Proceedings of the Symposium on Ideological Capture of Universities and Institutions

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Editor: Scott W. Atlas, MD

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Participants

Scott W. Atlas, MD, Program Director

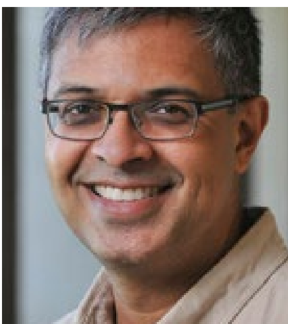
Scott Atlas is the Robert Wesson Senior Fellow in health policy at Stanford University's Hoover Institution. He studies access, quality, and key economic and civil liberties issues related to health policies. He is the recipient of numerous honors and awards, including the 2022 Encounter Prize for Advancing American Ideals and the 2021 Freedom Leadership Award, Hillsdale College's highest honor. He has served as senior advisor on health policy to several governors, members of the US Congress, and candidates for President of the United States. From August through November 2020, he served as Special Advisor to the President and on the White House Coronavirus Task Force. He has an MD from University of Chicago School of Medicine.

Richard Corcoran, JD

Richard Corcoran joined New College as Interim President on February 27, 2023, and was then chosen by the New College Board of Trustees to become the ninth president in the College's history. In December 2018, Richard was appointed by Gov. Ron Desantis to serve as Florida's Commissioner of Education. During four terms in the Florida Legislature, Corcoran was a staunch advocate for improving all levels of education. He served as the Speaker in the Florida House of Representatives from 2016-2018 in his final term. As Florida's Education Commissioner in 2018, he deftly navigated the reopening of Florida's schools in the fall of 2020. Corcoran has been a member of the Florida Bar for 24 years and served six years in the U.S. Naval Reserve while in college. He earned a Bachelor's Degree from St. Leo College in 1989 and a Juris Doctorate from Regent University in 1996.

Peter Arcidiacono, PhD

Peter Arcidiacono is the William Henry Glasson Professor of Economics at Duke University. Arcidiacono's research primarily focuses on college major choice, affirmative action in higher education, and structural estimation of dynamic discrete choice models. He served as an expert witness for the plaintiffs in the Supreme Court cases SFFA v. Harvard and SFFA v. UNC, examining the role race played in the admissions process at both institutions. He is a fellow of the Econometric Society and the International Association of Applied Econometricians. He is also a senior fellow at the Manhattan Institute. Arcidiacono received his Ph.D. from the University of Wisconsin-Madison in 1999 and has taught at Duke University ever since.



Jay Bhattacharya, MD, PhD

Jay Bhattacharya is a Professor of Medicine at Stanford University. He is a research associate at the National Bureau of Economics Research, a senior fellow at the Stanford Institute for Economic Policy Research, and at the Stanford Freeman Spogli Institute. He holds courtesy appointments as Professor in Economics and in Health Research and Policy. He directs the Stanford Center on the Demography of Health and Aging. Dr. Bhattacharya's research focuses on the economics of health care, with a particular emphasis on the health and well-being of vulnerable populations. Dr. Bhattacharya's peer-reviewed research has been published in economics, statistics, legal, medical, public health, and health policy journals. He holds an MD and PhD in economics from Stanford University.

Kevin Corinth, PhD

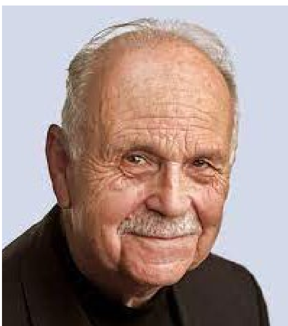
Kevin Corinth is a senior fellow and the deputy director of the Center on Opportunity and Social Mobility at the American Enterprise Institute (AEI), where he researches economic mobility, poverty, safety net programs, homelessness, social capital, and other issues. Before joining AEI, Dr. Corinth served as the staff director of the Joint Economic Committee in Congress and chief economist in the White House's Council of Economic Advisers. He has also worked as executive director of the Comprehensive Income Dataset Project at the University Chicago. Dr. Corinth has testified before Congress and has been widely published in the popular press and in scholarly journals such as the Journal of Political Economy, Journal of Urban Economics, and the Journal of Housing Economics. Dr. Corinth has a PhD and an MA in economics from the University of Chicago, and a BA in economics and political science from Boston College.

Robert S. Eitel, JD

Robert Eitel is the President and Co-founder of the Defense of Freedom Institute for Policy Studies. During the Trump administration, he served as a strategic and legal adviser to Secretary of Education Betsy DeVos, with responsibility for higher education, civil rights, and congressional oversight matters. As the Department's Regulatory Reform Officer, he also supervised the implementation of the Secretary's deregulatory agenda and was an architect of the Secretary's reforms under Title IX and the Higher Education Act. Before and after his government service, he practiced law in New Orleans and Washington, D.C. His writing on education and civil rights matters has been featured in National Review, Washington Examiner, City Journal, and Real Clear Education. He earned his A.B. from Georgetown University and his law degree from Tulane University Law School. He is a member of the Louisiana and District of Columbia bars and various federal courts and active member of the Federalist Society for Law and Policy Studies.

Richard A. Epstein, LLB

Richard A. Epstein is the Laurence A. Tisch Professor of Law, New York University Law School, and a senior lecturer at the University of Chicago. Epstein researches and writes in a broad range of constitutional, economic, historical, and philosophical subjects. He has taught administrative law, antitrust law, communications law, constitutional law, corporation criminal law, employment discrimination law, environmental law, food and drug law, health law, labor law, Roman law, real estate development and finance, and individual and corporate taxation. In 2011, Epstein was a recipient of the Bradley Prize for outstanding achievement. In 2005, the College of William & Mary School of Law awarded him the Brigham-Kanner Property Rights Prize.



Stanley Fish, PhD

Stanley Fish serves as a Presidential Scholar in Residence at New College of Florida. His career has included teaching stops at Duke, Johns Hopkins, and UC-Berkeley. He has held the title of DavidsonKahn Distinguished University Professor and Professor of Law, Florida International University since 2005, and Dean Emeritus of the College of Liberal Arts and Sciences at the University of Illinois at Chicago. The Chicago Tribune named Fish was Chicagoan of the Year for Culture in 2003. In the past thirty years, there have been some two hundred articles, books, parts of books, dissertations, review articles, etc., devoted to his work. Fish earned his undergraduate degree at the University of Pennsylvania and his master's and Ph.D. at Yale. Professor Fish has published more than 20 books. His latest is Law at the Movies, Oxford 2024.

Joshua T. Katz, PhD

Joshua T. Katz is a Senior Fellow at the American Enterprise Institute, where he focuses on higher education, language and culture, the classical tradition, and the humanities in the broadest sense. Before joining AEI, he was the Cotsen Professor in the Humanities and Professor of Classics at Princeton University. A graduate of Yale, Oxford, and Harvard, Katz is widely published in the languages, literatures, and cultures of the ancient, medieval, and modern world. In recent years, he has also been a regular contributor to such publications as City Journal, First Things, The New Criterion, and Public Discourse. While he has received many national and international awards for his scholarship and his teaching, he is perhaps proudest of being named a Hero of Intellectual Freedom by the American Council of Trustees and Alumni in 2020 and winning the Jeane Kirkpatrick Prize for Academic Freedom in 2023.

Phillip W. Magness, PhD

Phillip W. Magness is a Senior Fellow at the Independent Institute and the David J. Theroux Chair in Political Economy. He has served as Senior Research Fellow at the American Institute for Economic Research, and as Academic Program Director at the Institute for Humane Studies and Adjunct Professor of Public Policy in the School of Public Policy and Government at George Mason University. He received his Ph.D. from George Mason University's School of Public Policy.

Matthew J. Memoli, MD, MS

Matthew J. Memoli is an infectious disease specialist and scientist, active for over 20 years. Dr. Memoli is an internationally known expert in influenza and other respiratory viruses as well as human challenge studies. He serves as the Chief of the LID Clinical Studies Unit which performs translational research studies to answer fundamental questions regarding human respiratory viruses and other emerging infections that inform and impact future development of medicine and public health policy. After completing an infectious disease fellowship in NIAID at the NIH, Dr. Memoli developed a clinical/translational research program to study influenza and other respiratory viruses in the Laboratory of Infectious Diseases. He has won numerous NIAID merit awards and well as NIH Director's awards for his research. He has numerous scientific publications and has a special interest in medical and research ethics. He is a graduate of the College of William and Mary and he received his master's degree in Microbiology from Thomas Jefferson University and his MD from St George's University School of Medicine.

Veronique de Rugy, PhD

Veronique de Rugy is the George Gibbs Chair in Political Economy and Senior Research Fellow at the Mercatus Center at George Mason University and a nationally syndicated columnist. Her primary research interests include the US economy, the federal budget, taxation, tax competition, and cronyism. Her weekly columns address economic issues ranging from lessons on creating sustainable economic growth to the implications of government tax and fiscal policies. She has testified numerous times in front of Congress on the effects of fiscal stimulus, debt and deficits, and regulation on the economy. Previously, de Rugy has been a resident fellow at the American Enterprise Institute, a policy analyst at the Cato Institute, and a research fellow at the Atlas Economic Research Foundation. Before moving to the United States, she oversaw academic programs in France for the Institute for Humane Studies Europe. She received her MA in economics from the Paris Dauphine University and her PhD in economics from the PanthéonSorbonne University.

Ilya Shapiro, JD

Ilya Shapiro is the director of constitutional studies at the Manhattan Institute. Previously he was executive director of the Georgetown Center for the Constitution, and before that a vice president of the Cato Institute. Shapiro is the author of Lawless: The Miseducation of America's Elites (forthcoming 2025) and Supreme Disorder (2020), coauthor of Religious Liberties for Corporations? (2014), and editor of 11 volumes of the Cato Supreme Court Review (2008-18). He has testified many times before Congress and state legislatures and has filed more than 500 amicus curiae briefs in the Supreme Court. He lectures regularly on behalf of the Federalist Society, is a member of the board of fellows of the Jewish Policy Center, and was an inaugural Washington Fellow at the National Review Institute. He clerked for Judge E. Grady Jolly of the U.S. Court of Appeals for the Fifth Circuit. He holds an AB from Princeton University, an MSc from the London School of Economics, and a JD from the University of Chicago Law School.

Bradley C. S. Watson, PhD

Bradley C. S. Watson teaches at the Van Andel Graduate School of Government at Hillsdale College in Washington, D.C. He is also president of The Philadelphia Society. Prior to joining Hillsdale, he taught at Saint Vincent College in Pennsylvania, where he was Professor of Politics, holding the Philip M. McKenna Chair in American and Western Political Thought. He directed the college's Center for Political and Economic Thought, He is a senior scholar of the Intercollegiate Studies Institute and a Senior Fellow of the Claremont Institute. He has authored or edited many books, including, most recently, Progressivism: The Strange History of a Radical Idea. He has received fellowships from numerous national and international organizations, including the National Endowment for the Humanities and the Social Sciences and Humanities Research Council of Canada. He was educated in Canada, Belgium, and the United States, and holds degrees in economics, law, philosophy, and political science.

