees.

On several occasions, Demers accused Floyd of violating administrative due process rules. During a deposition, Floyd acknowledged he did not give Demers a copy of the Sonntag letter, because he had “more important things to do.” Floyd never responded to accusations that he violated Demers’ due process rights, nor did the university or state investigate. Floyd died in June 2015 of complications from colon cancer.

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About the Book

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NOAM CHOMSKY, ME AND THE DIVERSITY OF IDEAS

By David Demers

Adapted from *The Lonely Activist: An American Odyssey*

MINNEAPOLIS — “Professor Chomsky, in your book *Manufacturing Consent*, you state at one point that ownership of mass media is becoming more concentrated and that this impairs the diversity of ideas, which is crucial for a democracy to function well. At another point, you suggest that diversity of ideas may be expanding in modern capitalism because of the growth of new broadcast media. French sociologist Émile Durkheim and German sociologist Max Weber also suggested that increasing complexity in the structure of society may generate greater diversity of ideas? Do you agree?”

That was the first and last scholarly question I ever asked Noam Chomsky, the world-famous professor of linguistics and America’s most prominent anti-war and anti-mainstream mass media critic.

The date was April 5, 1988.

I was one of about 60 graduate students in an interdisciplinary course taught by Chomsky and other professors at the University of Minnesota. Students from four disciplines — mass communication, law, English and philosophy — met as a group about once a week.

Prior to enrolling as a Ph.D. student in mass communication at Minnesota, I had worked as a newspaper reporter and a market research analyst. Coming from a working-class family, I was less worldly than most of my colleagues, but I was their equal in terms of my thirst for knowledge.

Chomsky, who then was a professor of linguistics at the Massachusetts Institute of Technology, flew in to lecture to the group four times during the quarter. This was his first visit.

To be honest, I didn’t know much about Chomsky in those days. I recall reading something about him in the early 1970s, during the Vietnam War, when I was an undergraduate student and an anti-war protestor.

At that time, Chomsky was often referred to as the America’s most prominent anti-war protestor. He earned that distinction after his essay “The Responsibility of Intellectuals” was published in 1967 as a special supplement in *The New York Review of Books*. Chomsky criticized social scientists and technocrats for providing pseudo-scientific justification for U.S. involvement in Vietnam.

His first political book, *American Power and the New Mandarins*, was published in 1969 and further cemented his reputation as America’s foremost dissident. The book criticized intellectual

liberals who supported the Vietnam conflict or who opposed it not because it was morally wrong but because of the high level of U.S. casualties.

But Chomsky, I would soon learn, had built his worldwide reputation more on scholarship than on anti-war activities or writings. In fact, he was widely acknowledged as the father of modern linguistics.

During the 1950s, he argued that the linguistics scholars should focus more on describing a “universal grammar” — a model that underpins all human language — than on formulating specific grammars for different languages. People, he argued, are “born knowing” and that allows children to acquire the language to which they are exposed. In other words, he was arguing that the basic structure of language comes from nature, not nurture.

Experts say his theory of generative grammar is a milestone.

Chomsky the Media Critic

But Chomsky’s passion since the Vietnam War had been analyzing the role and function of mass media. He and University of Pennsylvania economist Edward S. Herman had just completed the final draft of their book, *Manufacturing Consent: The Political Economy of the Mass Media*.

In it, they wrote that “the mass media of the United States are effective and powerful ideological institutions that carry out a system-supportive propaganda function by reliance on market forces, internalized assumptions, and self-censorship, and without significant overt coercion.”

In other words, the mass media are tools of propaganda for powerful politicians and corporate America.

Although *Manufacturing Consent*, which was published in 1988, contains no citations to the works of Karl Marx and only a few citations of works associated with the neo-Marxist literature, it shares a great deal of common ground with these works. In fact, one could reasonably conclude that the Herman and Chomsky book plows no new theoretical ground.

But the book does make at least two significant contributions to the field.

First, it provides real-world anecdotes and case studies in support of a propaganda model.

Second, the book’s discussion of “filters” provides a useful metaphor for explaining to nonscholars how media, including wet-behind-the-ears graduate students like me, play a role in maintaining the power structure. More specifically, the book argued that “the ‘societal purpose’ of the media is to inculcate and defend the economic, social, and political agenda of privileged groups that dominate the domestic society and the state.”

The “profit orientation” is one of the major reasons (or “filters”) that media produce content that supports the status quo. Other filters include advertising, reliance on powerful governmental and corporate elites for news, “flak” from powerful people or organizations that criticize mass media performance, and anti-communist ideology. These filters constrain mainstream mass media, ensuring that the content doesn’t stray too far from dominant values and the interests of powerful elites.

