

## Letter from alumnus Joel Gardner to University of Virginia President Jim Ryan

Hi Jim

First, I would like to thank you once again for being on the zoom call last week. I thought it was a very worthwhile discussion, but unfortunately, with the limited time allotted, it was only possible to skim the surface of the many crucial issues now facing the University. And as someone who has closely followed the history of the University on a real time basis for the past five decades as a Double Hoo, two time parent, member of four University boards, inveterate fundraiser and University historian, I truly believe we are at a decisive inflection point in our University's existence. With that in mind, I will take you up on your suggestion for us to send you recommendations and advice on how we might together address some of these critical concerns. In that regard, I'm sure you will be pleased to know that this will not include recommendations regarding the Lawn room signs. I will omit this for two reasons. First, I am sure you have already heard every iteration of the various arguments. Second, while I still disagree with how the University approached this issue, I believe you made a cogent and reasonable argument supporting your actions--in effect that forcibly removing the signs would make those students martyrs and only increase support for them among other students and faculty who thus far have not been generally supportive. Moreover, the Lawn room debacle is but a symptom of a much larger and more important set of problems at the University.

There is a reason that UVA probably has the most loyal, passionate and generous alumni of any state university in the country. It is based on a shared unique experience and a sense of community that has bound together generations of Wahoos. What are the major elements contributing to this? These include--living in a special community of honor and trust; living in the creation of probably the greatest genius in American history; traversing daily the only collegiate UNESCO World Heritage Site in North America; living in an atmosphere of mutual respect for individual rights including the freedoms of expression and association; and sharing decades old customs and traditions as a unified group. Unfortunately, today many of your loyal alumni believe that each of the above factors is eroding or is under attack. So here are my thoughts and humble recommendations:

1. End the deleterious and divisive politicization of the Grounds -- There is no doubt that our University community is currently more divided than at any time since the anti-war turbulence of 1969-70. As you know, I lived through that period on Grounds and chronicled in my book its many negative consequences for community cohesion. Fortunately that turbulence was short lived, and by the time I graduated from the Law School in 1974 the divisions it created were mostly gone. But unfortunately, the cause of the current divisiveness is more insidious as it has become part of University policy. I am speaking about the social justice diversity and inclusion agenda based on race, ethnicity and gender that you have made the capstone of your "great and good" strategic plan.

With all due respect, many of us believe not only that such a social justice agenda is not "good", but that even if it was, it would not be proper or appropriate for a university, especially a public university, to adopt it as policy. During our discussion I quoted from former Yale Law School Dean Anthony Kronman's article "The Downside of Diversity". If you have not read it in full, I suggest you do so (*Wall St. Journal*, 8/2/19). In it, Kronman states that diversity based on race and gender "is not an academic value. Its origin and aspiration are political. The demand for ever greater diversity in higher education is a political campaign masquerading as an educational ideal." He further concludes that this form of identity politics "has steadily weakened the norms of objectivity and truth and substituted for them a

culture of grievance and group loyalty. Rather than bringing students and faculty together on the common ground of reason, it has pushed them farther apart into separate silos of guilt and complaint."

Having spent the past six years in Cville totally immersed in everything UVA, I can relate that any objective observer would confirm most of Dean Kronman's observations. Indeed the current travesty on the Lawn is Exhibit A. I listened to the audio of your discussion with the Lawn student and read her opinion piece in the *CD*. One could not find a better example of the grievance and victimization culture that flows from your diversity social justice agenda. A further recent example illustrating the "downsides" of diversity can be found in a recent *CD* article discussing Lawn life in the age of COVID. A self identified Latinx student living on the Lawn had this to say: "The Lawn is usually a very predominantly white space...With the Lawn room I was hoping to create a space for *my community* (italics added)--specifically the Latinx community.." First, the Lawn has not been a predominantly white space for years, but the issue here is the "group loyalty" issue Kronman identifies. Rather than having a unified student community, your policies have encouraged racial, ethnic and gender identification rather than communal identification. We therefore have a "balkanized" student body with each separate identity group essentially self segregating. This is antithetical to building group and communal cohesion. Your agenda constantly talks about diversity and inclusion--but the result is just the opposite--it is diversity and exclusion. In effect, rather than *e pluribus unum*, you have *e unum pluribus*. As one who has spearheaded numerous fundraising efforts for the University for decades and has interacted with hundreds and hundreds of students and alumni, I strongly believe this has had and will have a material adverse effect on group loyalty to the University--since loyalty is more likely to be directed to the identity group rather than to the institution.

