

The Erosion of Academic Freedom in the United States in the Early 21st Century: A State and Movements-Based Analysis

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Abstract

Academic freedom protections for U.S. professors have never been secure, but they experienced an unprecedented erosion in the early 21st century. The objective of this paper is to analyze why this sea change occurred -- and with what consequences. The paper discusses the policy interventions in the 50 states and the federal government that brought the issue of higher education's autonomy to a head in 2025. The analysis focuses on the growing distance between the ideological orientations of university faculties and Republican legislators; the development of organizational strength and coordination on both the right and the left; and precipitating events that provided a springboard for extensive policy interventions. The paper also discusses deeper contextual factors, including demographic change and increasing income inequality, and their links to political polarization. The analysis draws on theories of state power, as well as resource mobilization and political process theories of social movements.

Keywords: State power, social movements, higher education policy, academic freedom

It is now clear that the Trump Administration's interest in universities lies, not in the good they can do for the economy and society, but in suppressing views it rejects, restructuring campus operations to promote views it favors, and exacting tribute.¹ In less than a year, the Administration's actions have led to an unprecedented reduction in U.S. universities' autonomy and professors' academic freedom. All universities are now potentially subject to the administration's ban on diversity, equity, and inclusion (DEI) programs as a precondition for remaining eligible for federal funding. All are also subject to review of admissions for racial preferences. Grants on disfavored subjects

¹ The latter objective is in line with the strategy that war lords have often followed in their relations with large landowners (Olson 1993).

have been cancelled or suspended, including on subjects that go well beyond the Administration's animosity toward DEI. They include grants pertaining to cancer, vaccines, climate change, and disinformation. Cost recovery for facilities and administration of grants that remain have been cut in half or more. The settlements with several of the Ivy League universities go further – allowing the Administration to monitor the activities of departments and research centers. Those who express what the Administration deems to be anti-Semitic sentiments will risk, at a minimum, harassment by the Administration and its allies. International students who express these views risk deportation. The Administration also announced that it will give favored status in grant funding to universities if they comply with demands for changes in tuition policies, hiring decisions, and student admissions (Bender 2025).

Conflicts between professors and authorities over curriculum are not new in the United States. The first dismissals of faculty members occurred in the late 19th century when early Darwinists ran afoul of devout college board members. These firings were followed by dismissals of some 30 professors for teaching against the prevailing grain on worker's and immigrant's rights (Metzger 1955). Nor did academic freedom claims prevent the firings of some 100 faculty members during the McCarthy era in the late 1940s and early 1950s – or the related silencing of thousands of others who might otherwise have been prone to criticize aspects of U.S. foreign or domestic policy (Schrecker 1986). Yet the actions of the Trump Administration are new in their scope and implications. The objective of this paper is to analyze how and why this sea change occurred. I will also briefly discuss the probable consequences of the Administration's actions.

The analysis focuses on the growing distance between the ideological orientations of university faculties and Republican legislators; the development of organizational strength and coordination both on the left and the right; and precipitating events that provided a springboard for policy interventions. The analysis also identifies the deeper contextual factors at work. These deeper factors included changes in the racial and ethnic composition of the country and the sense of threat this produced among some whites; the growth of inequality and the slowing of socio-economic mobility; the intensification of affective polarization; and the rise of new media as spaces for the mobilization and reinforcement of partisan commitments and animosities.

The analysis emphasizes the role of state power (Poggi 1978; Mann 1986) – more precisely, the partisan capture and utilization of state power. As the provider of funding for research and financial aid, the state’s potential leverage in higher education policy is great. It is now being used in unprecedented ways. And yet the latent power of the state has rarely been exercised against higher education institutions in an antagonistic way. To understand how this antagonism developed, the analysis is influenced by the social-movements literature, particularly resource mobilization (McCarthy and Zald 1977) and political process (McAdam 1999) theories, as well as by analyses of political violence (Kleinfeld 2021; Pape 2024).

I apply the insights of the social-movements literature to movements among interacting advocacy organizations, rather than to grassroots organizations. Resource mobilization theory emphasizes the pivotal role that resource providers play in the success of social movements. Political process theory focuses on new alignments among political parties that provide openings for social movements. It also focuses on the

growth of organizations that mobilize and form consciousness around objectives of the movement. Recent analyses of increases in political violence emphasize demographic changes that threaten the status of once-dominant groups within the context of highly competitive elections. Although violence plays a subsidiary role in my analysis, the factors of demographic change and highly competitive elections are, in my view, equally relevant to the rise of political discord in U.S. policy domains.

This discord ultimately resulted, as I will show, in the erosion of academic freedom and the threats to the teaching and research activities of universities more broadly. The actions of the second Trump administration represent a qualitative break with previous state interventions - and one that, unless reversed, will gravely affect the long-term capacity of the sector. At the same time, some new thinking about academic freedom is warranted, and I will briefly discuss what kinds of reforms would be desirable.

THE IDEOLOGICAL GAP

Between the 1960s and the 2020s, the politics of professors tilted increasingly to the left.² Ladd and Lipset (1976) published the first full-scale study of the politics of professors based on a 1969 sample. Less than half of professors surveyed (46%) identified as liberal or left at a time when more than 50% of Americans identified with the Democratic Party (U.S. Census Bureau 1995). The study showed that the professoriate was highly divided; liberals predominated in the most prestigious institutions, among the most productive scholars, and in the humanities and social

² Based on a mid-1950s survey, Lazarsfeld and Thielens (1958) found that two-thirds of university social scientists identified as more liberal than most Americans.

sciences. Conservatives were more numerous in less prestigious institutions, among less productive scholars, and in the sciences and engineering.

Fifty years later, professors were significantly more liberal and less divided politically. In 2020, according to the UCLA faculty survey, 60 percent of professors identified as liberals or with positions further to the left (Eagan, personal communication). Only 12 percent identified as conservative (ibid.) These proportions compared to the 25 percent of Americans who identified as liberals and the 36 percent who identified as conservatives (Gallup Organization 2021). Notably, scientists and engineers no longer considered themselves politically conservative; fewer than 15 percent in the STEM disciplines located themselves on the right (ibid.).