In a separate unpublished paper, Chomsky also made the intriguing argument that the propaganda system in the United States is far more insidious than propaganda systems in communist countries, because many people in the United States think their news media are free and independent and, thus, those people are more likely to believe what they read and hear. In contrast, most people in communist countries know their news media are biased and so are often skeptical of official news reports.

In later years, I often asked my graduate students from China if they discounted the veracity of the official party press in China. Most said they did.

To support their propaganda theory, Herman and Chomsky provide numerous examples of “biased” media coverage of international events where U.S. government interests are at stake. They include coverage of wars or events in El Salvador, Guatemala, Nicaragua, Vietnam, Laos and Cambodia. The central theme is that U.S. government elites, including past presidents, are able to easily control U.S. news media coverage.

Other empirical research, both neo-Marxist and mainstream, also supports Herman and Chomsky’s main thesis.

However, one of the major shortcomings of the propaganda model is that it fails to account for social change. Herman and Chomsky concede that the propaganda machine in the United States “is not all-powerful.” A good example was public opposition to the Vietnam War after 1968.

But Herman and Chomsky do not provide an extended discussion about how oppositional ideas or groups or individuals form, nor do they provide an explanation for the many social changes that occurred during the 20th century — changes that, in some cases, forced elites to give up some of their rights and privileges. These changes include expansion of rights to union workers, minorities, women, environmentalists, immigrants, the poor and, of course, the recent monumental right-to-marry someone of your same sex.

Some scholars give much of the credit to social movements.

Others point out that elites themselves can sometimes alter the political process, as might have been the case when President Barack Obama publicly announced his support of same-sex marriage in

2013.

Such changes often can be interpreted as being in line with the general ideals of the Age of Enlightenment and the Bill of Rights, which challenged traditional ways of doing things and ushered in the modern era of representative democracies, due process and other civil liberties. However, conservative political movements in the United States have often dented or held back reforms (e.g., lack of attention to global warming, lack of universal health care, increasing gap in wealth between rich and poor).

Chomsky's Response

Chomsky's *Manufacturing Consent* was one of the main textbooks for our class.

To prepare for the arrival of Chomsky, our home room instructor gave us an assignment: "Come up with two questions that you'd like to ask Chomsky."

When I arrived at the Law Center on the West Bank of the UM campus, I could feel the excitement. About 60 graduate students and a half dozen faculty from the four disciplines were awaiting the entry of Chomsky.

Everyone applauded when he entered the room. Few faculty get that kind of reception.

Chomsky's style of presentation wasn't what I expected. Because Chomsky was an anti-war activist, I expected a little fire and brimstone. Instead, he was staid and mostly humorless.

He talked about a half hour or so, then began answering questions. He never got around to reading and answering the questions submitted by students.

But the *ad hoc* approach was better.

More spontaneous.

Eventually, the journalist in me got the better of me. I mustered the nerve to ask the question presented earlier: Is diversity in the marketplace of ideas expanding?

"I'm not going to answer that question," Chomsky responded, waving his hand through the air in a dismissive motion. The room filled with laughter — the kind where everyone is in on the joke except you.

Years later I wondered if I had recalled the incident correctly, and a colleague who was present confirmed, indeed, that Chomsky had made the dismissive gesture with his hand.

To this day, I'm not certain why Chomsky refused to answer my question.

To the best of my knowledge, Chomsky was not hostile to the Enlightenment. In fact, his writings

have a lot of affinities with social liberalism.

This perspective supports civil liberties but also holds — in opposition to market liberalism — that government is needed to ensure the populace has access to education, health care and welfare. In contrast, market liberalism seeks to reduce the role of government as much as possible. It assumes that the free market can solve all economic and social problems.

Chomsky might have refused to answer my question because he might have thought I was a market liberal, trying to set him up for failure. But I can't say for sure.

Since that incident, everything I have read about him suggests that his response that day was out of character. The only exception was a comment from the late libertarian media ethics professor John C. Merrill, who, after hearing about my experience, told me that “Chomsky did the same thing to me in Cairo many years ago. He refused to answer my question.”

As a scholar and as a man, Chomsky is widely respected and adored.

Some reports say he has a policy of not responding to comments that criticize him, even those that are libelous or false. Perhaps he just had a bad day on April 5, 1988.

Whatever the cause of his taciturnity, I didn't take it personally.

