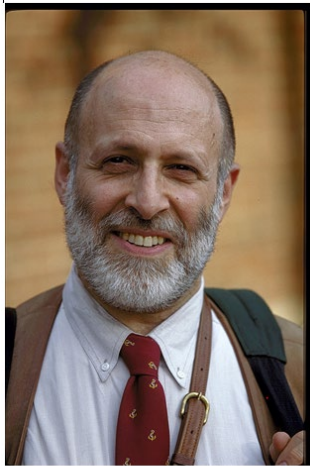


HARVEY FOR HARVARD

By Jeff Jacoby
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Harvey Silverglate — an old-fashioned liberal with a lifelong commitment to free speech and academic freedom — is running for Harvard's Board of Overseers.

WHEN JOHN F. KENNEDY was elected to the Harvard Board of Overseers in 1957, his father took it as an encouraging sign of broadminded tolerance and an auspicious augury of JFK's future political prospects. "Now I know his religion won't keep him out of the White House," [said Joseph P. Kennedy Sr.](#) "If an Irish Catholic can get elected as an overseer at Harvard, he can get elected to anything."

Sixty-five years later, the ability of an Irish Catholic — or of any other [religious, racial, or ethnic minority](#) — to become a Harvard overseer is taken for granted. But is there room on the board for an old-fashioned liberal with an unwavering commitment to free speech and academic freedom? Harvey Silverglate, a graduate of Harvard Law School, hopes to prove the answer is yes.

The Board of Overseers, which dates to 1642, is Harvard's oldest governing board. It comprises 30 members, who must be Harvard graduates. [Their role](#), in Harvard's summary, is to uphold the quality of the university's programs and ensure that it "remains true to its charter as a place of learning." Overseers have the final say on the appointment of every Harvard president, and they are expected to advance the "academic mission and long-term institutional interests" of their alma mater.

Ordinarily, overseers are chosen from a slate of insider candidates selected by a committee of the Harvard Alumni Association. But there is an outside route: Candidates can get on the ballot if enough Harvard graduates sign a petition nominating them. This week, Silverglate is launching an independent campaign — "[Harvey for Harvard](#)" — to become an overseer. If 3,188 alumni put their names on [his petition](#), he will be listed as a candidate in the 2023 Overseers election next spring.

Full disclosure: I have known Harvey Silverglate for a very long time. He's a liberal and I'm a conservative and over the years we have disagreed on any number of important subjects, from the death penalty to US relations with Russia. In the early 2000s, we took one of our disagreements on the road, [debating the Patriot Act](#) on college campuses — he strongly opposed the post-9/11 law as an intolerable threat to Americans' civil liberties; I [defended it](#) as a necessary protection for those liberties.

But however much I may differ with Silverglate on such hot-button issues, I am convinced he would make an excellent overseer for the nation's oldest university. That is true for two reasons.

First, though he routinely involves himself in some of the angriest controversies in American life and law, he is unfailingly civil, optimistic, and good humored. At a time when so many political and cultural disputes, [particularly in academia](#), have grown brutally intolerant, Silverglate is an exemplar of the “[happy warrior](#)” — a fierce fighter for the causes and clients he cares about, yet never crude, insulting, or vindictive.

The second, even more important, reason is closely related to the first.

Silverglate is a decades-long champion of liberty in higher education — a passionate defender of free speech and expression, whether on the left or the right, among the faculty or the student body. In 1998, together with University of Pennsylvania historian Alan Charles Kors, he wrote [The Shadow University](#), one of the first books to sound an alarm about the rising tide of intolerance, identity politics, and the suppression of heterodox viewpoints on campus. “In a nation whose future depends upon an education in freedom, colleges and universities are teaching the values of censorship, self-censorship, and self-righteous abuse of power,” the authors declared.

“Universities have become the enemy of a free society, and it is time for the citizens of that society to recognize this scandal of enormous proportions and to hold these institutions to account.”

In 1999, Silverglate and Kors founded the [Foundation for Individual Rights in Education](#) (The FIRE), which quickly

became the most effective national watchdog against speech codes, the banning of “insensitive” opinions, official harassment of student journalists, rigged disciplinary tribunals, and other restrictions on First Amendment rights in academia. On top of his busy professional career as a [criminal lawyer](#) and his prolific writings on legal matters for publications ranging from [Reason magazine](#) to the [Boston Phoenix](#) to [the Globe](#), Silverglate has steadily and publicly defended due process, debate, and intellectual diversity on the nation’s campuses. And the more ground freedom loses at colleges and universities, the greater Silverglate’s determination to win it back.

In [a video](#) he recorded for The FIRE in 2014, Silverglate reflected with dismay on the transformation of young people whose right to free speech used to be trampled into older people who now trample the free-speech rights of others.



At Harvard and other schools, it was left-wing speech that used to be suppressed. Now the censors target right-of-center speech. Above: Harvard Yard

“I started my career representing Vietnam War protesters,” he said. “I represented groups like Students for Democratic Society, the real hard-core leftists who were being persecuted on college campuses.” Years later, when many of those students had become professors and administrators, Silverglate was “shocked” to discover that “they never believed in free speech – they believed in *their own* free speech.” Now it is right-of-center, or even centrist, speech that is apt to be [silenced](#), [cancelled](#), or [violently attacked](#). Silverglate is a man of the left. But he abominates repression no matter where on the spectrum it comes from.

Anyone who embraces speech restrictions in order to protect liberal or progressive values is “totally misguided,” he declares. “As soon as you agree that censorship is OK as long as it’s only for the thought that you hate, eventually that animal is going to turn on you and you’ll end up the victim.”

The restoration of intellectual freedom to Harvard Yard isn’t the only plank in Silverglate’s bid for the Board of Overseers. He is alarmed by the university’s top-heavy “[administrative state](#),” and notes that administrators at Harvard now outnumber faculty by 3 to 1 — a considerably higher ratio than at other leading schools. Since 2002, according to Silverglate, Harvard has increased its administrative spending by an explosive 176 percent, while spending on academic instruction has grown by only 43 percent.

All the same, the most important quality Silverglate would offer as a Harvard overseer is plainly his unwavering passion for liberal inquiry, debate, and expression. “The problems that have concerned me for my entire career have not ameliorated,” he observes. “If anything, they have gotten worse.” Is there room for one free-speech, civil-liberties warrior on Harvard’s governing body? I’m not an alumnus and don’t get a vote. But I’m cheering from the sidelines for Silverglate’s insurgency to succeed.

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