Office holders in the Republican Party, by contrast, were migrating further right. The best data for Republican officialdom comes from studies of Congress, based on roll call votes, with scores calculated on two dimensions – votes on legislation related to interventions in the economy and votes on civil rights related legislation. Beginning around 1980, Republicans in Congress began moving further to the right, while Democrats, by and large, retained more moderate positions. In 2015, Bonica et al. estimated that more than 80 percent of Republicans in the House and 50 percent of Republicans in the Senate were “non-centrists” compared to approximately 10 percent of Democrats in both chambers. The migration to the right among Republicans continued through 2022 (Desilver 2022). In separate analyses, researchers using the same metric found that the pattern of Republican-led polarization to be strongly

correlated both with levels of inequality, as measured by the Gini coefficient, and with the proportion foreign born in the population (McCarty, Poole and Rosenthal 2016).³

Polarization is amplified by commentators with large numbers of followers. Extremism on the left has tended to be localized on campus and in left-leaning non-profits (Binder and Kidder 2022),⁴ while extremism on the right has captured large public audiences -- first through talk radio and more recently through podcasts, streaming, and other online media.⁵ Ridicule of campus culture was a staple of these shows. The popular right-wing talk show host Rush Limbaugh, for example, often derided “safe spaces” on campus and what were to his mind over-wrought fears of sexual assault. Other right-wing commentators highlighted instances of social-justice advocates’ intolerance of dissenting views. The disproportionate influence of right-wing media continued into the 2020s. A comprehensive study of online media (including podcasts, streaming and other audio and visual online media) found that right-leaning hosts reached five times as many followers and subscribers as left-leaning figures.

Personalities on the right also pioneered methods for amplifying content through links

³ Similar trends have been observed in the electorate; an increasing proportion -- now most of both Democrats and Republicans -- hold a “very unfavorable” view of the other party (Pew Research Center 2022). And few non-married people say they are interested in marrying someone whose political views vary from their own (Stone and Wilcox 2023).

⁴ On campus, 12 percent of faculty members self-identified as “far left” in 2020, the same proportion as identified as conservatives (Eagan, personal communication). This proportion increased to slightly more than half among area, ethnic, and gender studies faculty members (ibid.). Some of the people hired into these and other cultural studies departments consider themselves to be activists for racial and gender equity, as do some faculty members in literature and social science departments, where more than one-fifth of those surveyed identified themselves as “far left.” Activists, by definition, are motivated to shape ideas and policies and their influence can consequently expand in ways that are disproportionate to their numbers.

⁵ By the end of the 1990s, Rush Limbaugh’s weekly talk show was carried by 600 radio stations, with an audience estimated at 20 million people. Others such as G. Gordon Liddy, Glen Beck, and Bill O’Reilly also captured audiences in the millions.

to content sharing platforms and by mixing politics with comedy and other entertainment content (Gagarty 2025).⁶

ORGANIZATIONAL GROWTH AND COORDINATION

Polemical conflict about the representational goals in universities go back to the Civil Rights movement of the 1960s when activist groups demanded more hiring of minority professors and the formation of new departments of ethnic studies (Rojas 2007). The press for greater equity initially included women as well as racial-ethnic minorities. The conflicts re-emerged on a regular basis after the 1960s, flaring again in the mid and late-1980s, somewhat less intensely in the early 2000s, and decisively again in the early and mid-2020s. Women rose faster in academe than members of racial-ethnic minority groups (Finkelstein, Conley, and Schuster 2016) and gender gradually receded as a focal point of conflict. Since the turn of the 21st century the conflict has increasingly focused on the position of racial-ethnic minority as compared to white populations.

Demographic change created the conditions for the formation of both racial-ethnic representational goals and opposition to them. Between 1960 and 2020, the proportion of non-Hispanic whites in the U.S. population shifted from nearly 90 percent to less than 60 percent. Among young people under age 18, the proportion of non-Hispanic whites nearly reached the tipping point of 50 percent by 2020 (U.S. Census

⁶ Similarly, online discussions with extremist content have been dominated by a small, vocal, and non-representative minorities, again with a right-ward tilt (Jensen 2018). Other research has shown that one-tenth of one percent of users share 80 percent of misinformation and disinformation (Grinberg et al 2019). These extreme minorities have the capacity to stir discontent and to generate outrage. They also tend to bias the perceptions of most passive users through the sheer volume of their postings.

Bureau 2023). By comparison, to the many liberals in university administration changes in the demographic composition of the faculty looked like an unnecessarily slow crawl.⁷

The efforts of university administrators to address attainment and achievement gaps were motivated, in part, by the worry that, as the composition of the U.S. population changed, scientific and scholarly potential would need to be identified in populations that had previously been relegated to the margins and considered less promising sources of talent. But the politics of representation also played a role. By the mid-1990s, the implications of demographic change were clear to many close observers of universities. “The political forces in the nation,” wrote sociologist Neil Smelser (1993), “are such that the march of diversification in universities will become an established fact and with it conflicts over ‘legitimate culture’ cannot be expected to fade away” (p. 53).

The rhetorical frames of the conflict began with debates over whether the movements of the 1980s were about “expanding the canon” (Allardyce 1982; Herrnstein and Gless 1990) or the imposition of “political correctness” (Bloom 1987; Kimball 1990; Smith 1990). More recently, they have pivoted on assertions about “white privilege” and “systemic racism” (DiAngelo 2018; Kendi 2019) on one side and “woke radicalism” and “cultural Marxism” (Heritage Foundation 2023; Rufo 2023) on the other. It is not surprising that this dramatic framing gained attention from journalists and intellectuals.

⁷ In 1993, the first date that reliable data is available, under-represented minorities (black, Hispanic, and Native American) composed just under 8 percent of the tenured and tenure-track faculty (Finkelstein, Conley, and Schuster 2016). In 2020, the proportion was 10.6% (NCES 2022: Table 315.20). In 2020, under-represented minorities composed one-third of the total U.S. population (U.S. Census Bureau 2021).

But a different factor is more important for explaining why the conflict came to a head in the mid-2020s. That factor is organizational strength and network coordination. Specifically, the involvement of state and federal governments, supported by philanthropies on the left and think tanks on the right, raised the stakes in the conflict and brought about a (perhaps temporary) denouement in the extremism of the Trump Administration.