I had worked too long as a journalist to be that thin-skinned.

The incident just stiffened my resolve to learn all I could about Chomsky and theories of ideology. In fact, I decided to do my paper on one of his theories.

Testing Chomsky's Hypothesis

Beginning with the Chomskian assumption that mass media content reflects dominant powers and ideas, I decided to test this hypothesis: *The greater the exposure to mass media and the greater the education, the greater the support for beliefs that maintain and justify economic disparities between social classes or groups.*

The empirical literature on this hypothesis was mixed. Some studies supported this proposition, some didn't.

To test whether exposure to media increased support for economic disparities, I re-analyzed the 1986 General Social Survey of 1,470 people selected at random from the 1980 U.S. census. They were interviewed in their homes. Respondents were asked a series of questions about their beliefs toward economic inequality and their use of mass media.

The initial results provided partial support for Chomsky's model.

Support for economic equality decreases as education, income and occupational prestige increase. Conservatives and whites also were less likely than liberals and African Americans, respectively, to support economic equality.

In addition, the more time respondents spent reading the newspaper, the less they believed “government should help the poor.” But the relationship was weak and newspaper reading and television watching were unrelated to “government should help blacks” and “should spend more to help the poor.”

Also, in contrast to a Chomskian model, the more time respondents spent watching television, the more they believed “government should help the poor.” This relationship must be interpreted cautiously, because studies show that television viewing increases as income and education decreases. One has to control for income and education before making such a conclusion.

So I subjected the data to a more sophisticated statistical technique, multiple regression, controlling for all of the variables above along with gender and size of residence.

The results on media use failed to support the Chomskian hypothesis.

None of the media use variables was negatively associated with the economic inequality variables. In fact, two relationships were positive: The more time respondents spent watching television, the more they believed the government should help the poor; and the more time respondents spent reading the newspaper, the more they believed government should assist blacks.

These relationships were weak, but they held up when controlling for occupational prestige, race, political orientation, income and education, all of which also were related to one or more of the three measures.

My paper concluded: “This study sought to determine whether exposure to television and newspapers leads to increased support for beliefs that promote economic disparities between classes or social groups. The data, obtained from a random sample of U.S. adults, did not support the Marxian model. Instead, it found that media use may, under some circumstances, actually promote beliefs that favor economic equality.”

Questioning Chomsky 17 Years Later

In spring 2005, the philosophy department at Washington State University announced that it had invited Noam Chomsky to speak at the campus. I was, at the time, a tenured associate professor of communication.

Great, I thought. I now have a second chance to ask him whether he believes diversity is increasing in the marketplace of ideas and whether media can facilitate social change.

I tried to get a personal invitation to a reception after the speech, but a philosophy department administrator politely told me that only university administrators were invited.

“But I was one of his students,” I said, trying to soften up the administrator.

“I’d like to let you in. But there isn’t even room for any undergraduate students.”

How ironic. Chomsky has spent most of his life criticizing elites, and now he himself had become a victim of his own celebrity.

My chances of asking him a question at his speech were also dashed. WSU’s Beasley Auditorium was packed, even though it was a late Friday afternoon, when many students and faculty start their weekend. No seats were available near the microphones placed for the audience questions.

But I was grateful to be there. Perhaps there would be some clues in his speech as to whether he thought diversity was expanding. He didn’t disappoint.

Most of his hour-long speech sounded like an updated version of Manufacturing Consent. He lashed out at past U.S. presidents and especially George W. Bush for catering to corporate interests and for imposing an imperialistic foreign policy on the world and the American people.

He criticized the mass media for failing to draw more attention to the reasons why the Bush Administration invaded Iraq. The real reason, he said, went beyond the issue of destroying the so-called weapons of mass destruction. The real reason was to protect Western oil interests.

He criticized the advertising industry for employing deceitful methods that “undermine democracy.”

He also talked a lot about the “democratic deficit,” or the gap between what our leaders do and what ordinary citizens want them to do. This was a theme he also mentioned in the Managua Lectures.

On several occasions he cited public opinion polls showing that the public disagreed with the decisions of the Bush administration.

Of course, those comments made me wonder how the public could come to such beliefs when subjected to the propaganda system. Chomsky didn’t address that issue. Nor did he mention that corporate newspapers and broadcast media are major sponsors of these public opinion polls he cited to support his case. In this respect, corporate media might be seen as producers of information that challenges powerful institutions.

Of course, I never expected Chomsky to argue that media produce more content critical of the

privileged as the media become more “corporatized.”