Todd J. Zywicki, JD

Todd J. Zywicki is George Mason University Foundation Professor of Law at George Mason University Antonin Scalia School of Law, Research Fellow of the Law & Economics Center, and former Executive Director of the GMU Law and Economics Center. In 2020-21 he served as the Chair of the Consumer Financial Protection Bureau Taskforce on Federal Consumer Financial Law. In 2021 he was inducted into the American College of Consumer Financial Services Lawyers. He served as Chair of the Association of American Law Schools Section on Law & Economics in 2019. From 2003-2004, Professor Zywicki served as the Director of the Office of Policy Planning at the Federal Trade Commission. In 2009, he was the recipient of the Institute for Humane Studies 2009 Charles G. Koch Outstanding IHS Alum Award. He served as Co-Editor of the Supreme Court Economic Review from 2006-2017 and as Editor from 2001-2002. He teaches in the area of Bankruptcy, Contracts, Commercial Law, Law & Economics, and Public Choice and the Law.

Richard Corcoran

Welcoming Remarks

Richard Corcoran, President, New College of Florida

Welcome, we're going to get started. We've got a long day ahead of us. I'm Richard Corcoran, I'm the president of New College. Thank you.

First, a few quick housekeeping things. There are five different panels. At the end of each panel, there'll be opportunities for audience participation and questions. We always ask audience members, when you're asking a question, if you could keep it in that 30 second range and not have a long intro, it gives more people the opportunity to have questions asked and answered.

In addition to that, we'll break for lunch, as you see in the program. And most importantly, at the end, Ww are honored to have a very special guest. His name's Governor Ron DeSantis, so you'll get an opportunity to hear from him, too. And that'll be probably in the later afternoon part, pending his schedule.

But this event is a Socratic stage. About 15 months ago, we started the Socratic stage, and what we desired to be was the paragon for the entire nation on free speech, civil discourse and we started it. We were very blessed to have somebody in the community who is very excited about that concept.

Their daughter went to the University of Chicago, so they're very familiar with the University of Chicago letter on free speech, but Michael Markovits and his wife, Ling Markovits, have been very gracious to underwrite all of our Socratic stages.

Today we have an amazing lineup. You're going to hear from people, if you look at the program, these are individuals who have advised the highest levels of government. They've been involved in policy at the highest levels. They've testified before Congress. They've published books and treatises on all these different topics.

You are literally going to be treated to some of the great minds in America today. We're very honored to partner with the Global Liberty Institute on putting this program on. The other thing I would say is in the context of civil discourse at our commencement address, we had one of our great professors give a faculty reflection and she was a Marine psychologist, but she's also cross disciplined with Marine mammal biology. starting our master's program, but she was talking about dolphins and some of the traits of dolphins. The three things that she was saying to the graduates, the first one she said was, a great lesson in life is, "Tell me more about that." Whatever it might be, I mean, you meet someone and they say something and you're not sure, you might not even understand it, agree with it, whatever, the correct response is, "Tell me more about that."

And so, when we have these forums, and we try to absolutely exemplify free speech, civil discourse,

because we recognize that the two, if you don't have civil discourse, you can never have the pursuit of truth or real learning. Those two are interchangeable for that to occur. And so, during the event, there may be times when you hear someone say something and you're going to be like, I really agree with that.

also be times you say, I don't agree with a word that guy is saying. That's normally what happens after I speak. But regardless this is a forum to have learning and try to wrestle with the great questions of the day. And this is a great question of the day. Look what's going on nationwide.

With that, I want to introduce our co-host Scott Atlas. He has been a great friend in the last 15 months for New College. He's an honorary recipient of a Doctorate in Humane Letters. He was our commencement speaker. If you get a chance to read Scott's commencement address, it is a must read and he has a fantastic book.

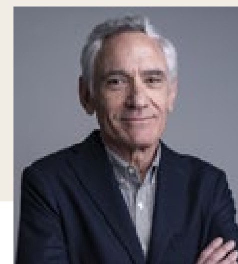
Scott is a fellow at Stanford University's Hoover Institute. He earned his medical degree from the University of Chicago, and like many of the people on the platform today, he has advised congressmen, he has advised governors, he has advised presidential candidates, and he was actually a senior advisor to a president on the task force and was probably one of the most significant impact players in getting things reopened and established in the United States.

In fact, I'll give a shout out because I went to Scott because we were fighting that same battle in Florida trying to open up schools. In fact, I just read an article from the head of the teachers union that said that in April of 2020 she led the charge and the teachers union led the charge to make sure schools were open for kids because it would affect low income kids.

And I read it and I was fascinated because I remember in July when she sued me because we were trying to open up schools and she wanted to stop it. And in that lawsuit — one of your presenters is Dr. Jay Bhattacharya and I called Scott Atlas and I said, I'm getting sued because they're trying to keep schools closed. Will you be my expert and do an affidavit? And he, because of the conflict working with the federal government, he said, I really probably can't do that, but I have the perfect person for you, and that's Dr. Jay Bhattacharya. And the rest is history.

They sued us, we won, and Jay's brief was really the pinnacle moment, I think for all of schools, not just Florida, where people started seeing that and hearing that and then schools were opened and and the biggest beneficiaries were those least capable of fighting for themselves, the least capable of having somebody to advocate for them.

So Dr. Bhattacharya and Dr. Atlas, we want to thank you. But with that, it's an honor to introduce Scott Atlas. Thank you.



Scott W. Atlas

Opening Remarks

Scott W. Atlas, MD

Thank you, President Corcoran and, also my sincere thanks to all those at New College of Florida who worked so hard on planning this event, especially Alexandra Islas.

It's a great pleasure to Welcome everyone to New College and Global Liberty Institute's special symposium "Reversing the Ideological Capture of Universities and Institutions".

We hope to have an insightful, thought-provoking discussion of one of the most concerning problems in America today – the ideological capture, what some might call the politicization, of America's institutions: colleges and universities; professions like law and medicine and their training programs; powerful government agencies like the CDC, NIH, FDA, the Department of Justice; and the media.

Academia, institutions, and indeed entire systems fundamental to American society that we presumed were objective and evidence-based – law, economics, health care, scientific research – have become contaminated, focused on *social advocacy rather than seeking truth*, and unabashedly flaunting their advocacy and political biases, as they deviate from their expected roles.

As a free, ethical society, these are segments of society that we need to function *free from social agendas or political bias*, so we can rely on them, and trust them, and especially in our extraordinarily diverse country. These actions have generated a loss of trust and a tremendous division– a society that lacks the necessary cohesiveness, the necessary unity to survive, let alone thrive.

Most alarming of all is what has happened on our campuses, at America's universities, representing the centers for the free exchange of ideas. We entrust professors to teach our children, the next generation of leaders of our nation, not simply material from books, not a list of facts they can memorize. And it is true that we expect certain principles, including values, to be modeled.

It is crucial for students to hear ideas from many sources, *especially* ideas they may not agree with. College is here to challenge students – not to protect them from ideas they may not like. In fact, it's literally impossible to learn critical thinking without hearing differing views – and critical thinking is THE most important lesson to learn in college. Professors are also expected to model two other important behaviors – intellectual honesty, and basic civility of discussion.

Instead, what we have witnessed for many years,

but what became most obvious during the fiasco of the pandemic, our universities have failed. The overwhelming majority of universities have betrayed the public trust and damaged trust in institutions and in expertise overall by denying fact, spouting politicized opinion as university-endorsed discussion, and emphasizing ideology-based social policies as a guiding light for curricula. These beliefs have infiltrated, and in many cases, replaced core knowledge – in fields ranging from humanities to science and professional schools.

As a health policy scholar for over 15 years and as a professor at top universities for 30 years – as a graduate of the University of Chicago School of Medicine, when facts mattered, when critical thinking formed the basis of my education, I fear for our students.

Many faculty members of our acclaimed universities are now dangerously intolerant of opinions contrary to their favored narrative.

The sad truth is that Cancel Culture on Campus, now a part of the agenda-driven, politically-based advocacy on display, is effective to prevent the free exchange of ideas – but even more destructive, it teaches the worst possible behavior to our children, the next generation of leaders.

Today, we will present a series of panels with scholars deeply experienced, personally experienced in these issues – and we hope to have a vigorous discussion with the select audience as well – on the following topics:

- Humanities
- Economics and Data-Driven Inquiry
- Science and Public Health
- The Law
- Solutions – Where to From Here?

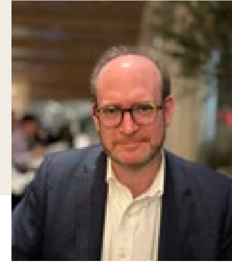
Why here, at New College of Florida?

A year ago, I had the great honor of giving the Commencement Address here at New College. It was memorable – my thanks again to the police there. What excites me the most about New College of Florida is its explicit, strong commitment to (QUOTE) "free speech and civil discourse" (UNQUOTE). THIS is the most urgently needed change in America today – *restoring BOTH civil discourse AND the free exchange of ideas.* While many tried to shout me down with loud chants, shouting vulgarities while standing on chairs – including many parents - they failed to stop me from completing my speech – and, ironically, importantly, my speech was about the urgency of restoring civil discourse to allow the free exchange of ideas!

In addition to New College, the event is sponsored by the Global Liberty Institute, a new, non-partisan international initiative (HQ'd in the US and Switzerland) to "restore liberty and the free exchange of ideas". GLI is uniting a wide array of private sector and public policy leaders across the globe to mentor and develop the world's next generation of Rising Leaders. By introducing talented young men and women into influential positions in journalism, policymaking, finance, and the private business sector who believe in individual and economic freedom, GLI's Rising Leader program will ensure the future of freedom and opportunity essential to all free societies.

So thank you for coming. We are all very grateful to New College to host this event, to our speakers, AND of course all of you who agreed to come and participate in this highly important event!

Bradley C. S. Watson


Joshua T. Katz

Phillip W. Magness

Panel 1: The Humanities

Bradley C. S. Watson, PhD, Joshua T. Katz, PhD, Phillip W. Magness, PhD

I'm **Brad Watson**, from Hillsdale College in Washington, DC. I'm moderating this first panel of our symposium on "Reversing the Ideological Capture of Our Universities and Institutions." I'll soon introduce my fellow panelists, and encourage them, and you, to engage the vital themes of this event.

But I want to begin by saying how grateful I am to the sponsors of the event, the Global Liberty Institute and New College of Florida, and to President Corcoran and Scott Atlas in particular for their support, and their opening remarks.

I'm going to start these panel sessions by speaking about the particular topic of this first panel—that is, how we lost the humanities to ideology—but also the larger theme of the symposium: what we must do to reverse the ideological capture of our institutions. I'm going to be very brief to allow maximum time for our panelists to engage each other, and to allow you in the audience to engage us.