Before the 2020s, the resources available for conflict were lower and they were also not fully deployed to pursue partisan agendas. Organizations that were associated with the conflict in the late 1980s were without substantial resources or political influence. On the conservative side, the National Association of Scholars was just getting started and its operating budget and membership would not have approached even the 3,000 members and nearly \$3 million budget it claims today (NAS 2025). On the liberal side, the membership of the Modern Language Association, a center of progressivism, was at least ten times larger but it was running a deficit with most of its budget allocated to journal publishing and a recent foray into lobbying having resulted in an IRS fine (Matthews 1991).

Many of the organizations that became central in the conflict did not exist in 1990 or were just getting off the ground. These included, for example, the National Association of Diversity Officers in Higher Education and the Ford Foundation's Racial Equity Fund on the left and the Heritage Foundation, Manhattan Institute, and Goldwater Institute education policy shops on the right. Other organizations that became centrally involved in the conflict were occupied with other matters – most importantly, both Democratic and Republican administrations in Washington and

legislatures in Republican-majority states. By the 2020s, many more resources were being deployed for purposes of advancing or resisting racial equity policies, and the links between advocacy organizations on left and right were also better established, resulting in an enhanced capacity for mobilization and coordination.

DEI Advances on the Campuses

Corporations were beginning to make the case for diversity as a factor in consumer relations and employee morale as early as the 1970s (Anand and Winters 2008). During the same period, “minority relations” roles were common in major universities. But formalization of policies to advance socio-demographic diversity in higher education took hold only after the Supreme Court decided in 2003 in *Grutter v. Bollinger* that race could be considered in college admissions decisions. In its decision, the Court explicitly endorsed the position argued by the University of Michigan that diversity helped to improve student learning outcomes and could lead to cross-racial understanding and a reduction of negative stereotyping. Gavrilu, Overby, and Ramirez (2025) showed that diversity-related offices “spread out and became...institutionalized in American higher education” in the 2000s and 2010s. During this period, institutions also began to use the terminology “diversity, equity, and inclusion” over such earlier formulations of diversity-related missions as “multiculturalism” and “minority relations” (ibid.)

This pattern of growth is evident in the membership of the National Association of Diversity Officers in Higher Education (NADOHE). Discussions about starting a professional association began in 2003. The first listserv contained 30 names of diversity officers. By 2004, the list had grown to 120 names. A first meeting of diversity

officers was held in 2005 and the national association founded a year later. The original membership of 80 grew to 2,200 by 2024 (NADOHE 2025). Selective institutions were the pioneers in the early years, but isomorphic pressures, as measured by field-level density, were more important for sustaining growth during the later stages of institutionalization (Gavrila, Overby, and Ramirez 2025). By 2020, nearly 80 percent of Gavrila et al.'s national sample of 235 colleges and universities had adopted diversity offices (ibid.).⁸

As representation of minority students and faculty continued to lag, the pace-setting universities added new policies and programs to turn the tide. The University of California provides an instructive case study of these expansionary tendencies. In 2005, the UC Office of the President proposed expanding the mission of the University to include diversification. In 2007, the UC Regents adopted a revised mission statement prioritizing the representation of the diversity of the state, with a special emphasis on previously excluded groups. In 2010, a bias reporting system was adopted. In 2014, under pressure from the California Attorney General, UCLA adopted mandatory diversity training and the system's first chief DEI officer. In 2015, the University's Academic Personnel Manual was revised to include "contributions to diversity" as a factor in hiring and promotion. In 2016, the University formalized a hiring policy to advance faculty diversity. These initiatives accounted for seven percent of faculty hires over the following five years. In 2019, all candidates for faculty hiring were required to

⁸ Most of the diversity officers had few resources and staff to advance their missions. According to a 2023 NADOHE survey, two-thirds of the 261 responding officers said they employed five or fewer staff members. The average budget for these smaller offices were \$775,000 annually. However, nearly 10 percent of those surveyed said they employed more than 20 people with average annual operating budgets of nearly \$5 million (NADOHE 2023).

submit statements concerning their past contributions to diversity and “specific, concrete plans for the future.” Also in 2019, the University required the appointment of “equity advisors” in every department and program (Brint and Frey 2023).

In the early 2020s, additional efforts were made by progressive-minded UC faculty and administrators to position DEI priorities at the heart of the intellectual mission of the university. These included: the choice by some college deans to rely heavily on system-chosen diversity candidates from the UC Presidential Postdoctoral Fellowship Program to fill open faculty lines; administration-led curriculum review projects to enhance DEI emphases in courses; support for policies that allow for unsigned departmental statements about diversity-related political issues to be posted on departmental websites; and the development and deployment of diversity training sessions related to academic evaluation (*ibid.*).

California was not alone. The DEI push at the University of Michigan was, if anything, more extensive. In 2015, Michigan’s leaders set in motion an ambitious plan, aiming “to enact far-reaching foundational change at every level, in every unit.” Michigan spent roughly a quarter of a billion dollars on D.E.I. and created by far the largest DEI bureaucracy of any public university. Most students were required to take a course on “racial and ethnic intolerance and resulting inequality” and tens of thousands completed bias training. The campus’s largest division embraced anti-racist pedagogy and dispensed handouts about “white supremacy culture.” Even the School of Engineering embraced the goal of making education about race and inclusion “pervasive” in its curriculum (Confessore 2024).

The Initiatives of the Obama and Biden Administrations

Beginning in 2011, both Democratic and Republican Administrations used their financial leverage over universities – amounting to hundreds of billions of dollars in student financial aid and research grants -- to advance their policy goals, and both leveraged these resources in previously unprecedented ways. Their dueling executive orders were a principal reason why racial equity and non-discrimination became central issues of conflict in the 2020s and why universities ultimately paid a high price for their advocacy of policies to increase the representation of racial-ethnic minorities.