But I was pleasantly surprised to see that Chomsky didn’t close the door on the idea that the diversity of ideas is expanding. In fact, during the question-and-answer period that followed, he praised America for embracing freedom of speech and said Americans have more freedom of expression today than ever before.

Now both of those comments wouldn’t raise an eyebrow if uttered by an 10th grade student in an American history class. But a propaganda theorist?

Chomsky made the remarks in response to a question about whether the United States was becoming more “fascist.” To the surprise of the questioner, Chomsky refused to take a position, saying it was a matter of “subjective judgment.” But then Chomsky quickly added that there’s a “lot that’s right about U.S. policy,” such as “protection of freedom of speech.”

The transition was startling.

He had spent the previous 60 minutes bashing U.S. presidents, U.S. foreign policy, U.S. corporations, and U.S. media. And, then, just like that, he spent the next 10 minutes or so praising America for the First Amendment and talking optimistically about the impact that social movements can have on changing the system.

Freedom of expression “was a gift from below,” he said, suggesting that ordinary people rather than elites were responsible for creating the First Amendment.

He added that ordinary people, through social movements, can change the world. He specifically credited the civil rights movement of the 1950s and 1960s, and he encouraged the audience to get involved in movements that challenge the status quo. He didn’t say whether social science could also have such impact.

Historians might roast him for the “gift-from-below” comment, as many of the so-called founding fathers were prominent political, business, religious and agricultural leaders (elites) before and after the Revolution. Many were motivated more by a desire to protect their own interests and property than by a desire to extend rights to ordinary people. After all, even after the Revolution, only property-owning white men could vote in most states.

But that misstep is a minor point.

The more important issue was a conceptual one: In digressing on the freedom-of-speech issue, Chomsky drew attention to the diversity issue and one of the big problems confronting theories of propaganda: How can a political system be accused of being oppressive and propagandistic when it

grants freedom of speech and the press rights to its citizens?

Chomsky seemed to be saying that freedom of expression was a concession elites gave to the masses.

But a better explanation is that freedom of expression is functional for maintaining the power structure. To be blunt, allowing people the right to complain cools them down. Instead of starting up revolutionary movements, they try to achieve their goals by working through the system.

This “safety valve theory” also has a role for the news media. Their function is to write or broadcast stories about dissidents like Chomsky and social movements, which of course reinforces the idea to them and others that they can change the world through the system.

The paradox, of course, is that Chomsky himself had become a symbol of the kind of diversity of ideas that can exist in modern capitalism.

The “system” tolerates him because he doesn’t advocate radical overthrow of the U.S. government or encourage people to take up arms against the government. He’s a reformist. In fact, during one of our class sessions in 1988, Chomsky had set the record straight: “I’m not a Marxist.”

Elites in complex social systems can tolerate reformists. Reformists often draw attention to social problems and help a society adapt to changing conditions.

Which brings me to the most interesting comment of the evening.

After raising the issue of freedom of expression, Chomsky pointed out that the United States tolerates more freedom today than it did in the past. He specifically mentioned President Woodrow Wilson and the Red Scare following World War I, when the United States jailed or deported a number of anti-war protestors and socialists for simply criticizing the government.

Had Chomsky lived back then, he most certainly would have been imprisoned.

The history of mass media law generally supports Chomsky’s argument that freedom of expression has expanded.

The most important changes came during the 1950s and 1960s, when the U.S. Supreme handed down several rulings that prohibited the government from jailing people who simply criticized the government. Only speech that creates a real threat of violence or jeopardizes the security of the United States can be banned or punished.

Although in 2005 many scholars argued that the Patriot Act had turned the clock back a bit on freedom of expression, that law has not, as yet, led to the massive jailing of U.S. citizens for speaking out against the so-called “war on terrorism.” If it did, I have no question that Chomsky would be the

first to go.

So, after 17 years, I finally had an answer to my question. Chomsky may not believe that mass media become more critical of the power structure as they acquire the characteristics of the corporate form of organization, but at least he recognizes that a social system can tolerate more freedom of expression even as it becomes more complex.

The only question I wasn't sure of was whether Chomsky saw the Internet as an institution that has the capacity to offer even more criticism of elites and news media as well.

Is the Internet decentralizing political power even more?

That's a good question for the next time I see him.

Note: A draft copy of *The Lonely Activist* book was sent to Noam Chomsky, who responded: "Looks fascinating, and hope to be able to get to it, but can't really promise more than that. Too overwhelmed with constant demands."

-30-

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How can a country that enshrined the phrase, “Life, liberty and the pursuit of happiness,” deprive its own citizens of these cherished values?