I think the dominance of Left/progressive or "woke" orientations among college faculty members and administrators, particularly in the humanities, is well known — knowledge that is both experiential and anecdotal, but also supported by survey data. Its consequences are equally obvious. I need not recount the innumerable instances of so-called cancel culture — aimed now even at federal judges, as we saw last year at Stanford no less — or the political pogroms launched against even established, tenured faculty members who have not genuflected before the very jealous gods of diversity, inclusion, and equity.

But I do want to give you a sense of what it will take to confront this ubiquitous blob, if we have a mind to stop it.

Permit me a movie reference. In the film adaptation of the Philip Roth novel *The Human Stain*, the fictional professor Coleman Silk is accused of racism by college authorities for using ordinary — and demonstrably non-racist — language. It's language that is grossly misinterpreted — either intentionally or unintentionally —by unseen, unduly fragile students.

In an administrative kangaroo court (there are so many kangaroo courts nowadays) the angry professor — played brilliantly by Anthony Hopkins — stares at his colleagues and exclaims, "To charge me with racism is not only false, it is spectacularly false. And you know it!" And indeed they do know it. Yet none of them will speak up for their colleague. As he storms from the conference room in which the academic show trial is being held, professor Silk ironically thanks one of his silent faculty friends.

People of heterodox views, or those simply caught in the maw of the mob, have come to know that they will have no defenders. What is lacking is

the moral virtue of courage. The courage to say, even under immense pressure to conform, that 2+2 equals 4, not 5.

The absence of courage in academia accounts for the collapse not only of the university, but of many others institutions downstream from academia.

My point is that the dominance of progressive ideology, and its active attempt to overcome and drive out what small pockets of resistance remain, describes what's going on; it does not account for it, or the rapidity of its rise. Much less does it tell us what we must do to reverse the ideological capture of our institutions.

Much has been said about the intellectual failings of academic institutions, I think much more needs to be said about their *moral* failings. It's the absence of the moral virtue of courage that enables the pursuit of almost every other radical fad. In modeling cowardice, college administrators and faculty create generations of students incapable of self-government — fainthearted scolds willing to accept, and demand, previously unimaginable levels of bureaucratic control over the lives of others.

My own recent "lived experience" — if I may borrow a phrase from my progressive friends — bears this out. As I mentioned, I now teach at Hillsdale College in Washington, D.C., but I've only been a full-time faculty member there for less than two years. Prior to that I had a long career teaching political philosophy and American political thought at Saint Vincent College in Pennsylvania, the oldest Benedictine institution in the New World. Until, that is, I abruptly resigned my tenured position there to protest what I took be the abject cowardice of the college's administration, and — more painfully — my faculty colleagues (many of whom I considered friends), in refusing to defend, in the face of a small but noisy and sometimes threatening mob, the independence of an academic center that I'd spent decades building and directing, and which was dedicated to the scholarly exposition of freedom, Western civilization, and the American experience.

The whole incident was widely documented in national media, and I won't bore you with the details here, but suffice it to say the college's president announced his takeover of the Center in response to his displeasure with a single speaker — of literally hundreds I had invited to campus over several decades. (Scott was there; he can vouch for this. The most controversial speaker there was not Scott, believe it or not.) The Foundation for Individual Rights and Expression referred to the administration's actions as perhaps "the most extreme example of guest speaker censorship that FIRE has seen in its more than 20-year history." My choice was to bend the knee or quit.

The modus operandi of those on this scorched earth march through our institutions — whether they be academic, corporate, political, religious, or cultural — is captured with dark humor in an internet meme: find something good, gut it, wear it as a skinsuit, and then demand respect.

It's highly unlikely such people will prove capable of learning, unless they are directly challenged by large numbers of individuals who reject their forays. In fact, it's unlikely they will even realize there are large numbers of people who do not share their assumptions. They will instead continue to believe that "History" is on their side, and they will exhibit the hubris of moral superiority that goes along with this belief.

But I think standing up and speaking up is particularly difficult in democratic times, for fear of the disapprobation of the multitude. And modern universities, along with modern woke corporations and governmental bodies, are nothing if not democratic — that is, beholden to the opinions of the progressive majority that comprise them. In many cases, this is a majority ethos more than an actual voting majority, but it's all the more powerful for being so.

As Tocqueville remarked, once the majority has spoken, "everyone is silent, and friends and enemies alike seem to make for its bandwagon."

"Whereas a king's power," Tocqueville says, "is physical only, the majority is invested with both physical and moral authority." It thus encloses thought "within a formidable fence"... "woe to the

man who goes beyond it…he must face all kinds of unpleasantness and everyday persecution.…He believes he has supporters; but he feels that he has them no more once he stands revealed to all, for those who condemn him express their views loudly, while those who think as he does, but without his courage, retreat into silence as if ashamed of having told the truth." As I like to put it, academics are not people with whom you would want to be in a foxhole.

Such is the democratic manifestation of the natural timorousness of men.

Tocqueville knew that overcoming this would not be easy: "The power which dominates in the United States does not understand being mocked.…The least reproach offends it, and the slightest sting turns it fierce…Hence the majority lives in a state of perpetual self-adoration."

Furthermore, the absence of even traces of the moral virtue of courage impedes the development and exercise of intellectual virtues. Courage is required not simply for acting, but for thinking. Prudence or practical wisdom, i.e., knowing what to do in fraught circumstances, presupposes courage: a certain amount of fearlessness is required for practical wisdom to be, in fact, wisdom, as opposed to the false "prudence" that masks cowardice — the unwillingness to look risk in the eye and think, rather than blink. We castrate, and bid the geldings be fruitful intellectuals.

In this sense, thought *is* downstream from moral virtue. *A man cannot think straight when his knees are trembling.* We're now guided by the loudest of those who inhabit and dominate our institutions—the diminished number of decent people always wary of conflict, always afraid of being labelled impolitic, impolite, or resolute.

I don't want to say the time for rational argument is over. But the time for action has most certainly begun.

The hour is late for our institutions. In too many of them, decent but timorous people are riding out their careers, fully concentrated on interest maximization—somehow hoping, or expecting, that civilization will continue on, more or less as normal, like Rome after the fall of its traditional legal and moral authorities. But the barbarians at our gates are far more insistent, and totalizing, than the Goths at the gates of Rome. And it is they who will replace the silent ones. It is their ideas, and their actions, that will replace what remains of the old order—which will not even be an echo, if it remains silent.

So what to do? Let me offer a very brief but concrete recommendation, directed mainly at faculty members. If my analysis is correct, academics — even tenured ones — are particularly susceptible to a characteristic danger of democratic ages, i.e., fear of the very real power of the majority. There is no cure for this, given the natural proclivities and character traits of academics. But there is a feeling of safety to be had in numbers. I strongly suggest that faculty members opposed to intellectual monoculture organize themselves preemptively, on every campus in America on which even a handful of them can be found. They should meet regularly, and make their presence known. This will allow them to become aware of others like themselves, and, with that knowledge, develop the confidence to speak and act when academic freedom, and intellectual freedom more broadly, are threatened. And it will also put woke administrators on notice that, should they overreach, there will be very public consequences. Such campus organizations could articulate principles similar to those set out in the University of Chicago's 2016 letter to freshman, including explicit rejections of cancel culture, and commitments to diversity of opinion. They could model their activities, in microcosm, on the Academic Freedom Alliance, pledging (and coming up with specific strategies for) mutual aid in times of threat.

The hour is late for our institutions, and our civilization. For academics, it's time to man up.

With that, I'm pleased to introduce two very *distinguished* panelists (which certainly distinguishes them from me).

Joshua Katz taught at Princeton for nearly 25 years and is now at the American Enterprise Institute. He's currently working on a book about academia,

and he writes regularly for *The New Criterion*, *First Things*, and *City Journal*, among other publications.

Phil Magness is a Senior Fellow at the Independent Institute, where he holds the David J. Theroux Chair in Political Economy.

Joshua T. Katz: Good morning. I'm delighted to be here in such company. I'm not delighted to be here under the circumstances, of course, because our universities and other institutions have been captured, but here we all are. We need urgently to do something about what has happened and what is happening, and I'd like to begin by poking a bit of gentle but serious fun at the program for our symposium.

You'll notice that there are two panels this morning. There's the one we have right now, which is called "Humanities." And there's the one immediately after, which is called "Economics and Data-Driven Inquiry." The implication, surely, is that the humanities are not about data-driven inquiry, and perhaps that the humanities have nothing to do with data at all.

Now, this is, at one level, obviously false. Up on stage right now are three people who are data guys. I mean, Phil Magness above all, as I'm sure we're going to discover very soon. But, in fact, we're all data guys. So why isn't our panel called "Humanities and Data-Driven Inquiry"? Well, I think we all know the answer to this: there is another side to the problem, and this other side is that one of the reasons (there are many, but this is one) why the humanities in the United States have a bad rap with the public — and not just with the public, but with different sorts of academics as well — is that many academic practitioners of the humanities don't seem to believe in the humanities at all anymore, aren't in any usual sense of the term "humanists."

Such would-be humanists often behave inhumanely and talk in strange ways about the "transhuman" and the "posthuman" rather than about the human. These are colleagues (or, I should say in my case, ex-colleagues) who spout fuzzy platitudes, who make claims of indiscernible intellectual merit, and who, as we all know, regularly talk not about facts but about feelings.

Under these conditions, it's no wonder that many people don't think of the humanities as data-driven, and it's hardly surprising that our panel would go under the bare title "Humanities" rather than "Humanities and Data-Driven Inquiry." And yet the fact remains that the best work in the humanities is data-driven.

We need to recognize this in broad terms. We badly need to encourage more serious reading of serious books, more serious contemplation of serious art, more serious experience of serious music. And so what I'd like to do this morning, in these scant minutes, is make two points related to my opening gambit about data-driven inquiry.

My first point concerns the line — often a porous one — between the humanities and the social sciences, and the balance between them in our major institutions. Let's again consider the three people on stage. Phil Magness, who works at a policy shop, is an economic historian. OK, there's the word "economic," so why isn't Phil on that second, obviously data-driven panel? Well, he's a historian. True, many universities in the country, including Princeton, classify History as a social science, but this is usually a mistake, in my view. History is not a science, but it is, at its best, a data-driven study of society.

What about Brad Watson? Brad has a whole number of degrees: one in Politics, one in Law, but also one in Philosophy. He's a professor of Government who used to run an academic center on political and economic thought. Again, both a humanist and a social scientist.

And then there's me. I'm the most conventionally humanistic of the three of us. I was a professor of Classics at Princeton for nearly 25 years and held a chair in the Humanities, but all of my degrees are in Linguistics, a field that is sometimes classified as a social science — by my undergraduate institution, Yale, for instance, though not by Harvard, where I earned my Ph.D., or by Princeton. And, like Phil, I now work at a policy shop.