In 2011, as diversity efforts were ramping up elsewhere in American society, the Obama Administration issued an executive order that represented the first major federal entry into “the culture wars.”⁹ It established “a coordinated government-wide initiative to promote diversity and inclusion in the federal work force.” The order directed federal agencies “to integrate the principles of diversity and inclusion into their human resources strategies, to promote diversity, and to eliminate barriers to equal opportunity. It also required federal agencies “to create their own diversity and inclusion plans.” The order directed federal agencies to collect data to show how diversity could be improved, especially at the senior management level and promoted training efforts to increase diversity and inclusion awareness among federal employees (The White House 2011). The order influenced federal contractors who wanted to stay

⁹ The Clinton Administration took the first, very small post-1968 steps to embed racial and gender equity considerations in federal policy. Clinton vowed to appoint a cabinet that “looked like America” and did so. His “One America Initiative” focused on race relations, economic opportunity and issues of inequality in government services and the administration of justice, but the initiative went no further than convening community dialogues and publication of “best practices.” His administration also concluded that affirmative action policies remained effective and important tools for expanding educational and economic opportunities.

in the good graces of the government and undoubtedly contributed indirectly to broader conversations about how to advance diversity and inclusion in workplaces, including in colleges and universities. Federal efforts to aid minority-serving institutions also increased during the Obama Administration (The White House 2010).

The Biden Administration accelerated the federal commitment to racial equity through an executive order signed on President Biden's first day in office in January 2021 (The White House 2021). This order seemed to reflect the activist spirit that swept through progressive America during the summer of 2020 protests in the wake of the police killing of several unarmed Black people. It was framed around the idea that laws, public policies, and institutions “too often exacerbate disparities or deny equal opportunity to individuals and communities.” It cited “the enormous human costs of systemic racism, persistent poverty, and other disparities.” It directed the federal government “to advance an ambitious, whole-of-government equity agenda that matches the scale of the challenges we face as a country...”¹⁰

During the same period, U.S. philanthropies were engaging in an ambitious effort to address racial inequalities. Some 206 foundations pledged \$11.8 billion for the Philanthropic Initiative for Racial Equity (PIRE) (Candid 2023). This effort built on the doubling of racial equity spending by philanthropies between 2011 and 2018 (Cyril et al. 2021). While the results of the initiative failed to meet the ambitious expectations and

¹⁰ Biden's second executive order on equity directed the federal agencies “to further build equity into the everyday business of government” and specifically mentioned the need to advance “rural communities, communities of color, Tribal communities, LGBTQI+ individuals, people with disabilities, women and girls, and communities impacted by persistent poverty” (The White House 2023).

publicity surrounding it,¹¹ PIRE contributed to the sense that the full complement of liberal organizations were mobilizing in 2020 on behalf of racial-ethnic minorities. The push for inclusion in Hollywood set off by the “Oscars So White” campaign and the National Basketball Association’s racially themed jerseys and social justice coalition added to the sense of momentum. These and other expressions of solidarity with racial justice movements undoubtedly also contributed to a heightening of defensiveness on the right.

For universities, the mobilization of the federal government was most important. The Biden Executive Order produced requirements that science funding agencies “incorporate diversity, equity, inclusion, and accessibility considerations into all aspects of science planning, execution, and communication.” According to the Biden Task Force on Scientific Integrity, initiated by the executive order, “activities counter to (DEI) values are disruptive to the conduct of science.” It tasked federal science agencies with incorporating “(DEI) considerations into all aspects of science planning, execution, and communication” (Scientific Integrity Committee 2022). Between 2021 and 2024, each of the major science funding agencies, the National Science Foundation, the National Institutes of Health, and the Department of Energy spent \$1 billion or more on DEI-related projects. So too did the Department of Education.

The shift was particularly notable in National Science Foundation grants. A Congressional report from a Republican majority committee claimed that nearly 3,500 NSF grants awarded between 2021 and 2024 – 10 percent of the total -- promoted DEI

¹¹ The actual expenditures on PIRE were assessed at \$3.4 billion, or 3.5 times less than pledged. Most of the expenditures went to education programs rather than to grassroots organizing for racial justice projects (Cyril et al. 2021).

tenets as a primary focus, at a cost of more \$2 billion. It cited examples such as “decolonizing geoscience” and “intersectional” approaches to “gendered racial equity in artificial intelligence education” (U.S Senate Committee 2024).¹² The Department of Energy also became deeply engaged with diversity-related work. Beginning in 2023, the Department required Proposing Inclusive and Equitable Research (PIER) plans in all proposals. These plans were expected to describe the activities and strategies that applicants would incorporate “to enhance the scientific and technical merit of the proposed research through efforts that foster inclusive research and learning environments and broaden access to research and research careers” (U.S. Department of Energy 2023). These plans, in short, incorporated diversity considerations as an integral element of scientific merit, an unprecedented position for a U.S. science agency.

“Divisive Concepts” Legislation in the States

These initiatives were immediately condemned on the right. However, state-based efforts focused less on research than on teaching and especially on the contention that undergraduate courses were being compromised by race- and gender-based ideologies implicitly and explicitly directed against white men. These state-based movements provided evidence that the public could be persuaded to support efforts to restrict academic freedom. They consequently contributed to the momentum for change.

¹² A minority report by House Democratic Party Staff challenged the methodology of this report and its alleged motive “for wanting to cut back science funding in institutions and among populations that are central for future scientific progress,” but did not attempt to identify the number of grants that should have been excluded from the report or the dollar figures of grants that should have been excluded (Minority Staff Report 2025).

The advent of “divisive concepts” legislation in the early 2020s provides a valuable case study of how resource mobilization and organizational coordination worked on the right. A common view of state politics is that legislators learn about a problem from advocacy groups or constituents, write legislation to address the problem, and then try to convince their colleagues to support their bill. This imagery is increasingly at odds with how state politics works (Grumbach 2022) – and it is not how the “divisive concepts” legislation of 2021-23 was enacted. Instead, well established webs of organizations geared up to exploit the opportunities provided by racial protest by disseminating model legislation to receptive legislators and governors.

The right began capitalizing on the George Floyd protests of June 2020 almost immediately. Already by September 2020 – just four months after the protests began - the Trump Administration had issued an Executive Order decrying “divisive content” in public education (The White House 2020). By divisive content, it meant content that argued that members of any racial or gender group were superior to any other – as anti-racists were arguing about whites - and ideas that made members of any group feel uncomfortable about historical injustices in which they had themselves played no part. Here too whites were implicitly identified as the group requiring protection.