How much does America embrace liberty?

I didn’t realize until many years later that these questions would shape my professional and personal life and culminate in federal free-speech lawsuit that would alter the balance of power at public universities in nine states in the west and possibly the entire country.

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THE TWO STANDARDS OF JUSTICE IN MINNESOTA

MINNESOTA SUPREME, APPEALS COURTS ALLOW POLICE TO COVER UP CRIMES BY OFFICERS

By David Demers

Adapted from *The Lonely Activist: An American Odyssey*

MINNEAPOLIS — “Dave, the Minneapolis Police Department refused to give us access to the complaints filed against police officers,” one of my students said at the beginning of class one day early in spring quarter 1989.

“Yeah,” said another. “And they weren’t very nice about it.”

The students were enrolled in a public affairs reporting course I was teaching at the University of Minnesota. I had just started my third year in the Ph.D. program. Teaching helped pay the bills. The university paid me \$12,000 for a nine-month appointment and gave me free tuition. Most Ph.D. students either taught or worked as research assistants.

As part of the requirements for my course, I asked the students to come up with a group investigative project.

At the time, several community leaders had accused the Minneapolis Police Department of using excessive force on minorities. The story attracted coverage in local news media, including the main newspaper in town, the *Minneapolis Star Tribune*.

Community leaders also alleged that police discriminated against minorities who filed complaints of misconduct or unlawful behavior against individual police officers. The leaders said police were more likely to uphold complaints filed by whites.

Our class did not have the resources to assess whether police had used excessive force, although research in criminology showed that excessive force is not an uncommon event on large police departments. However, we could answer two questions: Were police less likely to sustain complaints filed by minorities? And when an investigation finds that police officers have committed criminal acts, are they punished and, if so, how?

Minnesota state law required police agencies to release information on incident complaints filed against citizens after an arrest is made or when police finish their investigation.

The students and I assumed the same standards applied to complaints filed against police

officers who are accused of violating the law. However, the police refused to give my students the records.

On March 21, 1989, I wrote a letter to Minneapolis Police Chief John Laux, formally requesting access to the records over a 10-year period. Five weeks later the chief responded and said information about the complainants, the police officers, and the details of the complaints were not public data. However, the department would give us access to everything else at a cost of \$2,322.50. It wasn't clear what he meant by "everything else."

Police argued that most of the information in the records was confidential because they were "personnel records." They also asserted that police are often wrongly accused of using excessive force or violating the law and, consequently, they deserve special protection from public scrutiny.

We argued just the opposite: The records on allegations of criminal wrongdoing should be public because the same information for citizens is public. In fact, police should be more accountable because they are the only nonmilitary institution in our democratic society authorized to use deadly force on citizens. Civil liberties advocates would expect nothing less.

Minnesota state law specifically stated that citizens did not have to pay for records if they just wanted to inspect them and did not want photocopies. But attorneys for the city maintained that citizens should be required to pay the city for the time it took to generate the records — and to redact information in them — because local government could not afford to absorb such costs.

We were at an impasse.

A lawsuit was the only option available.

With the help of a First Amendment attorney, I filed a lawsuit in October 1989, long after the public affairs reporting course had disbanded. The students ended up working on individual in-depth projects.

As expected, the attorney for the city of Minneapolis argued in court that the records were not public because they were personnel records. I responded that a democracy is predicated upon openness and accountability in government. This requirement is even more crucial when it comes to police records, I said, because police have the power to use deadly force.

The judge listened patiently to my idealistic arguments about democratic processes. What I didn't realize was that the judge would make his decision based not on abstract theories about democracy but on how the law was worded.

“Save that stuff for the classroom,” the judge could have told me. But he didn’t. He was very polite and professional. And, fortunate for me and advocates of government accountability, he could find nothing in Minnesota law that restricted release of the records.

I won.

The city appealed.

My attorney argued the case before the Minnesota Appeals Court, which also ruled in our favor. The city then appealed to the Minnesota Supreme Court, the highest court in the state.

Meanwhile, in late June 1990, the *Toledo Blade* published a series of stories detailing 17 years of police misconduct that had been hidden in internal affairs police records. The investigation came after Ohio courts ruled that everything in the records was public data under the state open-records law.

Blade reporters found scores of cases of police abuse of authority. Internal affairs investigators had documented many cases of administrative rule violations and unlawful conduct, including domestic abuse, drunken driving, theft, and assault.