All of this is to say that Brad, Phil, and I are not exactly the most conventional exemplars of what

it means to “do the humanities” in 2024. And it’s not surprising, I think, that Scott Atlas and others involved in the planning of this event didn’t invite humanists who are what count today as normal classicists or normal professors of English or normal art historians or normal philosophers — because people like that are these days much more often the problem than the solution.

We simply have to change today’s academic norm: we need serious, data-driven classicists, serious experts in Dante, Shakespeare, and Faulkner, serious historians of art and music, and serious philosophers. Not that there aren’t real efforts to make higher education serious again: I’m sure you all agree with me that it’s a wonderful thing that new centers and institutes are springing up at public universities around the country, at least in red and purple states.

I’m thinking of SCETL at Arizona State: the School of Civic and Economic Thought and Leadership. I’m thinking of UNC’s new School of Civic Life and Leadership. I’m thinking of the University of Toledo’s Institute of Constitutional Thought and Leadership. These are all terrific enterprises, but notice that they focus explicitly on civics, political and economic action, and constitutional law.

No one could be against economics, law, and liberty, but there also have to be more initiatives like the University of Florida’s Hamilton Center, which stresses the basic humanities as well as the social sciences, and, of course, like our host today, the New College of Florida—the new New College of Florida, I should say. Take a look at the New College brochure we’ve all been given. Open it up. Right there at the beginning is a quotation from Aeschylus—in Ancient Greek. That’s really rather impressive. And go a few pages further in and you’ll read the following:

“One large-scale study of law school data concluded that ‘the best prospective law students read Homer’” and “data demonstrate that English majors substantially outscore Pre-Med majors on the MCAT.” (I admit that I wonder whether English majors still do better, but it’s nice to think this assessment is accurate.) So one task before us is to remember and then make use of the fact that we have access to a vast array of wondrous cultural material that goes back hundreds and thousands of years and that we can, under the right conditions, produce very fine academic work on this material that is truly humanistic and not necessarily tied to policy and the sorts of things that have historically been prized at such places as my new home institution, the American Enterprise Institute.

In short, I hope very much that there will be more venues like the New College of Florida that emphasize the humanities for their own sake and for the sake of our minds and souls. For that matter, I hope, too, that there will be more think tanks that pick up the humanistic pieces that colleges and universities have been dropping. At AEI, for example, my friend Chris Scalia, formerly a professor of English, was hired as a senior fellow the same year I was — a terrific and humane colleague and friend.

So, that’s my first point: institutions should bring in as many humanists — true data-driven humanists — as possible. My second point is somewhat different and has do with scholarly types, humanistic and otherwise. Broadly speaking, there are top-down scholars and there are bottom-up scholars.

What do I mean by this? Bottom-up scholars — a category into which I myself fall — are people who pay attention to what are ostensibly small matters: a few words, a character, a song, a painting. They work it to death (I use the phrase with affection!) and then they move on to another few words, another character, another song, another painting. And over the weeks and months and years of their career, they build up to larger things, to the big picture. They — we — are detail people.

But then there are the top-down scholars. They care — perfectly understandably — about big ideas. They’re what one might call, with Keats, “beauty and truth people”: Beauty is truth, truth beauty,— that is all / Ye know on earth, and all ye need to know. They tend to gaze at abstract nouns in the rarefied air of Big Ideas and let the pesky details lie unexamined at the bottom.

Historically, these two types of scholars — and I

am thinking here particularly of humanistic scholars — have not always gotten along too well. You can easily see why that would be: their approaches are fundamentally different. Still, ideally they would meet in the middle, with bottom-up folks like me expanding their vision on the way up and top-down folks being more focused on the way down.

This is the time, I believe, for everyone to acknowledge that both approaches are important. It is vital that their respective proponents join together to form a new alliance against today's inhumane so-called humanists, for by bringing the two types together, we might actually be able to defeat the marauders who are capturing and destroying our academic and other institutions — marauders who are all top-down people, to be sure, but the abstract nouns they obsess over are not beauty and truth but rather ugliness and, well, the denial that there could be something like truth.

Our enemies are those who care above all about isms and phobias. To the extent that they do actually care about Homer or Keats or Mahler or Cézanne, it's generally to explore sexism and racism and classism and ageism and ableism, to excoriate the best in our culture for transphobia and fatphobia. It must be possible for us to fight against true evils, like racism, without making everything about those evils and without toppling millennia of cultural pillars along the way.

In conclusion, then, what do we need to do to renew the humanities in — and, if I may put it like this, renew the humanity of — our institutions? We need to recommit ourselves to data, we need to recommit ourselves to material — often great material — that is being neglected, and we need to recommit ourselves to beauty and to truth.

Phil Magness: Good morning, everyone. As mentioned, my name is Phil Magnus. I'm the David J. Throch here at the Independent Institute. And I am an economic historian. And as noted, I will be discussing quite a bit of data as it pertains to the trajectory of the intellectual climate of higher ed. But I want to start us off with a story.

1922. So just over a century ago. Unfolding events around the world were disrupting the international political scene. One in particular, a giant civil war that was taking place in Russia, the wake of the Bolshevik Revolution. Thomas Nixon Carver was a distinguished economist at Harvard University, perhaps one of the leading figures of his generation, and he was asked to comment on the unfolding events in Russia and what they meant for this alternative economic system that was being posed. Carver's remarks, recorded in a journal in 1922, stated, as I quote, No economist today accepts a single one of the dogmas of Karl Marx. His materialistic interpretation of history is rejected even by most socialists. His theory of surplus value is childish. His theory of value itself is obsolete."

Carver was not alone in this assessment, but he was probably in the best position of any economist in the United States to make it for one simple reason. He taught the only course on the entire Harvard course catalog that was dedicated to the study and understanding of socialist economics and had been teaching that course for 20 plus years.

His assessment was shared by many of his contemporaries. The distinguished English economist Alfred Marshall in his 1890 textbook that set the discipline to its current state describes Marx's work as circular reasoning disguised in dense Hegelian language. John Maynard Keynes, the famously progressive economist of the early 20th century was asked his assessment of Marx's Das Kapital and in a very biting remark he says, "It's an obsolete textbook of no interest to the modern world."

Now this is an assessment across the political spectrum from left to right, to everything in between, at the turn of the century and for, really, the first two decades of the 20th century, Marxian economics were regarded as a defeated, obsolete doctrine that never took hold in the economics profession.

Now, where do we stand a century later? What do you think the single most commonly assigned philosophical work on university syllabi in the United States is, according to the Open Syllabus Project? It's a data scraping enterprise that looks at course text assignments. Das Kapital is up there. It's actually the Communist Manifesto.

So Marx is a multiple hit figure on this. The Communist Manifesto is assigned more than any other philosophical work in the canon. I think it trails only behind a grammar manual and a commonly assigned math textbook. It's ahead of Plato's Republic, that's the next closest thing to the Communist Manifesto.

And then Das Kapital is cited and assigned at similar rates as the Federalist Papers, John Locke's Second Treatise, Martin Luther King's Letter from the Birmingham Jail, and that's only Marx's second most assigned work. Yet look at the classes where this is assigned. Which disciplines is Marx dominant in?

He's not economics. He's sometimes discussed in the history of economic thought. He moved over into the English department. And most students actually learn economics there today. They're more likely to encounter economics today in their English classroom than their economics classroom for the simple reason that English is the dominant core requirement on gen ed curriculum that everyone must take before they graduate.

He's also prominent in other areas in the humanities. Philosophy, history some aspects of political theory, and then many of the social sciences, sociology, anthropology in particular. Marxian doctrine is probably the dominant philosophical school, that and its many derivatives — schismatic derivatives, nonetheless.

And if we go back a century ago when Thomas Nixon Carver was writing, Marx is basically a non-entity in English, philosophy, sociology, and law journals. The only place he's even discussed at all is economics journals and they're beating up on him because he's a discredited theorist. Now, what has happened in the past hundred years that would tell you that Karl Marx should have elevated from a point of intellectual discredit to a point of high status in the academy today? So high, in fact, then when Nature Magazine in 2013 did a weighted citation index study of the most significant figures relative to their field, they found that Karl Marx came out on top ahead of such figures as Albert Einstein, Sigmund Freud, and similar ranked giants of their respective fields over the last century.

What demonstrated the validity and truth and power of Karl Marx's ideas? Well, they've left a body count of 100 million people and economic ruination everywhere that they operated. And indeed, this was proclaimed in 1991 with the fall of the Soviet Union, the fall of the Eastern Bloc, the end of communism, that Karl Marx's ideas had finally been vanquished at great cost to humanity, and they had left a wake of devastation everywhere they had been tried and everywhere they had been replicated. And yet, at that moment in history, the academy started doing something very interesting. They picked up and reinvigorated Marxist study. The academy became the new home for the far left in ways that governments had failed when they attempted to implement some of these ideas. I want to give you some statistics, though, that illustrate the picture.

Academia has always leaned to the political left and the humanities have always dominated that segment of the academy. They've always been the most politicized sector of it, although it used to have some intellectual diversity internally with it. In 1969, the Carnegie Commission on Higher Education commissioned a survey of the American faculty, asking them a series of questions of where they ranked themselves on the political spectrum of left to right.

44 percent of the professoriate identified on the political left in 1969. 28 percent identified on the political right in 1969, and the remainder self classified as moderate — somewhere in between. Those figures held roughly constant until the early 2000s. Right around the year 2000, the most recent iteration of the survey that had been given, 45 percent of the professors identified on the political left, and then the remainder were split between conservatives and moderates.

What it always meant is even though the left had a plurality, there were significant minorities of other views that were always at the table. Where does that stand today? In the 2019 iteration of the survey, 60 percent of the professoriate identifies on the political left, only 12 percent on the political right.

You may be asking yourself a question, well, the

academy is a lot bigger today than it was in 1969. And indeed, you are correct. In 1969, there were about 370,000 full time faculty employed in the United States. Today, 844,000. Let's put some numbers to those percentages. In 1969 there were roughly 100,000 faculty members that identified on the political right compared to 165,000 on the political left if you use those survey percentages.

Where does that stand today? There are 87,000 faculty on the political right. We've actually gone down in number, even though the professoriate has increased. 501,000 faculty identify on the political left. This is a completely disproportionate growth in the ideological trajectory and direction of the academy.

And it's also occurred at a time when the American populace, including students in the American populace, have not shifted politically. They actually divide fairly evenly between left, right, and moderate if you ask them the same survey questions, and this has held in a stable pattern more or less since the 1960s, as long as we've been tracking it.

What this has created and produced today is an entry of students that are almost evenly divided across the left, right, and moderate spectrum into an academy that is overwhelmingly situated on the political left. And not only that, makes them take classes in the humanities where their chances of finding an alternative viewpoint are next to non existent.