But the dangers of your diversity agenda do not end there. Since you have adopted this agenda as part of an official policy intrinsic to making UVA a "good" university, you have created a situation whereby those opposed to such policy are by definition "bad". The problems with officially adopting political or social agendas as official policies of an institution of higher learning (no less defining such policies as "good") were confronted head on at the University during the turmoil of the anti-war demonstrations. At that time, numerous faculty members opposed the University taking a stand on the Vietnam war. In a statement as relevant today as it was 50 years ago, renowned scholar and government professor Inis Claude, Jr stated: "The University is an institution of learning, properly dedicated to the promotion of studying and teaching. *It should not be available for use by anybody or by everybody as an ideological base or political instrument.*" (italics added). And William Breit of the economics department expanded on that thought by specifically identifying the dangers of doing that. He said that by taking sides, the administration had made "the University an instrument of oppression against the individual professor or student who disagrees with [his] views on these issues." Rarely has such a statement been more prescient. Because that is exactly the state of affairs that has now afflicted the University for some time.

It is evident that our University now faces the greatest threat to academic freedom and integrity in its history. And this is no exaggeration--it is supported by both anecdotal and statistical evidence. First the anecdotal evidence. I consider myself fortunate to have had an opportunity through my many University affiliations to interact with students on a regular basis over many years. Particularly in the last four to five years I have spoken to numerous students in both graduate and undergraduate programs who have told me that they feel very much intimidated in expressing their views not only in class, but also in papers and exams. This fear has extended to admitting associations with certain ideological and political groups. During our zoom call I mentioned two examples of this--the law student who was asked by his professor to apologize to a classmate who was offended by his expressing his position on a Fourth

Amendment search and seizure issue; and the education school undergrad who was an officer of a conservative student group but was afraid to list her name as an officer on group flyers because she thought she would lose her student assistant position. These are only two examples of many I could relate to you. Moreover, my own experience was confirmed by delving into the FIRE report on freedom of speech which you cited during the call. The following are just a sample of the numerous corroborating UVA student responses:

"I have had at least one professor each semester I have been on campus express their political opinion (and it is always liberal in my experience), and they always seem to have the general support of the classroom. I always feel extremely uncomfortable in these settings, because I have never felt in agreement with the statement the professor makes, and I always feel as though if I said something it would put a target on my back as a republican. I have never felt comfortable expressing my political opinions to professors or other students who are very liberal in any setting, classroom or private, because it feels unacceptable socially to not be liberal on grounds." -- Class of 2021.

"Many times people have used backhanded comments to bash the president, and at times I have to sit through it because I know if I express my opinion, I'll receive the same kind of hate speech/verbal attack. I could take it, but I don't want to be ostracized for supporting a public figure." -- Class of 2022

"As a conservative on a predominantly liberal campus, there have been many moments where peers or teachers are discussing things I do not agree with politically, but if I disagree, I am quickly ganged up upon and my opinions are shut down." Class of 2022

"In the majority of my classes, I am forced to alter my views in order to achieve a high grade. In classes where I have shared a view from my political party, I am ostracized by classmates and the professor." Class of 2020

The above is just the tip of the iceberg. When I read all of the student expressions of intellectual and speech intimidation, I became quite emotional. I could remember the feisty discussions I had with my Honors History advisor Bill Harbaugh and the sharp repartee with Professor Charley Whitebread in my Criminal Procedure class. There were disagreements for sure, but they were accompanied by mutual respect and tolerance for differing viewpoints by well meaning adversaries. The free and unfettered exchange of different viewpoints just doesn't exist on Grounds anymore and I am most upset that this generation of students cannot have the same experience I had. Are you upset as well? **IF NOT, WHY NOT?**