However, few officers were punished or prosecuted. Critics alleged that police refused to prosecute the officers in court because of fears the cases would tarnish the reputation of the police and hinder efforts to obtain more resources from taxpayers.

“There was a long list of incredible misdeeds by cops that would have resulted in big problems if you or I had committed them,” said John Robinson Block, co-publisher and editor in chief of *The Blade*. “We needed to show internal affairs was a long-standing, whitewashing operation.”

Several months later my attorney appeared before the Minnesota Supreme Court. At one point, a judge asked him what kind of information we were seeking from the court. My attorney responded that the lawsuit was only concerned about obtaining access to information on the complainants, not on the police officers or other information in the records.

That was incorrect.

The students and I wanted access to all of the information in the records that accused officers of violating the law — the same information that was already public data under Minnesota law when citizens were accused of violating the law.

But the error probably didn’t affect the outcome of the case.

On April 19, 1991, nearly two years after the students first asked for the records, the Minnesota

Supreme Court ruled that information about the complainants is public data and that the city could not charge fees for inspecting the records.

At least we could answer the first question our class set out to answer: Are police more likely to sustain complaints filed by whites than nonwhites?

But the victory was only partial.

Most of the information in the complaints — including the names of the officers, the charges, and facts about the case — would not be disclosed. So we could not duplicate what investigative reporters did in Toledo.

The Supreme Court's decision meant that Minnesota had two standards when dealing with criminal complaints. When citizens are the target of such complaints, then most of that information is public. But when police are the target, then the information is secret.

Giving up is not a trait that describes me well.

Several weeks after the Minnesota Supreme Court decision, I filed another *pro se* lawsuit that specifically requested access to criminal complaint records involving police as the accused. I excluded administrative complaint records. I focused only on criminal complaints, the kind that are already public when a citizen is the alleged offender.

I lost at the trial court level.

I appealed to the Minnesota Court of Appeals.

Meanwhile, Mark Engebretson, one of my former journalism students, and two other journalism students and I began analyzing the internal affairs complaint information that we were allowed to see.

In March 1992, we published our findings in the *Twin Cities Reader*, an alternative weekly newspaper. The story was titled: "The Color of Justice: White People Are Almost Twice as Likely to Prevail in a Complaint Against a Minneapolis Police Officer — and Critics Claim Racism Is the Reason." As community leaders had suspected, we found that police were less likely to sustain complaints filed by nonwhites (11%) than whites (19%).

Needless to say, Police Chief Laux wasn't pleased with the findings.

He and I debated the issue on WCCO's Jim Rogers Show.

Laux asserted that his officers were not racist.

I said the data did not say they were. Community leaders had made that assertion. The data

simply showed that internal affairs officers are more likely to sustain complaints by whites. The cause of that disparity was unknown.

Our radio debate was cordial and polite. But I did drive slower than the speed limit for the next couple of months.

On June 26, 1992, the Minnesota Court of Appeals ruled against my request to obtain access to criminal complaints against the police. The court said that the records are “personnel data” and, thus, are confidential, even for allegations of criminal conduct.

Sometimes you win, sometimes you lose.

In September 1992, Engebretsen and I presented the findings on the differences between white and nonwhite complainants to the Minnesota Human Rights Commission.

Commissioners showed a lot of interest in the data and asked a lot of questions. But no formal action was ever taken by the Commission, the police or city council.

To this day, criminal complaints against police in Minnesota are nonpublic. They are public only when authorities decide to prosecute the officer and the case becomes inactive.

Another step backward for civil liberties.

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ABOUT THE BOOK

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Copyright 2015 • 540 pages • 196 photos/illustrations

Includes subject and name indexes and six appendices

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www.ACFCL.org/lonelyactivist.HTML

ABOUT THE AUTHOR

David Demers is a mass media sociologist and activist who has published more than a dozen scholarly and trade books. He worked as a newspaper reporter, marketing research analyst and tenured associate professor of mass communication for thirty-eight years before turning to a full-time writing/activist career.

Demers taught courses in journalism, constitutional law and mass communication research and theory at four universities, including The Ohio State University, University

of Minnesota and Washington State University (WSU). His research on corporate structure has won five national awards.

Many of his experiences within journalism and academic organizations are chronicled in *The Lonely Activist*, which attempts to explain why three American institutions most expected to promote civil liberties — universities, government and news media — often fail to embrace those ideals.