What does this mean? What has happened? Over the course of that century since Thomas Nixon Carver gave his damning indictment of the Marxist system, Marxism and other variations of far left thought have reinvented themselves to escape the legacy of the event that Carver was talking about, the Bolshevik Revolution and the horrors that came in the wake of that.

In fact, there was a critical theory turn that is distinguishable in citation patterns in the academy that begins roughly in 1968 and has persisted to the present. Well, what is critical theory? It's a derivative school of thought that comes out of Marxist doctrine but applies it to cultural and other political issues, and other lines that separate from the traditional class-based trajectory of society that Karl Marx himself projected and instead, divides society into classes of oppressed and oppressors, and purports itself to be an emancipatory agency on behalf of the oppressed, and therefore, inherently imbued with righteousness. This has established an ethos in large swaths of the humanities that have adopted the critical theory approach that engage in intellectual discourse in a manner that Roger Scruton, the late British philosopher, described as dismissing their opposition with nothing more convincing than a sneer and proceeding as if they've proven their case.

In so doing, they have rejected the scientific and philosophical norms of open and free exchange in favor of an axiomatic acceptance of their own righteousness. A belief that they have begun from a stance on behalf of the oppressed, on behalf of those in need of emancipation, against institutions of power that have kept them in check for millennia.

Yet if you look at some of the quality of this work, it falls into a category that I would rightly describe, I think, as un-rigorous dreck, as word games. And don't take my word for it, take the late philosopher of science, Karl Popper, who, when he was asked to assess the German critical theory school that was coming into vogue in the late 1960s and 70s, and has since taken off and taken over large swaths of the humanities today, he was in conversation with the French philosopher Raymond Aron, and he proposed what I'm going to call Karl Popper's Law. And that is, over time, bad and pretentious language drives out the good and simple. And in so doing, Popper echoed Alfred Marshall from almost a century prior to himself in noting that when he read the critical theory work, in particular Theodore Adorno, who's a major figure of that realm today, his commentary was, he has nothing whatever to say and yet he says it in dense Hegelian language.

What has this resulted in today is academic fashionability around fads of utter nonsense. Fashionable nonsense has taken hold of large swaths of the humanities at a time when the professoriate is politically mismatched with both the American public and the incoming student body.

Two results have followed. Number one, students have fled the humanities in droves. Since 2011, so right after the Great Recession and the academic disruptions that followed from it to today, so just over a decade in time, we have seen an absolute decline in the total number of students that are majoring in English, Philosophy, Sociology, Political Theory, History. Anything in the softer social sciences and humanities is in almost free fall, in terms of student interest in those programs. And yet faculty ranks in each of them, contrary to popular myth, has continued to grow. At the same time, we've seen a crisis of rigor emerging as students have fled these fields.

That crisis of rigor includes an increased tolerance for academic misconduct, an increased tolerance for an echo chamber of politically self-reaffirming, ideologically driven diagnoses masquerading as scholarship, probably most pronounced and put on full public display when the president of Harvard herself, Claudine Gay, was forced into resignation earlier this year amidst a major plagiarism scandal.

And yet the dynamics of that scandal revealed something even further disturbing about the humanities as it unfolded and the left wing of the academy as it unfolded. People rushed and rallied around Claudine Gay, even though she had committed unambiguous acts of what was previously regarded as the most grievous sin that an academic could engage in, and that is to copy and lift other people's work without credit. Something that her own university regularly expels dozens of students a year for doing was nonetheless tolerated because the people that pointed it out were of the wrong political persuasion. They were on the side of the oppressor and she was a representative of the oppressed. I call this critical plagiarism theory.

This has been an emergent pattern and trend, though, that we have seen developing over the course of that two decade turn when the academic landscape shifted from a plurality on the political left with robust representation of other perspectives to a hegemon of a single perspective only. It represented a decline in quality of content and has bred a crisis of scandal, a crisis of trust in the public all coupled with academic buzzwords such as announcements that we need to "decolonize journals" and "decolonize departments" by reducing their rigor for the precise reasons that it allows political ideology to masquerade as scholarship instead.

Where does that leave us today? It leaves us actually in a very precarious position in which the humanities have lost large swaths of the public in terms of their trust, in terms of their interest, and in terms of their willingness to continue to fund the university system. Universities were sold to the public for ostensibly noble goals: to advance knowledge, to advance science, to advance research and to educate our next generation. Instead, they have unfortunately morphed into a situation of subsidizing political activism that could otherwise not find itself in an employable position of a career, absent the taxpayers picking up the bill.

They've created a situation where politics, rather than merit, is the primary mechanism of hiring and promotion. And they've created, what I would argue, unfortunately, is the roots of their own demise. A system that caters to a very small echo chamber of politically activist students that are not representative of the American public, the student body, or political interest in general, and yet has done so in a way that's driven the remainder of the student body away.

no longer have an interest in pursuing careers and ideas that were once regarded as noble in advancing of knowledge for human civilization. So, what does this mean for the future of the humanities? Unfortunately, I don't think we've hit rock bottom yet. If anything, when you see some of the political rhetoric, they're really digging in. Digging in such ways that they have declared themselves the victims of a war on higher education, when, in fact, they've created it for themselves. What does this mean for the future? It's not good. It's not good in the university system. But it does mean alternative institutions can continue to cultivate knowledge and literature, can continue to cultivate a study of history, a study of our past, a study of philosophical ideas that matter and that are meaningful to human civilization.

It just means that we have to do it outside of the

universities unless the universities themselves start to change course.

Scott Atlas: Thank you.

Brad Watson: Let me just begin by asking our panelists if any, each of, any of them would like to respond to what has been said to add, clarify, or criticize.

Joshua T. Katz: Let me ask you, Phil, about students. They're leaving the humanities. We know this. They're flocking to a few fields that we can all name: Computer Science above all. And yet the problems in the humanities are trickling down — very odd, as though the humanities were somehow on top! — to other subjects as well.

I mean, everybody in this room is probably aware that as things get worse and worse in the humanities, they also get worse — slowly, but then ever a bit faster[2] — in the harder social sciences and in the sciences and engineering. A former colleague at Princeton tells me there's now a so-called "race lab" in the School of Engineering and Applied Science; and the increasing troubles in Mathematics are well known to those who pay attention. So what's going on and where does all of this stop?

Phil Magness: This is a really interesting question, and it speaks to the dynamics of how higher education is set up as basically an economic mechanism. If we had a university that was truly responsive to the needs of students, the funding would go to the departments that are attracting students and would leave departments that are losing majors. It'd be a basically a consumer model that operated in that way.

What we really have is a bureaucratic model of mandatory gen ed requirements that are dominated by humanistic fields that have been ideologically captured. If you look at the common core curriculum of almost any major university in the United States, about a third of the classes that you must take to graduate are mandatory.

Conveniently, historically, this is, you take your one science, you take your one math, you take an English class, you take a philosophy class across the spectrum. But over the past century the gen ed curriculum has become severely tilted toward the humanities in such a way that it's built up very large departments of faculty that have almost no majors.

But they're servicing gen ed curricula — mandatory butts in seats — and that's the basis of their funding model. What it does is it creates a very large, almost disproportionate representation of humanities faculty in faculty governance. If you go to a typical faculty senate at most universities, it's the English department that's the largest share. It's the history department, it's the philosophy department, even though those are not the departments that are drawing in the students. The second component of that is that humanities have a major PhD overproduction problem even as they're losing majors at the undergraduate level. There are probably more humanities Ph.D. programs than any other discipline in the United States today. And what that has done is it's built a massive backlog, a glut of people that have advanced doctorates that tend to be very politically homogenous. And yet, no jobs. So what do they do? They move into university administration. They get hired as the dean of student services or the assistant vice provost of environmental sustainability or diversity, equity, and inclusion. You look at the growth of these offices — I mean, even over the last, 10 to 15 years — 15 years ago you did not even have an Office of Sustainability and an Office of DEI. Today, each of them has like 30 staff members, all of whom are underemployed humanities Ph.Ds that jumped into administration.

These two mechanisms, the overrepresentation in faculty size and faculty governance plus the overrepresentation in university administration means that there's now a political ability to impose some of these crazy ideas onto other departments. Therefore, it filters into the physics department, the astronomy department, the accounting department, everyone else in the university.

Brad Watson: I'm going to go to the audience very shortly, but Phil's response leads me to, or reminds me of, a question that I've long had, and it's a kind of practical question. I don't know if I have a good answer myself, so I'd like to know what the panelists think about it. If you could choose one or two concrete

practical things that we could do in the next, I don't know, say five years to solve the crisis of the humanities, or at least to ameliorate it, what would it be?

Joshua's presentation emphasized the need to recommit to data, conventional humanistic things like the search for truth. Phil talked about how the soft disciplines, as it were, have been colonized by a sort of neo-Marxism and the radical shift of the faculty to the left (although not necessarily the students) and the declining numbers of humanities, and the crisis of rigor and insularity that goes along with it. The solution I suggested is that we need faculty members to grow a spine, but I'm not a biologist. We do have medical doctors in the audience. Maybe they can help me with this. I suggested some ways in which faculty members might develop a little bit of a backbone in confronting these things just by thinking in advance of a crisis happening and gathering in advance of that.

But if either of you could just, at a policy level — and I'm not even talking about government policy, maybe institutional policy — what one or two things would you change to have some positive effect on these problems?

Joshua T. Katz: Let me try to answer this not as a policy question but rather as a sort of internal personnel matter.

In essentially all departments, at essentially all institutions, there are two types of crazy people. There are the true believers, and then there are the allies. The true believers are very dangerous because, well, they're true believers. But the allies are more dangerous than the true believers.

They're more dangerous because, first of all, there are many more of them. But second, they're more dangerous because they're the ones who don't have a spine. Many of the true believers I know have a crazy spine, but it is nonetheless a spine. By contrast, the allies have no backbone whatsoever and will do whatever it is that the true believers who are, for whatever reason, in power at the moment seem to want them to do.

So what this means is that in any given department, at any given institution, there's always going to be one person who might be convinced to speak up: a shaky ally, as it were, or someone who has managed miraculously to keep his or her head down through the madness. And you know what? That person's testimony is worth a lot. And once you have one, maybe you'll have two; there might even be three.

I can tell you that the power of having even two people on the right side is much more than twice the power of having one. And the power of having three is much more than three times the power of having one — and so on and so forth. So, this is not a policy recommendation, but if you can get the ear of an ally in your department or elsewhere at your college or university — not a true believer, but an ally — go to that person and say something like, look, you and I may not agree on everything, but you can see that we have some real problems here and it would be good for everyone if you stood up for what's right. It would be good if you said, I'm not going to teach complete crap to students just because that's now what's supposed to happen; I'm not going to assassinate my colleagues' character just because that's what the rest of you are now doing. And then you build up the resistance — from one person to two and then to three, to four. This is not policy, but it is something, and in my experience it tends to work. The effect may be small, yes, but incremental improvement is better than a bad status quo, never mind further deterioration.

Phil Magness: Some concrete policy proposals.