If there is any thought that I may be exaggerating, it is totally dispelled by the statistical evidence. Delving deeper into the FIRE report, I found the statistical responses by UVA students very unsettling. Question number 5 asks the student how comfortable would you feel writing an article or letter in the student newspaper critical of the college administration. Only 18% of UVA students answered very comfortable, well below the response rate from most comparable schools. For example, at the Univ. of Chicago the response was 40%, Columbia 39%, Yale and Cornell 32%, Duke 27%. Perhaps most relevant is Question 25, which reads as follows: "Have you personally ever felt you could not express your opinion on a subject because of how students, a professor, or the administration would respond? A staggering 57% of the UVA students polled answered in the affirmative. And that number goes up significantly for students who identify as conservative. I find the fact that over half the current student body is so intellectually intimidated that they are afraid to express their opinions on Grounds to be both disgraceful and unacceptable. Do you find it disgraceful and unacceptable as well? **IF NOT, WHY NOT?**

Clearly the current state of politicization on Grounds and its concomitant chilling of expression is antithetical to everything a university should be about. And it makes a total mockery of the Jeffersonian affirmation that you so often refer to of "following the truth wherever it may lead". How is that possible when so many are in fear of expressing their thoughts? Which raises the question--**WHY HAVE YOU DONE NOTHING TO REMEDY THIS SITUATION?**

And what makes this whole situation even more appalling is that your social justice agenda constructed around racial, ethnic and gender diversity is based on a demonstrably false narrative. The apparent justification for this agenda is the assumption that institutional and systemic racism and ethnic and gender prejudice exist at UVA. What is the factual basis for that assumption? Any truly objective observer of University life over the past five decades would conclude that there has not been systemic or institutional racism at the University. In fact, if anything it has been quite the opposite. Starting in 1969 and accelerating over the decades, successive University administrations have implemented policies to erase the remnants of the segregation era that were still quite evident when I arrived on Grounds in 1966. That doesn't mean there have not been racist students at the University or that racist acts have not been committed. Just as there are anti-semitic students and anti-semitic acts done. (When the white nationalists marched down the Lawn they were shouting anti-semitic slogans--"Jews will not replace us"--not racist slogans). It does mean that as an institution, the University has actively promoted racial, ethnic and gender equality of opportunity. Accordingly, I have asked numerous people in leadership positions at the University to please give me specific examples of systemic racial, ethnic or gender prejudice-- and have not received one example. Most recently, I posed this question to Kevin McDonald, one of the three heads of your Racial Equity Task Force, during a zoom call event sponsored by the NYC UVA Club. He could not point to one example of systemic racism, although he did add that there are result oriented racial disparities at the University. When I asked for examples, the only one he mentioned involved tenure, and when I asked him to explain, he said time was running out and that he would be happy to continue the discussion at a later date (I have not heard anything further). So the head of UVA's Diversity program could not point to any systemic racism at UVA and could only define racism in terms of equality of results. And, as the Bard would say --"there's the rub". Because by pursuing a social justice agenda seeking equality of results you are entering a very slippery slope. And I'm afraid that is exactly where the BOV and you are heading. You and the BOV apparently approved the Task Force recommendation of seeking a student body reflective of the demographics of the Commonwealth and/or the nation. So is your diversity and equity program seeking equality of opportunity or equality of results? Because if it is the latter, it is anathema to well established American ideals and to Martin Luther King' hope that our nation would be one where people are not judged by the color of their skin but by the content of their character. And for me personally, I do not think that my father escaped the Tsar and his pogroms, lived in extreme poverty in the tenements of the Lower East Side, and endured systemic anti-semitism for decades in order for his progeny to once again be subject to judgment based on how you were born rather than who you are . And by the way, based on equity being defined as equality of results, does that mean the UVA basketball and football teams are systemically anti-semitic and anti-Asian? In a school that probably has a student population that is over 20% Jewish and Asian, I do not believe you have had more than a handful, if any, of Jews or Asians on those teams for the past decade.