In 2009, Demers filed a free-speech lawsuit (*Demers v. Austin*) against four WSU administrators after they punished him for creating a 7-Step Plan to improve the Edward R. Murrow College of Communication. In 2014, the Ninth Circuit Court of Appeals ruled in his favor, declaring that professors have a right to criticize administrators and offer alternative plans for structuring an academic unit when the speech involves matters of public concern and is related to teaching or scholarship. That lawsuit is chronicled later in the book.

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PRINCIPLES MAKE ALL THE DIFFERENCE WHEN YOU ARE MOBBED

Professors Guided by Principles More Insulated from Depression, Suicide, Activist Author Says

Principles.

You know — those morality-based rules that you learned in elementary school and Sunday school. Turns out their usefulness extends beyond helping you make good or bad decisions.

They can also save your life, according to Dr. David Demers, a former journalism professor whose new book, *The Lonely Activist: An American Odyssey*, chronicles, among other things, his university's attempts to punish him for creating a plan to improve the quality of his academic unit.

A FREE PDF of the book is available at www.ACFCL.org/lonelyactivist.HTML.

“Professors who have been bullied or mobbed at work but fail to hold a strong set of principles are far more likely to suffer from depression and to commit suicide,” said Demers, who filed in 2009 a federal First Amendment lawsuit against four Washington State University administrators. In 2014, the Ninth Circuit Court of Appeals, which includes nine western states, ruled in *Demers v. Austin* that Demers' 7-Step Plan for improving the quality of the Edward R. Murrow journalism and mass communication programs at WSU qualified for First Amendment protection. He and the university settled the lawsuit a short time later.

“Taking on a deep-pockets university bureaucracy is no walk in the park,” Demers said. “There were some very difficult times. But my passion for civil liberties — especially freedom of expression, due process and democracy — helped me survive. Winning in court also didn't hurt, but winning was far less important than the principles. I believed then, and now, that universities and other social institutions must be accountable to the public and that their mission is to help promote the civil liberties that made America great.”

Demers said even if he lost his lawsuit he would have survived just fine.

But most faculty who are mobbed by administrators and colleagues usually quit their jobs, he said, and the few who file lawsuits usually lose. In fact, all eight faculty at other universities who were in situations similar to Demers' lost their cases in U.S. federal courts between 2006 and 2014, Demers said. Some quite their jobs. At least one attempted suicide and was hospitalized.

“The professor who attempted suicide was wrongly fired from his job,” Demers said. “He had criticized administrators for making poor decisions. But, by his own admission, he was not fighting for a greater cause, or a greater good. He did not, in other words, have a strong set of principles to insulate him from the attacks of administrative bullies and mobbers.”

Demers credits retired Canadian sociologist Kenneth Westhues with helping him understand the bullying and mobbing process.

In his *Lonely Activist* book, Demers cites Westhues' research, which points out that "universities are ideal places for workplace mobbing, because mobbing is one of the few ways to force tenured faculty out of their jobs."

Studies by psychiatrists also show that many people who are victims of workplace mobbing often suffer from post-traumatic stress disorder. "About 10 to 15 percent of the mobbed workers commit suicide, according to studies in Sweden," Demers writes. "In rare cases, the victims of mobbers also have attacked their mobbers, sometimes killing them."

Westhues notes that professors with foreign accents and those who frequently file grievances and "make noise" are often victims of mobbing.

But, interestingly, the victims usually are not underachievers.

In fact, Westhues says the single most common trait of mobbing targets is that they excel.

In his book *The Envy of Excellence: Administrative Mobbing of High-Achieving Professors*, Westhues theorizes that professors can survive the mobbing process if they act on their principles.

"Westhues was right," Demers writes. "Principles make all the difference."

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Demers taught courses in journalism, constitutional law and mass communication research and theory at four universities, including The Ohio State University, University of Minnesota and Washington State University (WSU). His research on corporate structure has won five national awards.

In 2001, he founded Marquette Books, which has published more than 130 scholarly, trade and children's books.

In 2012, he founded the not-for-profit American Center for Civil Liberties, which promotes freedom of expression, due process, democracy and other individual freedoms.

Many of his experiences within journalism and academic organizations are chronicled in *The Lonely Activist*, which attempts to explain why three American institutions most expected to promote civil liberties — universities, government and news media — often fail to embrace those ideals.

In 2009, Demers filed a free-speech lawsuit (*Demers v. Austin*) against four WSU administrators after they punished him for creating a 7-Step Plan to improve the Edward R. Murrow College of Communication. In 2014, the Ninth Circuit Court of Appeals ruled in his favor, declaring that professors have a right to criticize administrators and offer alternative plans for structuring an academic unit when the speech involves matters of public concern and is related to teaching or scholarship. That lawsuit, which also helps protect shared governance, is chronicled in detail in later chapters of the book.