Number one, cut the bureaucratic fad of administration. Administration has grown at a faster rate than any other component of the university system. Administrators now outnumber full time faculty nationwide. And most of them are doing next to nothing. And many of them are, as I noted, very politicized.

Number two, gen ed reform. I'm not saying get rid of the gen eds. I'm saying alter the formula by which mandatory classes are allocated in such a way that every department needs to compete for and attract students into their own classrooms — as majors and as minors, as people that actually want

to be there, not just checking a box to graduate. What this does is it forces these ideologically captured departments to actually be responsive to what the student bodies are seeking in terms of their education.

In doing so, they cannot help but have to give up some of the ideological capture, the far-left politics that are the only perspective represented in these departments, or else they don't get students in the classroom.

The third thing — I would say take a major look at accreditation reform on the national level. Private accrediting agencies are the pipeline to federal and state money and yet they are also operating as basically private bureaucracies empowered by the federal government to enforce homogeneity and curricular rigidity on universities nationwide.

I know Florida's experimenting with moving between accreditation agencies as a way to force competition. Some schools have even shunned accreditation, shunned federal funding entirely. Take a more serious look at that — and that could be done at the state level, requiring state university systems to not just get rubber stamps year after year from politicized accreditation agencies.

Brad Watson: Let me just ask one more quick question. I guess it's a personal question, but I always find it of interest. In your experience, both inside and outside the academy, what was the eureka moment that led you to see not just an ideological shift, but a full blown intellectual and moral crisis? Was there a single event or something that really jumps out for you?

Joshua T. Katz: Well, there are any number of stories, but one that I like to tell —I'm not sure "like" is the right verb, but you know what I mean — took place in late 2017 and early 2018. My then-department at Princeton decided it was time to craft a new mission statement.

This is the sort of bureaucratic exercise that is fundamentally useless, but various people thought it should be done. I was on sabbatical at the time and so was, fortunately, not involved in formulating the document, but eventually a draft was created and circulated. It wasn't terrible, but it wasn't great either.

And I made the mistake — and, honestly, I was so naive that at that point it truly was an innocent mistake — of writing to the group and saying, "Well, you say we want students to have this characteristic, that trait, and so on, but you don't say anything about excellence."

Instantaneously, my colleagues started writing abusive messages about this guy Katz: "I can't believe our colleague Katz has just used the word 'excellence'! This is outrageous! This is an example of white supremacy! Of course, we don't want to highlight excellence!"

And to me directly they said, "You're using rhetoric of the Far Right. You sound like Donald Trump. I mean, what's the matter with you?"

This came absolutely out of nowhere. OK, sure, I probably should have known better. Maybe in some distant recess of my mind, I knew I was getting myself into some kind of trouble. But the reaction was really over the top.

And this is the department that, just a few years later, voted against excellence and then, in the face of widespread derision, vociferously defended this stance. It became the only major Classics department in the United States — not many years earlier, arguably the best Classics department in the United States — to eliminate any knowledge whatsoever of either Latin or Ancient Greek as part of the requirements for an undergraduate major.

That was my eureka moment.

Phil Magness: I'd say the first sign of when I had a eureka moment, I was at a major history conference in 2013 and I attended a panel that was supposed to be a historical reflection on the 100th anniversary of the Income Tax Amendment. The 16th Amendment.

I got to the panel expecting four historians to offer perspectives of the past, of how this amendment evolved and was implemented. Instead, I got four political speeches about how the Republican

Party was evil because they were blocking Barack Obama's attempt to raise the income tax rate.

It wasn't even scholarship, it was just four people offering political opinions, and I started to think, something's wrong here.

Fast forward a couple years later and I got involved in the exposé of a major plagiarism scandal at Princeton of all places, a prominent historian on the left. I was reviewing one of his books for an academic journal, and I noticed a phrase that stood out that I had seen somewhere before. I did a little more digging and it turns out this guy was engaged in serial plagiarism of just copying and pasting other passages from other works. It went all the way back to his doctoral dissertation.

When I first discovered this, I tried to do the responsible thing. I didn't go blast it all over the internet or call the press. I called Princeton's Office of Academic Integrity, sent them an email and said, "You may want to look at this guy. I was reviewing his book. I saw some of this stuff and other work. Here are the passages side by side. This seems like an academic integrity thing that you would probably hold the student to account for."

I heard nothing for like six months. I discover more plagiarism and finally decided, well, I need to write this up and took it to the press. The response wasn't, okay, we're going to investigate this. The response was, Phil Magness is evil because he has the wrong politics and therefore, he's motivated to attack this guy in unfair ways. Even by people that admitted that the passages were lifted almost verbatim.

What eventually happened is they did a closed door, behind the scenes, supposed internal investigation. Nothing about it was transparent. They wouldn't contact me or any of the other people that were involved in any meaningful way, and they just issued this vague statement at the end of it. They said, we don't find that this rises to the level of plagiarism, we instead call it "careless cutting and pasting of other people's work."

I'm sitting here thinking, wait a minute, that's the definition of plagiarism. That was the ah ha moment. It's like, wait, this major elite university is completely gone if that's the standard that they're applying.

Joshua T. Katz: Ditto the place that gave him his doctoral degree, which issued a letter saying pretty much the same thing. That was Cornell.

Brad Watson: Almost every student I've caught in the act of plagiarism over my long academic career, at least since the age of computers, has claimed a cutting and pasting error. So, indeed, by the way, my eureka moment, I think, was at my own former institution, the one I mentioned, and it was for me, a kind of off the grid but serious place where I'd been very happy.

It was the realization of the speed with which what I perceive as institutional collapse can happen. All it takes is one new president who wants to shake things up, and a lot of things can be destroyed very quickly. I did not take my own advice, by the way, which I offered at the end of my talk. Preemptively building networks. I just assumed they would be there. It just seemed like they would if anything happened. But I think that work needs to be done to prepare ourselves for simply the wrong person taking over and destroying things that are very good.

With that, I think I would like to go to the audience, and we've got some time for questions.

Audience question 1: How can we stay on top of the fact that these ideologically entrenched powers seem to keep reinventing new ways to install and maintain ideological homogeneity?

Phil Magness: The question was how do we stay on top of the fact that these ideologically entrenched powers seem to keep reinventing new ways to install and maintain ideological homogeneity. And I think this is a real problem. We've seen this in certain states that have basically abolished their DEI offices.

What's happening at some of these universities, they'll nominally terminate the DEI bureaucracy and staff, and then they'll rehire them under a new name of like the Office of Institutional Excellence.

And it's the exact same people. It's the exact same political functions.

I think there's one tangible thing that almost any university and any state legislature should look for and do and that is to ban the use of these DEI statements in academic hiring. They're basically ideological litmus tests. They are often elevated higher than any other criteria including merit, including research publication, including teaching evaluation.

In fact, there's, I think there's been enough backlash against them. MIT recently dropped their mandatory DEI statements. But in places where these entities exist, it allows an applicant pool of maybe like a hundred people that are seeking one faculty position. The screening committee can read all the DEI statements and cut out 75 percent of them because they don't meet the political criteria. They've automatically narrowed their applicant pool to an ideological homogeneous segment that all happens to agree with them. So I think that's probably the first step, but then also just be on the lookout language wise because they do reinvent their terminology.

It's this weird thing. I mean, we saw critical race theory was the trendiest thing on the academic left for about two decades, and then suddenly it came under political fire, and, oh, it's just this obscure doctrine from law school, and no one really talks about that. And what do they do? They just reinvent it as intersectionality studies, or some other buzzword that they've adopted.

It's the pretentious nonsense. It's the bad, confusing language that's driving out good and clear language. So we have to be aware of that tactic.

Joshua T. Katz: I agree with all that. I just want to add a comment about the bizarre reversal we've been seeing. All the crazies were against free speech until, suddenly, magically, for reasons that we all understand, they discovered it.

But this is certainly an evanescent discovery. There's no way that the crazies who want to destroy Israel are going to remain in favor of free speech. What has happened since October 7th needs to be rigorously documented so that their flip-flopping on the issue six months from now, a year from now, two years from now can be turned against them. For they will flip-flop — and we will use that flip-flopping against them.

Brad Watson: As the old saying goes, personnel is policy, and nowhere is that more true than in academia.

The hiring process is set up to systematically weed out certain kinds of applicants and guarantee other kinds of applicants. Once you make that hiring decision though, it's almost impossible to undo it given the nature of the rank and tenure process.

Audience question 2: Thank you. That actually ties into what I wanted to ask about, which is that we spend a lot of time talking about symptoms because symptoms are always what's obvious and what's visible, but we don't diagnose the underlying disease: the problem plaguing academia and it's most extreme in the humanities. It exists in engineering and medicine and science as well.

That is, the incentive structure. The way that you succeed in academia is by flattering the people who are slightly more senior to you That comes whether you're a student writing what the professor wants to hear on your exam or you're a junior faculty member building upon the work of who came before you or you're a senior faculty member trying to get prestige by campaigning among your peers.

This all comes because the system is that the people already on the inside with little or no exterior criteria make all decisions. So of course they promote their own friends and keep pushing the field slightly more further outward. It's a phenomenon I termed incremental outrageousness.

So my question is who is working on the structural issues to fix the underlying problem of the academy so that even if we get rid of this round of problems, we don't end up in an equally crazy but different direction in 50 years?

Phil Magness: I think that's a a very fair challenge and set of problems ahead of us. One thing I would note as just a diagnosis of the academic landscape

today, it's very elite biased. Academic hiring has a high premium on Harvard, Princeton, Yale. And this comes from a reputation of the past.

It comes from an accrued reputation over the last century when these were actually very robust institutions of learning. And I'm not saying that they have ceased to be that entirely, although we've seen some of the symptoms at the very top, that the president of Harvard — or the recently resigned president of Harvard — probably was not there for reasons of merit, but probably was there for reasons of politics.

The fact that this is now under the public microscope, it's like a wake up moment. Society for generations, as I mentioned, has invested in higher education, thinking that there's going to be a return to the public in a more knowledgeable society, scientific advancement, more educated students, you name it, and when there's just seeing nothing but subsidized political activism, that type of scrutiny itself has removed the prestige, it's removed this aura that surrounds universities as these purveyors of knowledge, and really exposed them as just purveyors of subsidized political activism.

Stanley Fish: I'm sympathetic to many of the criticisms offered here of the present institutional scene, especially of the DEI requirements, which were exactly as they were described a moment ago. I've also been waging war against teaching for social justice since it first appeared as a concept in, largely in the K-12 program, and then it spread. However, I must say after having declared my allegiance to the sentiments that most of you share, that I am very distressed by the performance of this panel.

I would describe it in its own terms as an assumption of its own righteousness. And I would also add to that, a quotation from John Milton's Paradise Lost where he describes Satan as consumed with "a sense of injured merit". And that applies to all of everything I've heard.