Three months later, in December 2020, the American Legislative Exchange Council (ALEC) held a workshop attended by some 30 state legislators as well as representatives from corporations and non-profits on “Stopping the Onslaught of Critical Race Theory.” The right-wing policy entrepreneur Christopher Rufo was one of the conveners of this workshop, together with staffers from the Heritage Foundation, the American Enterprise Institute, and the Woodson Institute. Rufo had gained a

following by publicizing and critiquing the new anti-racist programs in K-12 schools, and it was an interview with him on Fox News that had inspired the Trump Executive Order. His workshop associates at the Heritage Foundation were at this time already focusing on ways to ban Critical Race Theory in K-12 classrooms through state legislation.

Apart from convening the anti-CRT workshop, ALEC remained largely on the sidelines as the new wave of restrictive legislation rolled out. Instead, other organizations in the conservative organizational ecosystem took up the reins. The main actors were staffers in three GOP-aligned think tanks: The Heritage Foundation, whose staffers were responsible for model legislation on “divisive concepts,” and the Manhattan and Goldwater Institutes, whose staffers were responsible for the model to restrict DEI offices and activities. Other institutions, such as Hillsdale College, the Claremont Institute, the James G. Martin Center in North Carolina, and the National Association of Scholars, have played supporting roles in areas where they have had an interest and access to policy makers.

In early 2021, the Heritage Foundation introduced model legislation to ban “divisive content” in public education. Although written for K-12 schools, this model was picked up, sometimes word for word, by state legislatures for application to public higher education institutions. The central provision of the model legislation read: “No public education employee shall compel a teacher or student to adopt, affirm, adhere to, or profess ideas...(including) the following: 1. That individuals of any race, ethnicity, color, or national origin are inherently superior or inferior; 2. That individuals should be adversely or advantageously treated on the basis of their race, ethnicity, color, or

national origin; 3. That individuals, by virtue of race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin” (Heritage Foundation 2021). This model legislation flowed out to the states in the following months.¹³

The first bills were proposed in 2021, but they were few—just 13 – and only three were signed into law.¹⁴ The movement hit its crescendo in 2022 when some 57 pieces of legislation to restrict higher education content were proposed. A great majority of these bills died in committee, but seven made it to a governor’s desk and were signed into law. Another 26 content-restricting laws were introduced in 2023.¹⁵ Four out of five of the 96 “divisive concepts” bills bearing on higher education that I analyzed in 2023 (Brint 2023) included language drawn directly from the Heritage Foundation’s model legislation, showing the extent to which this was a think tank led national movement rather than a spontaneous outburst of concern by legislators in conservative-leaning

¹³ The proposed legislation was justified by a novel treatment of the equal protection clause of the 14th amendment, applied to Whites rather than minorities, as well as a similarly novel interpretation of Title V and VI of the Civil Rights Act of 1964. Where Blacks were once protected by these provisions, Heritage proposed to use them to protect the sensibilities of White children who were allegedly identified by Critical Race Theory as “inherently superior.” The model put teeth into this extension of state authority by proposing that noncompliant schools become ineligible for state funds and subject to civil suits.

¹⁴ Florida governor Ron DeSantis emerged as the most aggressive advocate of the new laws. DeSantis saw that anger over what was happening in schools during the Covid lockdowns could be harnessed to a right-wing agenda. Proposed in December 2021, Florida HB 7, the so-called “Stop WOKE” Act, represented DeSantis’s first major strike at the educational establishment, including the higher education establishment. It drew on the Heritage language to prohibit training and instruction that purported to argue that members of any group was inherently superior or morally better than members of any other group. The bill added that no students should feel “guilt, anguish or other forms of psychological distress” for actions taken in the past by other members of the same race or sex. The provisions of the Act that applied to higher education institutions were enjoined by Federal District Court Judge Mark Walker in November 2022. “Defendants argue that, under this Act, professors enjoy ‘academic freedom’ so long as they express only those viewpoints of which the State approves,” Walker wrote. “This is positively dystopian” (Atterberry 2022).

¹⁵ Calculated by the author from PEN America (2023).

states. As of July 2025, 16 states had passed “divisive concepts” legislation aimed at public higher education institutions.

Model legislation to restrict DEI-related activities followed on the heels of the “divisive concepts” laws. In January 2023, the Manhattan Institute and the Goldwater Institute joined in writing model legislation banning DEI offices, diversity training, and diversity statements. Christopher Rufo was one of the three authors of the model legislation. One key provision read: “Public...institutions of higher education in the state...may not...expend any funds...to establish, sustain, support, or staff a diversity, equity, and inclusion office or to...hire an individual to serve as a diversity, equity, and inclusion officer.” Diversity trainings and diversity statements came in for similar treatment: “A public... institution of higher education may not make diversity training mandatory.” Another read: “No diversity statement shall ever be required or solicited as part of an admissions process, employment application process, hiring process, contract renewal process, or promotion process....” (Rufo, Shapiro, and Beienburg 2023).

The wave of anti-DEI legislation in the states drew on the Manhattan/Goldwater model, though the model legislation was so prolix that no state legislatures adopted it word for word.¹⁶ As of July 2025, 18 states had passed laws banning one or more aspect of DEI on public university campuses (*Chronicle of Higher Education* 2025). The state-level attacks on academic freedom spilled over onto restrictions on tenure. By July 2025, at least 11 states passed laws with new restrictions on tenure, including new

¹⁶ Of the bills that had emerged by the end of 2023, bans on diversity statements and mandatory DEI training were initially targeted most often, in 20 and 18 of the bills, respectively, followed by identity-based preferences in 14 of the bills and the closing of DEI offices in 13 (Brint 2023).

required reviews, created new mechanisms for firing tenured professors or proposals to eliminate tenure altogether (Marcus 2025).

The Second Trump Administration's Campaign Against Universities

President Trump's executive order repudiating "divisive content" in higher education in the waning months of his first administration signaled his administration's intent to pressure universities to renounce views disfavored on the right. Trump's first term budget proposals also demonstrated an interest in reducing funding for university-based science and humanities scholarship, but these proposals failed to gain Congressional majorities.