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LESSONS AND RECOMMENDATIONS FROM A CIVIL LIBERTIES ACTIVIST

Mass Media Scholar and Social Activist Dr. David Demers Offers Some Advice for Civil Liberties Aficionados

Being a civil liberties activist in today's polarized political environment is not easy.

Five major forces or factors are inhibiting the expansion of individual rights and freedoms for Americans. They include conservatism, political resistance to social scientific knowledge, the strong-arm ideology of American management theory, an increasing number of rules — especially those which tell people what they must do as opposed to what they should not do — and a lack of knowledge about civil liberties and the Age of Enlightenment.

Overcoming these five obstacles to freedom will be difficult. But a solution to any social problem begins with greater awareness of that problem.

High schools need to spend more time teaching students about the origins of the Constitution and Bill of Rights and about the ideas of John Locke, Voltaire and other Enlightenment philosophers. College students also need to take at least one course that expands upon the high school course.

Civil liberties activists also would benefit if they frame their pro-freedom messages to the public and policymakers in a way that draws more attention to the obstacles mentioned above.

Of these, conservatism should be given the highest priority, for two reasons. First, news coverage is essential for increasing awareness, and there is a greater chance of getting coverage by focusing on the adverse impact that conservatism has on civil liberties. News media are drawn to controversial political debates. Second, the fallacious claim that conservative groups are more supportive of civil liberties is masking and hindering efforts to build support for the Enlightenment project. If liberals or independents believe that conservatives control the civil-liberties high ground, they may withdraw their activism, rather than trying to claim the high ground for themselves (which is what they need to do).

Civil liberties activists also need to draw attention to the fact, which is absent in conservative ideological debates, that private businesses and corporations have as much potential as big government to do harm to liberty and freedom. A "free market" does not necessarily produce a more free people.

Civil liberties and democracy can be protected only if there is a strong cultural commitment to those ideals in society and in its organizations.

Here are 17 other propositions and suggestions to help activists achieve their goals:

1. The Enlightenment project is unfinished. Despite gains in civil liberties over the past three centuries, a lot more needs to be done to protect the freedoms and rights of individuals. The collective still rules.
2. Never assume leaders or followers in American organizations embrace civil liberties, such as freedom of expression, due process, democracy and individualism. To the contrary, few practice what they preach.
3. Social control and security are almost always more important to administrators than civil liberties.
4. Never assume your organizational colleagues, friends or even relatives will support you in a dispute over

- civil liberties. Most are more concerned about themselves than the abstract principles you champion.
5. Conservatism is the biggest threat to liberty and Enlightenment ideals. That's because conservatives value traditionalism over reason and because conservatism reinforces the ideology of American business.
 6. Although bureaucracies require cooperation and consensus from their members to achieve their goals, bureaucracies contain more competition and conflict than entrepreneurial or small organizations. This is because social interaction increases at a faster pace as more individuals and groups are join the collective.
 7. Competition and conflict are more likely to produce social change than cooperation and consensus.
 8. Institutions that value competition and conflict are better equipped to adapt to changes in society.
 9. Elites in bureaucratic organizations often use rules to punish recalcitrant members, but elites often break the rules when it suits their interests. They are able to do this because there are few options, other than a lawsuit, for making them accountable.
 10. People seek security, or stability and predictability, more than freedom. As such, money and climbing the social ladder means more to most people than acting ethically or doing the right thing when the two are in conflict. The former are visible signs of success. The latter is not.
 11. People who have a strong need for personal security have less commitment to Enlightenment ideals such as liberty and individual freedom. The need for personal security generally increases as people get married, have children and go into debt.
 12. Elites in bureaucracies usually resent outside interference, and, when confronted with allegations of inconsistent behavior or illogical actions, rarely correct such problems. Even in the face of hard facts, elites in bureaucracies will actively work to marginalize those who draw attention to their shortcomings.
 13. The perceived credibility of news sources and their ties to community organizations play a powerful role in shaping what and how news is covered.
 14. The greater the power of a news source, the greater the probability of getting news coverage and, in general, the more favorable news coverage.
 15. Larger bureaucracies, as a rule, tolerate conflict and disagreements more than their smaller counterparts, partly because they have more formal mechanisms (e.g., grievance boards) for controlling such conflict.
 16. Loyalties among friends, colleagues and bosses almost always trumps principles when the two collide.
 17. Complacency breeds regrets. Act now, don't wait until it is too late.

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