It would take much more time than I should be allowed, and therefore I will not grasp the time to respond to each of the points. But let me just respond to one, which is the assumption that ideological movements of whatever kind drive changes in the academy. That I don't think is true. What drives changes in the academy are mechanisms internal to the academy.

I entered the academy in the English literature field, although I later moved to the field of teaching law. When I entered the academy, there were two things that you were not supposed to do as a literary student. And that was to inquire into the intentions or biography of an author — that was called the intentional fallacy — or to inquire into the effects that works had on readers — that was called the affective fallacy. You weren't supposed to do that. Instead, you were supposed to fix your attention on the text in and of itself.

Now that was an orthodoxy that was in place. It was a professional orthodoxy that was the result of two influential essays written by William Wimsatt and Monroe Beardsley, a philosopher and a literary theorist. What was the effect of that? The effect of that was to tell bright, young, new scholars like me, here is work that you can do. That is, you can begin committing the affective fallacy, or committing the intentional fallacy, and then open up new areas of inquiry into which you could write, get published, get promoted, and perhaps bring your own friends into the same department.

That's the way academic institutions work. I don't believe for a moment in the ideological takeover. And most of all, I don't believe that there's any necessary relationship, as you all assumed, between someone's political affiliation and the way they operate in the classroom. I am a left-of-center Democrat, slightly left-of-center, as my wife always reminds me. But, as far as educational policies go, I am a far-right conservative. There are a lot of people like me, for whom ballot box performance is one thing, and classroom performance is another. So let's not flatten everything else out, and let's not congratulate ourselves as being what, in biblical terms, is called the "remnant".

Brad Watson We're going to hear from Stanley more today, but any quick responses to that?

Stanley Fish: count on it.

Phil Magness: I can offer a quick data point. There has been a pedagogical shift in the way that professors teach in their classroom. And again, you see this in the survey data. Twenty years ago, a solid majority of professors, when they're asked the question, "What's your purpose in the classroom?" would say, it's to convey knowledge. It's to train the next generation in expertise in the field.

The most recent iteration of that question came out in 2019. 80 percent of faculty answered that one of their primary purposes in the classroom was to basically instill activism, to encourage students to change the world in a certain way.

If you look at the ideological map of the way these departments and the academy itself has played out, if you have, 60, 70, 80 percent of the faculty are on the left and they're all saying our purpose in the classroom is to instill activism. Which kind of activism are you getting? Only one kind.

Joshua T. Katz: I should say that I have no objection whatsoever to what is often called theory. Indeed, essentially everything out there is theory. What I object to is the idea that everybody in a given group has to become, at some moment and for one or another reason, a card-carrying member of a specific theoretical school. What you want in a department is one scholar who reads Shakespeare through some lens that I think is really peculiar and another scholar who reads Shakespeare through some other lens and a third scholar whose perspective is, to my taste, maybe not so peculiar. And you should want each of these scholars to be intellectually supple and to benefit from the best that their colleagues have to offer.

That's what you should want. And that's still theory, or the practical application of a set of theories. The problem is when you have everybody saying it has to be Beardsley or it has to be Judith Butler or it has to be me. That's the mistake.

I guess it always has to be Stanley Fish.

Brad Watson: I agree that there's no necessary relationship between, let's say, political ideology and one's performance in the classroom. But I do think cancel culture is an artifact of left-wing ideology in the university. I've got hands up all over the place now. I'm going to go to the gentleman in the black shirt there and then I'm going to go to the colonel.

Audience question 4: Thank you. Dr. Magness, you mentioned the decline of humanities enrollment since 2011. Wouldn't that decline mirror the rise of STEM field advocacy and promotion, and couldn't that change be attributed to that phenomenon as well or instead? And then, what data ties that, the changes that you mentioned in enrollment, to an ideological stance of the enrollees?

Phil Magness: Yeah, absolutely. So, it's a valid question there. Certainly STEM enrollment has increased, and I think this is in part a reflection of a better job market after graduation, a better return on the degree. So that's certainly one other side of the coin of why other majors are becoming popular. But at the same time the absolute decline — and you can actually see certainly there's a very strong correlation and I've done some statistical work on this — if you show the majors that are losing students and you map that on one axis and you map on the other axis the political skew of the discipline, whether they're center left to far left, it's almost a perfect line. The further they are to the left, the more majors they have lost. So even within the humanities, there's a bit of a range on how far the skew is, and the slightly less skewed ones are closer to maintaining purity, and the ones that are extremely, like, where you have, 80 or 90 to 1 left-to-right ratios among the faculty, are basically in free fall.

Audience question 5: So I'd like to know how you feel about how we inspire our students to be more courageous in protecting free speech and opposing those woke students who run conservative speakers like Riley Gaines and Ben Shapiro off the stage and into hiding.

Brad Watson: I think a lot of students are quite spirited, actually. The ones that I have interacted with in mainstream academic institutions. The problem they sometimes face is that they sense there's going to be a cost to their academic progress. What we have to do, I think, is insulate, protect.

We have to have faculty members who are willing to stand up for students if they get themselves into some hot water by saying something which doesn't meet with the approval of the multitude. I think they need more, frankly, adult support. I don't see the problem as being mostly with the students. I think it's more of an institutional administrative culture problem, which faculty members could help to push back against.

Scott Atlas: To add something to that: I think that there's a tremendous lack of leadership in the leadership positions of the universities. It's not just random faculty.

The faculty leaders, the presidents, the provosts, these people are just complete cowards and we've seen it recently in terms of supporting students who don't go with the narrative that's accepted. I think that is their really gross failure.

Joshua T. Katz: Let me add to your list: the trustees.

Richard Epstein: I'm going to do two things. The second is to chastise Stanley Fish but obviously with diminished effect. The first thing I want to do is to say when you start talking about speech, there is this great fallacy that the principles of freedom with respect to speech are independent of the principles of freedom with respect to ordinary action, and the Optimal System of Punishments and Rewards says that you cannot use one to the exclusion of the other. As you have more and more carrots, the effectiveness of each carrot starts to diminish. If you have more and more force, the situation force starts to diminish, and so, like every good gangster, what they do is they not only threaten you, what they will do is they promise you a reward on the other side.

Well, if gangsters could do that, so can academic universities. And the sense here is it's always a matter of appeasement, so no matter what somebody says, you're never going to punish them. And that could be outright falsehood of one kind or another. And unless you are prepared to understand that the principles of free speech are subject to the same rules with respect to force, fraud, and monopoly, and if those things require sanctions when done with physical actions, they must do it with respect to words.

So there is a kind of mindless absolutism in this particular field, which takes off the situation. And so you're only left with more and more by way of appeasement because you won't move to the other side of the spectrum. And one has to be prepared as a good libertarian, right, to protect people from the aggressive speech of others if it crosses certain kinds of lines? And so I've seen so many discussions of freedom of speech, which essentially do not think that truth or falsity matters in the way in which the operation of the law should go. And if that's the case, then you're dead in the water, because you no longer have a sense of right and wrong and the two great problems that you have are competition on one side, force on the other side, right? Defamation on one side of the line, and persuasion on the other side of the line. These are hard lines to draw in some cases, but the utter disaster is to assume that there's no line worth protecting there at all, and if that's the way in which you start to think about speech, you're going to be doomed in your institutions, okay?

Now, Stanley, it's everything else that you said that I wanted to disagree with. I do want to make one point about this. Stanley grew up in an age of textual interpretation, where the text was essentially independent of the author and of the audience, and that's what you did in the form of new criticism, as it's called in the olden days — it's no longer new, like this university is no longer new — is it was all self-contained.

Look, I think that's a perfectly legitimate way of looking at things, but it's not the only way of looking at things. So they take somebody like John Locke and you can sit there and parse the words and so forth, or what you can do is to say, remember when he wrote this stuff about, well, when you want to acquire a chattel, what happens is all you have to do is pluck it off the tree, but if it turns out you want to acquire land, you have to cultivate it.

Now why would he say something like that? Do you know why, Stanley? He drafted the Constitution for South Carolina. And what he wanted to do is to make sure that Indians had no rights. And the way in which you did this is you abandoned the standard common law rules and Roman law rules,

particularly Roman law rules of occupation, and put this cultivation theory in so that people who hunted would not get any preferences over anybody else.

So then you go and you look a little more closely to the text. This is an important text. He never once uses the word occupation to describe how he required title. He uses labor. It's a complete mish mash of everything that happened before. And so, why does he make this mistake? Well, there's a political reason. And the guys on the left pick this up and they run with it. And they're right about that particular point, but they're wrong about everything else. And it can't be that when you do this history you come back and say, ignore all of that. It's on the stage, you have to deal with it, and you have to respond to it.

The multiple approaches is just fine, but I think it's a mistake to assume that any given person should use one approach to the exclusion of all others, be hopelessly monastic and monistic as you are. You have to be more Catholic in university, like me!

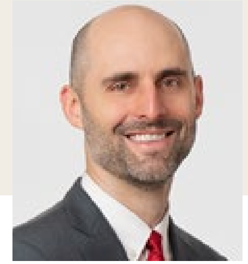
Brad Watson: Ladies and gentlemen, we have to stop this session.

It's all because of the professors. It's all their fault. If you didn't get your question in this session, this is just the beginning. I'm sure you will be able to work it in or rework it somewhat in subsequent sessions. So, keep it in your mind and keep the hands coming up for the rest of the day.

Thank you very much.

Veronique de Rugy

Peter Arcidiacono


Kevin Corinth

Panel 2: Economics & Data-Driven Inquiry

Veronique de Rugy, PhD, Peter Arcidiacono, PhD, Kevin Corinth, PhD

Veronique de Rugy: Good morning, everyone. My name is Véronique de Rugy. I'm the George Gibbs Chair of Political Economy at the Mercatus Center at George Mason University. It's really an honor to be here, and when I was looking at the list of speakers, I was really humbled because so many of the people you're going to hear from today, and you've already heard from are intellectual heroes, and they're courageous people including Scott Atlas, Jay Bhattacharya, who was just honored with the Brass Bradley Prize last week.

I was looking also at this list, and I realized that I was one of the very few of the speakers who hasn't been cancelled yet, and make whatever you want of this, but then I realized that in the 25 years that I've been screaming from the top of my lungs that overspending is a big deal and that debt Is a real problem, I've been ignored for 25 years. So I think ultimately I'm like the ultimate canceled person on the list.

The title of our session is Economics and Data Driven Inquiry. And we have two excellent presenters to enlighten us today. First is Peter Arcidiacono, he's a William Henry Glasson professor of economics at Duke University. And then we have Kevin Corinth, he is a senior fellow and the deputy director at the Center of Opportunity and Social Mobility at the American Enterprise Institute.

Obviously, these two guys are way more than what I just read and please refer to your booklet or even Google them. They just have so many things done under their name. As Joshua said in the previous panel, right, we need to recommit to data inquiry. It is absolutely essential. Good science, including economics, cannot be done without reference to data.