In the intervening four years, momentum grew in the conservative organizational ecosystem for a full-scale assault on the progressive policies of universities. The Heritage Foundation and the America First Foundation were at the center of idea generation and networking for the Trump higher education agenda. The education section of Heritage's 900-page *Mandate for Leadership*, for example, called for dismantling the Department of Education, rolling back Title IX protections, and for stripping DEI requirements and eliminating references to sexual orientation and gender identity, among other terms, from "every federal rule, agency regulation, contract, grant, regulation, and piece of legislation that exists" (Heritage Foundation 2022).

Other Trump administration policies had been circulating in right-wing circles in the years following the 2020 election. In 2021, Rep. Jim Banks, then head of the Republican Study group, called for defunding elite institutions "by cracking down on their student loans, taxing their endowments, and forcing their administrations to conduct civil-rights investigations." These views were seconded in JD Vance's

“Universities are the Enemy” speech of 2021, and Vance was among the many Republicans advocating steep increases in the tax on university endowments. The proposals also included explicit threats to condition grant support on compliance with Administration policy found in speeches of such later appointed as NIH Director Jay Bhattacharya. Trump himself called for revising accreditation rules to include requirements for teaching on “the American tradition and western civilization” (Brint 2024).

With these policy proposals in hand, the second Trump term produced a tidal wave of executive orders beginning in January 2025 (ACE 2025). These orders were aimed at reducing the resources and reorienting the activities of universities. They should be understood in the context of a broad effort to subject institutions of civil society – law firms, media organizations, philanthropies, and others - to the authoritarian designs of the Administration (see, e.g., Levitsky and Ziblatt 2018). The actions of the second Trump Administration in relation to universities far exceeded those of the Biden Administration in their scope and intrusiveness. Many had obvious consequences for the autonomy of universities and the principle of academic freedom. A partial roll call of Trump Administration actions between January and August 2025 included:

- *Cancellation or suspension of research grants of at least \$10 billion.

- * Capping of indirect cost recovery for federal science and technology grants at 15% - up to four times lower than pre-existing levels and more than twice as low as the average level.

* Reviewing of all federal research grants that investigate subjects the Administration disapproves.

* Banning of most diversity, equity, and inclusion practices at U.S. colleges and universities.

* Proposing redesigned accreditation standards to reflect Administration priorities.

* Terminating half the staff of the Department of Education and proposing elimination of the entire Department.

* Threatening all federal funding until universities cease “using race preferences and stereotypes” as a factor in admissions, hiring, promotion, scholarship, and other areas of campus life.

* Scrubbing of government libraries, archives, and databases of topics related to racial and gender inequalities.

* Launching of investigations of more than 50 universities over the use of these preferences.

* Launching of investigations of more than 60 universities for allegations of antisemitic discrimination.

* Taking steps to scrutinize admissions data at all universities for race and gender preferences.

* Requiring that universities pay \$100,000 for international professors and researchers admitted on H1-B visas.

* Attempting the deportation of student activists who participated in pro-Palestinian protests.

*Revoking thousands of international student visas without due process before reinstating nearly all these visas.

PEN America created a list of more than 350 words that the Trump Administration is scrutinizing on federal websites and examining in federal grants and programs. Grants that have been cancelled contain one or more of these words. The list includes such code-red words as “accessible,” “belong,” “community,” “equal opportunity,” “women,” “men,” and “people” (Connelly 2025). Some funded grants were undoubtedly tendentious and can be criticized on those grounds. But peer review has historically eliminated most low-quality work and the Administration’s list encompassed many scientifically legitimate lines of inquiry, such as research on climate change, cancer, vaccinations, and misinformation and disinformation (Tollefson et al. 2025).

Universities won several court cases against the administration, including an initial restoration of grants at the University of California (Mervis 2025). Early indications were that Harvard would have prevailed in its case against the administration. But ultimately Brown University, Columbia University, and the University of Pennsylvania agreed to terms with the Trump Administration, while others remained in negotiations. The penalties exacted amounted to more than \$200 million in the case of Columbia. Settlement requirements of \$500 million in the case of Harvard and more than \$1 billion in the case of UCLA were under negotiation. The

settlements and negotiations showed that universities were not willing to fight in the courts for many months and perhaps years for return of funds.

In retrospect, an immense collective action problem loomed over efforts to mount a unified response to the initial wave of executive orders. University presidents have been competitive with one another for student and faculty talent and splits quickly emerged between presidents in states governed by Democrats compared to those in states governed by Republicans. One indicator: the 500 signatories of the American Association of Colleges & Universities letter of April 2025 criticizing Administration over-reach included very few from institutions located in Republican Party–governed states (Brint 2025a). Among university presidents, some were reformers who acknowledged problems in the priorities of universities. They were concentrated in conservative leaning states. Others were resisters who were concentrated in the liberal-leaning states and denied that the priorities of universities required reconsideration (Horowitz 2025).

A collective action problem also existed within universities. Many professors in the humanities and social sciences opposed negotiations and settlements, depicting the Trump Administration's actions as illegal and immoral. However, some alumni donors and many STEM faculty favored settlements. Among the faculty, this latter view was notable among professors who had large grant funding at stake. These divergent interests played into the hands of an Administration intent on diminishing the autonomy of universities to run their own affairs.¹⁷

¹⁷ It is possible that the tide is turning. At this writing, Harvard has continued to resist settling with the Trump Administration, and four of nine targeted universities have rejected the “compact” offered by the

PRECIPITATING EVENTS

Ideological gaps and organizational development are the kindling that can give rise to a blaze. Dramatic events are very often the match that sets off the kindling.¹⁸ Republican office holders have perfected the tactic of using dramatic events as a springboard for policy interventions that went well beyond efforts to address the events themselves. These dramatic events typically involved violent protests on the left.¹⁹

The George Floyd protests in the summer of 2020 resulted in at least \$2 billion in property damage and at least 19 deaths (Deese 2020). They were the spark that lit the fire of right-wing opposition to racial-justice movements. Violent protest events associated with the left invariably lead to recoil among conservative voters (Simpson, Willer and Fineberg 2018; Wasow 2020), and networks of conservative think tanks, media organizations, and politicians are now poised to take advantage of such provocations. In September 2020, the right-wing activist Christopher Rufo appeared on Fox News to raise alarm about the role critical race theory was playing in schools and universities. Rufo linked critical race theory to the violence that was arising in some of the protests. Rufo's appearance grabbed the attention of President Trump, who issued his executive order banning diversity training in government agencies later that month. Three months later, the American Legislative Exchange Council held its seminar on

Trump Administration to exchange institutional reforms in line with GOP priorities for a promise of preference in grant funding.