So how do you depoliticize the University, end the intimidation of student expression and build a more cohesive and less balkanized student body? Here are my suggestions:

- a. Focus on the real diversity that is important on college campuses--diversity of thought--rather than diversity of race, ethnicity and gender which has proven to be divisive.
- b. No further building renamings, statue removals, etc. A society that incessantly does this is a society in decline.
- c. Emphasize the traditions and values that have bound Wahoos together for decades -- most especially honor and trust. I would posit that for most UVA alums who graduated prior to 2010, this is what mattered most about their UVA experience (other than friendships and certain social activities). While reading your strategic plan, I stopped counting how many times the word "diversity" appeared when I reached a dozen. I believe the word "honor" appeared once. This is a concept that brings us all together, notwithstanding our woke colleagues who insist that honor is a bourgeois and "white" ideal. That is just so much nonsense. Honor knows no race, ethnicity, religion or gender.
- d. Proudly adopt the "Chicago principles" of freedom of speech and expression and disseminate them to every student upon entering the University.
- e. Strongly condemn the "cancel culture" practice and let it be known that such attacks on members of our community will not be tolerated. During our zoom call you noted the dangers of this practice as it has become more evident on Grounds and its chilling effect on freedom of expression. Make this view known publicly and strongly.
- f. Reverse the decision on "contextualizing" Mr. Jefferson. By any standards of rational historic perspective, feeling the need to contextualize our founder and one of the greatest minds of the past three centuries is inappropriate and improper. And all for what? To placate your loudest woke constituency? Every member of our University community, and I mean **every** member, has benefited from the genius of this man. Pride in our founder has bound Wahoos together for decades. This decision has unnecessarily alienated untold thousands of your most loyal alumni. Judging any person that lived over two hundred years ago by current mores and standards is inherently unacceptable. Forget about people who lived centuries ago, by implementing these standards virtually every liberal hero of the past 100 years would have to be contextualized--FDR (Japanese internment and failing to desegregate the armed forces during WW2); Planned Parenthood's founder Margaret Sanger (eugenicist); Martin Luther King (believed homosexuality to be a psychiatric problem); Barack Obama (did not support gay marriage until 2010, after he became president); fellow Wahoo Ted Kennedy (need I say more).

2. End the "Echo Chamber" and Give Dissenting Voices a Seat at the Table -- Without being able to accurately substantiate the following with specific facts and figures, based on my knowing many of the people and having discussed those I don't know with some that I do, I believe there are virtually no Republicans or conservatives among the top members of your administration including deans. And our faculty is probably not much more diverse. I have heard renowned former University professor Jonathan Haidt speak a number of times on this subject (I co-sponsored his speech to the NYC UVA Club a decade ago). The last time I heard him speak was at a Jefferson Scholar event at Darden about four years ago. At that time he had a chart that showed that about 60% of college faculty are liberal/far left, 30% moderate and 10% conservative/far right. I have no reason to believe the breakdown is any different at UVA. This is way out of line with the breakdown of thought diversity in the population at large.

This was not always the case. When I was a student, the faculty was split about 50/50 in ideology. In fact, a vote to ban ROTC from the Grounds drew a tie vote in the faculty senate. Until recently, there were a number of deans who were in the relatively conservative camp--Law, Batten and Commerce. This no longer the case. Until recently there was a mix of Republicans and Democrats on the BOV. But with Democrat governors in the statehouse since 2014, there are no longer any Republican appointees on the Board. The result in effect is one party rule on Grounds--and as we all know, one party rule is never healthy. Without meaningful debate and exchange of opposing ideas there is little opportunity to digest other viewpoints and even less motivation to compromise.