¹⁸ This analogy was suggested to me by Robert Pape who has used it to discuss how and why political violence occurs in countries like the United States.

¹⁹ Notably, no such reactions have followed violent protests on the right, as the muted responses by Republicans to the riot at the Capitol on January 6, 2021 attest.

“Stopping the Onslaught of Critical Race Theory.” The following month the Heritage Foundation issued model legislation targeting so-called “divisive concepts.”

Drawing from the same playbook, Congressional Republicans and President Trump seized on the pro-Palestinian protests of October 2023 to allege that universities were incubators of “cultural Marxist” and otherwise anti-American attitudes. The protests themselves were often loud but resulted in substantially less property damage than the George Floyd protests, few injuries, and no reported deaths. However, the sloganeering of the protesters and their occasional mistreatment of Jewish and Israeli students created enough sense of threat to provide an opening for those promoting the Trump agenda.²⁰

The Congressional hearings on anti-Semitism on college campuses provide a case in point. At the December 2023 hearings, the presidents of Columbia, Harvard, and MIT gave bloodless responses to accusations that they had failed to protect Jewish students, relying on a recitation of policies and processes that seemed unconnected to any deeply held values. The transcript of the hearing showed that then-President

²⁰ By focusing on anti-Semitism, the Republicans on the committee – and the Trump Administration subsequently -- attacked a glaringly weak spot in university life, one that had long been influenced by progressive activists’ orthodoxies. As Franklin Foer (2025) wrote in *The Atlantic*, “Liberal administrators (at Columbia) couldn’t or wouldn’t curb the illiberalism in their midst. By failing to discipline protesters who transgressed university rules, they signaled that disrupting classrooms carried no price. By tolerating professors who bullied students who disagreed with them, they signaled that incivility and even harassment were acceptable forms of discourse.” Foer documents an ugly climate of hostility toward Jews and Israelis, the promotion of violence by a campus coalition composed of more than a hundred student groups, and university administrators who on occasion equated Judaism with “white privilege.” Harvard was no better. The Harvard Task Force Report (2025) on anti-Semitism and anti-Israel bias begins with a statement about the climate for Jewish students on campus following the onset of the Israel-Gaza War: “Some Jewish students were informed by peers, teaching fellows, and in some cases, faculty, that they were associated with something offensive, and, in some cases, that their very presence was an offense.” Almost 60% of Jewish students reported experiencing “discrimination, stereotyping, or negative bias on campus due to [their] views on current events,” and only 25% said they believed that there was no “academic or professional penalty” at Harvard for expressing their views.

Claudine Gay referenced Harvard policies and processes nearly 30 times while largely ignoring the results of these policies. She evaded answering pointed questions over a dozen times. Missing were compelling examples supporting her many references to her university's "robust" disciplinary policies or illustrating how a vibrant culture of open expression in fact existed on the Harvard campus. Instead, she relied on terse statements about her "deep commitment to free expression" and the importance of "preserving the security of our community" (Brint 2024).

Her responses and those of her Columbia and MIT colleagues made for a stark contrast to the emotionally charged language of their Republican inquisitors. The hearing began with a short video showing hate-filled chanting and acts of intimidation. Representatives vividly described antisemitic actions on campus, including Jewish students being pushed, spat upon, and punched. Republicans passionately condemned the "moral rot" at the heart of the academic enterprise and the "poison fruits" of institutional culture. There were also many accusations of or references to murder, barbarism, and mania (ibid.). Universities had been a punching bag on the right for decades but rarely had so many cameras and notepads been present to record such a perfect representation of the preferred Republican narrative. The message was clear: Republicans had learned to capitalize on protest events as a springboard to more far-reaching policy changes.

Even so, in this case the reaction to protest was only one factor in the capacity of the Trump Administration to advance its sweeping agenda. The Administration's aggressiveness, abetted by Congressional majorities and the Supreme Court's unwillingness to intervene, must also be considered. So too the weakness of the

Democratic Party's opposition. The Democrats were badly shaken by their electoral defeat in November 2024, hamstrung as a majority in both houses of Congress, and divided on the issues of anti-Semitism and how best to confront the Trump Administration. In the face of the Administration's intent to push its advantages in highly aggressive and unprecedented ways, they were unable to mount an effective opposition.

THE CONSEQUENCES

The president of Columbia University, Claire Shipman, stated that her institution's agreement with the Trump Administration in 2025 protected the university's institutional autonomy (Otterman 2025), but it in fact bargained major parts of it away. When universities bow to government pressure to review and monitor departments, to monitor admissions, to shutter student support programs, and to restrict international students, they are rewarding the government for interventions that go beyond its legitimate legal purview. They may also invite the next round of political intervention, whether in the name of anti-discrimination or some other yet to be determined cause. A precedent has been set.

The autonomy of universities has never been absolute. States policies, donor priorities, and social movement pressures have all left their marks on the research and teaching conducted at universities. Yet the relative autonomy of universities to admit students and hire faculty as they see fit provides an essential buffer against more direct and comprehensive control by governing political parties whose agendas can create insuperable obstacles to the pursuit of knowledge on important topics. The Trump Administration has imposed precisely these kinds of constraints on inquiry.

The academic freedom of professors has been substantially restricted by the new laws and executive orders. In conservative states, professors have been required to conform to Republican Party views about the expression of “divisive” ideas in class, potentially ruling out discussion of critical race and gender theories. The Trump Administration’s focus on race and gender preferences adds to the scrutiny. Online watchlists have become a significant feature of the right-wing organizational ecology in support of the Administration’s priorities. On these sites, the pictures and institutional affiliations of professors identified as leftists are displayed.²¹ Many of these professors have received threats including death threats from those who disagree with their publicized views (Patel 2025). In the early 2020s, commentators on the right inveighed against left wing “cancel culture” but in more recent years cancel culture has been far more active on the right.

Given the actions of the states and the Trump Administration, it is not difficult to imagine what our leading universities could look like in a year or two. Layoffs have already started and will continue (Unglesbee 2025). We could see endowments taxed to the point that vital services are cut. More research projects could be disrupted and closed. Many scholars will be fearful of discussing ideas or using words the federal government censors. Students may be deported for exercising their First Amendment rights. Perhaps most important, both established scholars and international students will choose in greater numbers to avoid the United States.

²¹ These watchlists have proliferated since the originalist list was devised by the conservative activist David Horowitz in the early 2000s. They now include Campus Watch (from 2002), Minding the Campus (2007), Campus Reform (2009), Campus Fix (2010), and Professor Watchlist (2015).

Indeed, the brain drain is already underway. Canada has recently attracted several top US academics, including the historian Timothy Snyder and the philosopher Jason Stanley, and such leading lights as the mathematician Terence Tao have indicated concerns about what the Trump Administration's actions could mean for his desire to remain at UCLA (Miller and Kaleem 2025). The French President Emmanuel Macron is only one of numerous foreign leaders promoting opportunities for leading university researchers to relocate. The European Union and the Australian government have created investment funds to compete for disaffected US talent (Cohen 2025). New international student enrollment has been predicted to drop by 30-40 percent in fall 2025 (Mowreader 2025). China has now instituted a new visa program that does not require employer sponsorship to attract young foreign scholars in STEM fields (Zhou 2025).

Academic Freedom in Teaching

The question arises whether our current doctrines on academic freedom in teaching require revision. The question arises because academic freedom has sometimes permitted one-sided treatments of controversial topics where debate and discussion would be warranted. Syllabi analyses (Shields, Avnur and Muravchik 2025) content analyses of journal articles (Rubin 2025), and analyses of program and the mission statements of professional associations (Satel 2021) show that this flaw is evident in some left-leaning disciplines and specialty areas. It is evident as well in some right-leaning disciplines and specialty areas (Brint 2025b). It is also true that academic freedom is sometimes invoked to defend unprofessional behavior in the classroom (Fish

2014). In these cases, the “freedom” in the phrase “academic freedom” is severed from the term “academic.”

Professors must have the freedom to choose the materials and the style they adopt in teaching. But the ends of teaching are not only the freedom of professors to explore and explain their subjects, but also the development of refined intelligence and mature judgment in students, as well as the development of their skills in interpretation, problem-solving, and expression. The freedom of professors should therefore be connected to their responsibility to students. This responsibility is not currently built into AAUP doctrine (AAUP 2013), which focuses solely on professorial rights, and good data is not available about the extent to which it is a priority for professors.²²

When professional norms falter, the first step in a system of collegial control is to reinforce them. Graduate students and new instructors should be aware of the expectation that, where appropriate in their courses, they will present scholarly controversies in ways that are as fair as possible to both sides. These discussions should also address the circumstances in which intellectual diversity would not be a high priority classroom goal. The value of keeping one’s own political views out of the classroom to encourage free exchange should also be discussed and emphasized. Discussion of the importance of treating all students with respect is important as well. Current AAUP academic-freedom policies on teaching do not address these matters.²³ A

²² Most professors say they try to follow these guidelines (Gross 2013; Ryan et al. 2022), though no observational studies exist to show the extent to which these principles are in fact followed in practice.

²³ Unfortunately, the AAUP, under current leadership, is an unlikely source of reform (see, e.g., Ginsburg 2025).

good argument can be made that they should be rewritten to address them, then disseminated widely and institutionalized in graduate training and university policies.²⁴

Academic Freedom in Research

By contrast, the value of academic freedom in the domain of idea generation and research is clear and requires no revision. It guarantees opportunities for professors to engage in unfettered inquiry that sometimes leads to creative breakthroughs. It has also allowed for the introduction of ideas that challenge outdated prejudices. These ideas included Darwinism and the humane treatment of workers in the early years of the 20th century, new approaches to race and gender relations in mid-century, and ideas about the consequences of climate change in the later years of the century. Newly controversial ideas about the consequences of social media and artificial intelligence are now circulating.

Very few politicians have the subject matter expertise to adjudicate which ideas are worthwhile and which deserve to be rejected. Academic communities can fail in this task as well, but the elaborate machinery of peer review and the resort to replication studies in cases of controversy limit the damage in ways that political control cannot conceive. Too often in political life, ideological predispositions substitute for discourse based on logic, evidence, and creative insights. When tied to unchecked power, these ideological predispositions have at times led to extreme outcomes. History provides

²⁴ Even if the mechanisms of professional socialization are revived and reinforced, they will not always prove to be a decisive influence on the behavior of professors. The weaknesses of academic freedom as a regulator of conduct implies that complaints by students and colleagues must be taken seriously and addressed in conversations between department chairs and professors against whom complaints have been raised. Professionals are very often in a better position than administrators or politicians to identify misbehavior and to provide counseling to those who have acted unprofessionally about why it is necessary to improve and about how to improve. This is normal practice in well run departments.

many examples, including death sentences issued against writers whose work is labeled blasphemous and Lysenkoism's claim that genes are a "bourgeois invention." These examples go all the way up to the massive damage to intellectual life caused by the Cultural Revolution in Mao's China. We have no evidence, of course, of an American equivalent of fatwas, but we do see hints of Lysenkoism in claims that critical race theory and diversity policies are nothing more than Marxist inventions (Rufo 2021). And we see more than hints of cultural revolution in the efforts of the Trump Administration to shutter and redefine scientific research.

Free inquiry is a vital feature of scientific and scholarly advance.²⁵ Today, as in the past, science and scholarship lag in countries with repressive regimes. China is an apparent exception, but we need to apply an asterisk to this exception because China provides hefty relocation incentives to top scientists who have been trained in countries with traditions of free inquiry. All other countries whose scientists rank in the top 10 of *The Nature Index* of research contributions are democracies with cultures of free inquiry (Nature 2024). Over the next several years, we will see whether the United States can regain its membership in that company.

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²⁵ The canonical case for free inquiry is of the German scientific emigration during the Nazi period. In the first 32 years of the Nobel Prizes, before Hitler came to power, German scientists won one-third of the awards, far more than any other country. After they left, the USA, which was already on the upswing, vaulted ahead, winning more than 70 percent of the prizes after 1932. Of course, public investments in academic science were part of the reason for these U.S. achievements, but they were also due in large part to the emigrants' own contributions and to the contributions of the students they trained (McNutt 2023).

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