A clear example of the above is the history of the Racial Equity Task Force. After the tragic death of George Floyd, you initially issued a statement that was measured and well balanced. But measured and balanced was not what the woke mob wanted. After being attacked by the social justice multitudes, you quickly folded, reissued a new compliant statement and created the Racial Equity Task Force to redress the alleged inequities of alleged systemic racism at the University. In determining what if any systemic racism exists and how to address it, you appointed three like minded members of the faculty and administration to head the task force. Incredibly, two of the three appointees had not been at the University for even a year at the time of their appointment. Their institutional knowledge of the University was basically non-existent. The resulting recommendations of the task force-- the renaming of four spaces at the University, removal of a statue of an American hero who had no nexus to slavery or segregation, the contextualization of Mr. Jefferson, the request for millions of \$\$ to go to that new cottage industry known as diversity and equity, etc--represented the holy grail of the political social justice agenda. Not surprisingly, the echo chamber that constitutes your administration and the BOV essentially rubber stamped the recommendations.

Having been in communication with a multitude of alumni in recent weeks, I can tell you that the anger directed at these unnecessary political actions runs as deep or deeper than the reaction to the Lawn door fiasco. Of course, this does not by any means represent all or perhaps even most alumni reaction -- and that is as it should be. Well meaning and intelligent people have different points of view. But that is my point here -- the task force leadership did not represent a meaningful diversity of points of view. Sure they asked for community input, but we all know what weight that has. It was important that real differences of opinions be seated at the table for that discussion--and that was not the reality. Perhaps if that had been the reality, the task force recommendations would have been more balanced and not divided our community the way it has. And that is true for all major committees and task forces going forward. They should be well balanced and non-political.

So here are my recommendations in this regard:

- a. You should commit to ensuring thought diversity at the University by setting goals for hiring a significant number of more conservative faculty members and senior administrators. A goal of reaching a third of those bodies is very realistic. ***DO YOU AGREE? IF NOT, WHY NOT?***
- b. You should make sure that diverse viewpoints are meaningfully represented on all major committees and task forces. In addition to faculty members and administrators, you have a deep reservoir of committed and loyal alumni who I am sure would be willing to serve the University.

c. While you have no control of BOV membership, you should recommend that diverse views be presented in person to the Board on all major issues. Again, there are many alumni who could fill this roll if there is a dearth of faculty members or administrators to do so.

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If you have read down this far, I want to thank you for listening. But at this point, listening is not enough. Many of us believe that the University is at a critical period in its history, where its historical role as an open playing field for the free exchange of diverse opinions is in the balance. So many of us love the U and are committed to its well being. But many of us also feel that the UVA that we cherish is disappearing in front of our eyes. Having spearheaded two major fundraising efforts of the U over the past two years and having communicated with hundreds of my fellow alums as a consequence, I have been a lightning rod for alumni comments. I can tell you that there are large numbers of alums who have told me they will not give another penny to the University and others who have even said they don't intend to fulfill their pledges. They feel that the University has walked away from them. Again, I am sure that many alums do not feel that way, especially younger ones. But I am equally sure that untold thousands of alums are in agreement, including many of your most loyal ones. This all did not have to happen if you all had given us a seat at the table and actually compromised and acted on opinions other than just politicized social justice ones.

Frankly, much of how this plays out is in your hands. You are our leader and leadership has its attendant responsibilities--one of which is to hopefully represent all of your community. I do not think you have been doing that up to this point.

As for myself, the University has been part and parcel of who I am for over 50 years. Most of my closest friends were my classmates and I would not trade those friendships for anything. Two of my children have worn the honors of honor. I have contributed a material part of my wealth, time and emotions to this institution. I moved to Charlottesville six years ago to fulfill a lifetime dream and to write a "love story" about the University. I am now writing this email from my new apartment back in NYC. A major reason for returning to NYC was that it was just too painful experiencing up close the changes occurring on Grounds--which have accelerated in just the past few years. It was just not enjoyable anymore. My wife, who is not a Wahoo herself but who served for 5 years on the University Arts Council, feels the same way.

After our zoom call, one of the other participants emailed me to say -- "When I heard you had moved back north my thought was that if they've lost you they're really in a mess." But this isn't about me -- it is about a unique institution that can hopefully afford future generations of Wahoos the same experience that me and my buddies had and that still binds us together all these decades later. There is still time for you to act -- but it is up to you.

If you don't, we all lose.

With best regards,

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