Unfortunately, as John Adams said, stubborn data are like stubborn facts, and those facts most people would like to avoid if they contradict their favorite narratives. For an example, in my own work, I'm constantly frustrated by politicians, pundits, but even economists who write as if there's no connection whatsoever between the size of the debt and the impact on the economy.

They just write as if it doesn't matter, but this narrative is actually wrong. There's an enormous amount of data that shows that past a certain debt to GDP level it slows down the economy. There's a big debate over what that limit is, but the fact that the connection between the two exists has actually has been fairly well established.

Now, that literature first came to light when Carmen Reinhart and Ken Rogoff in 2010 put out a paper called Growth in Times of Debt. It got enormous attention, and then people found some errors in their data. And so, that was a problem, obviously, but that fact alone has allowed people who think that debt doesn't matter to ignore the more than

40 studies that have shown that connection ever since that paper was published.

Since the Great Recession, there's been over 40 studies that show exactly the same. There may be some errors in those, but I mean, there's a really big literature on this. We also have data, lots of data and literature showing that the best way to reduce the debt to GDP ratio is by using fiscal adjustment that are mostly based on spending cuts rather than tax increases. Even the IMF has found this.

And yet, this is not something that seems to register among economists who talk about how to address the debt and let alone politicians, especially on the left, who just want to do it all with taxes, even though there's also clear evidence that not only is it detrimental in the long term GDP ratio, but on top of that, you also get a really big and long recession in the short term.

The same is true about the review of the literature that reveals that assuming that government spending is a free lunch and pays for itself is certainly not grounded in data. But many on the political left and unfortunately on the political right act as if that was not the case. In fact, The White House economists just put out a study that shows that the CHIPS Act and the Inflation Reduction Act — very poorly named — all these billions of dollars in subsidies are going to crowd investment.

Never mind that the investments were already being made before all these subsidies (and companies, of course, are delighted to get these subsidies). But you would never know this. It's as if kind when a new paper comes out that is politically convenient, we just ignore all of the things that we know.

However, there's a danger also in overemphasizing data. Data never speak for themselves. Data are always collected, processed, and interpreted according to some theory. And yet today among a lot of people, particularly among younger generations of economists, there's a naive belief that the data do indeed speak for themselves.

These economists collect reams of big data, process these data using sophisticated econometrics tools — which I'm sure, my econometric tools are totally outdated and I couldn't do that — and think that their results are Science with a capital S. And these researchers are proud that they don't let theory stand in the way of listening to the data.

But this is foolish. Data are useful only if they are collected, processed, and interpreted with the aid of sound theories. This is a big problem in our field. We need both. We need the theory, and then we need the empirical research.

And we need to debate about the empirical research, and we need to not ignore when the mass of the evidence is in one way. So, I'm going to turn it over to our panel to further discuss. I mean, these guys have the privilege of being canceled, so, I'm going to let them talk about their experience.

Peter Arcidiacono: So, I guess I'm supposed to talk about being canceled? I actually feel very optimistic about where we're going in higher education, much more so than I've felt in a very long time. And my experience in economics is that back in 2011 there was a protest over one of my papers, but the attitude in economics was sort of surprised that what I was doing would be at all controversial.

We heard on the last panel about the distribution of ideology in different disciplines, and without a doubt, economics tilts left, for sure. But there is, I think, much more of an openness there than what you would find in other fields. I'm actually quite surprised that I haven't been more canceled. My reason for that is I work on affirmative action in higher education. That's a pretty controversial thing, and it was something that you couldn't really have an alternative opinion about. My view on affirmative action was that nobody should really have much of a position on it, except on principled grounds, because we don't actually know anything about how much it's actually happening, and the reason we don't is because all universities hide their data.

So if you say something like, I'm for the minimum wage, and we don't know what the minimum wage is, what are you really for? You know, it could be a $50 minimum wage, it could be a $10. You might have very different opinions about those things. To

be for affirmative action, we need to define what that means.

I got the opportunity to find out. I got hired by Students for Fair Admissions in their lawsuits against Harvard and UNC. So, I got to actually look at Harvard's admissions records, see how they scored all their applicants and such. And It was a thrill to be able to do that.

I have my own personal opinions about affirmative action, but fundamentally I did that as a researcher of affirmative action, not as an opponent of affirmative action. 'm here to understand how the world works and what a contrast it is. Why I love my job is that I get to pursue truth. And to me, it actually stands in stark contrast after going through the whole court experience of what lawyers do. In the sense that lawyers often have an end that you're trying to get to, whereas in academics — what it's supposed to be at its best — I'm here to figure out how the world works in awe and wonder, trying to see how things work.

I got to look at their data. I got to write these reports. And eventually the Supreme Court got rid of affirmative action and I still have my job. And there's been no protest after that. It's been incredibly stunning. Now, I have people come up to me in the faculty saying, I was actually on your side.

The response to the verdict has actually been way better than I could have possibly imagined for a few reasons. It has actually freed students up to talk about this issue in a way that they hadn't been able to talk to about it before. Where to take a position that was anything but completely for affirmative action might have led to shunning. Now it's liberated them to some degree. What's happened since then at colleges has been remarkable. It wasn't obvious to me when the ruling came out that it was going to be a good thing because universities have ways of responding that could make things worse.

And what do I mean by that? You asked a question about test scores. I was afraid that universities might respond by getting rid of test scores because that makes it a lot easier to hide your racial preferences. That's effectively what the University of California system did. They had a faculty committee look at the data — and these are Berkeley faculty — and came to the conclusion that the tests were incredibly important and then they dumped them anyway.

At other schools we're seeing this backlash — and at surprising schools. The fact that Harvard actually put back in the SAT, that was amazing. And they did that in part because they actually looked at their data and figured out that these test scores were actually helping the low-income students.

So, that was win number one. Win number two is this movement now towards institutional neutrality. Why did that happen? Because of how they bungled the response to October 7th. We talked about the plagiarism being why Claudine Gay got fired. I think that was in a large part because of those presidential testimonies for the Senate with regard to the October 7th attacks and how they suddenly became defenders of free speech.

Institutional neutrality, I think, is one of the most important things, and it's got to be credible going forward. If you have that, then faculty have a lot more freedom to do what we're supposed to do, knowing that the university is going to have their back.

Though I will say, you can always do it in a very lukewarm fashion. When there was a protest over my paper, the university did speak about how I have my academic freedom, but it was a very limp defense.

But, in the end, I'm incredibly optimistic and why I'm especially optimistic about things going forward is the fact that Harvard actually used their data, along with other schools, in making that SAT score determination.

One of the things that I think is incredibly important going forward is to do a lot more with our data. We have this ideological war going on, and some of that is based on disagreements on values, but a lot of it is not disagreements based on values. I actually want to see black students succeed at college. I think everybody in this room wants to see black students succeed at college. The issue is how do we make that happen in the best way possible? In order to do that, you actually have to look at the

data to find out what works. Otherwise, we're doing just all this posturing. And universities have been awful at using their data.

What's amazing about Duke is Duke houses the North Carolina education data, which is all the test score data for the public school students K-12. They track them throughout. They track your suspensions, all these things. It's probably one of the most widely used data in the economics of K-12 education housed right at Duke.

If you ask to look at Duke data? Well, we don't want you doing that. They ought to be using their data to help their students. In fact, I would say that universities have a moral obligation to use their data to help their students.

As we see these reforms happening in these red states, I'm hoping that data will be a part of this to show what leads to success so that we can win the battle of ideas through showing what actually works.

So let me give you one quick example of how bad universities are at using their data. If you go to Amazon, they have a science page and they're telling you about all the experiments that they're doing. And they tell you it's all about improving customer experience. Sure, it has nothing to do with their profits. But they're doing these experiments all the time, and Amazon is actually one of the biggest employers of PhD economists because they want to look at their data to figure out how to make their best decisions. And the way you do this is the same way you figure out how vaccines work. You do some randomization, and then you see what works, and then after you do the randomization, you don't keep randomizing.You actually see what works and then make good decisions. And where do you learn how important that is to figuring out how it works? We learn that at college, right? Colleges randomize all the time and never look at the data. Which is hilarious, given that's what we're taught to do to figure out how things work.

Randomized roommates is a great example. Lots of colleges randomize roommates. We can easily see what roommates are going to be successful or not successful. You know, one way of responding to the [affirmative action] ruling would be to say, I want to make sure that our school is actually successful for black students. You should want to be successful for all students, but you could actually show that by saying we're actually designing our system so that we get good educational outcomes. We know hat roommates are going to matter for people who come in behind on math and want to major in the sciences. We can influence these things.

Another great example of this is COVID. Universities had all different COVID policies. Notre Dame opened up very early. Other schools took forever to open up. Do we have any measures of what happened to those students or what happened to the health of the faculty? No. And the reason you don't is that I view one of the primary barriers to, to dealing with some of the issues that we have here are the lawyers. A part of what's going on here has to do with the ideological takeover, but there's actually a big fear of lawsuits that drive a lot of this. You don't want to look bad and get in trouble with all these things.

The eye opening moment for me was th3w3 testimonies by these university presidents. If you think that you actually saw what the university presidents actually thought about these things, I don't think we know what they actually thought. Why do I say that? Well, Claudine Gay was coached. She was coached by Bill Lee. Bill Lee is a very prominent lawyer, and he is actually the one who cross examined me in the Harvard case. She was told what to say. Remarkable, right? They told her to say what she said. So even the institutional lawyers may be not aware of the situation. But so much of it's driven by that. In fact, the Chronicle of Higher Education just had an article about this, about how powerful the general counsel is at these universities.

One of the lawyers on our site tweeted out, how bad would it be to lose a Supreme Court case and get your university president fired in one year? So my big hope, I think there's so much that could be done with using the data to help the students. And I think now is the time. Now is the time when we're in the, we're seeing this movement towards institutional neutrality. Now is the time when universities are going to be forced to compete with what's

happening in places like Florida, in North Carolina and such. One of the things that always drove me nuts is that whenever some event happened, like the Supreme Court ruling, every university's response was almost exactly the same.

What was great about COVID in some sense was that universities responded differently. If only we would actually learn from those different responses to see what worked. That's where I'm really hoping that will go forward. Thanks.

Kevin Corinth: All right, well I'm going to remain seated to quicken the amount of time until everyone can tell us how much we're wrong. First of all, thank you to Global Liberty Institute and the New College of Florida for hosting this extremely vital event. I think there is a real problem with our academia and our institutions more broadly.

I was made very nervous by the first panel. Humanists are way better than economists at talking and public speaking, that they're also going to take over data inquiry as well. That leaves very little for us up here. As a result let me retreat to some economic lingo that maybe they won't steal from us, and that's supply chains. Will they take that too?

So a supply chain really takes raw inputs and turns them into goods that we care about. So that might be computers, pharmaceutical drugs, or advances in artificial intelligence. I'm going to talk about a different supply chain around evidence-based policymaking. How you go from knowledge and science as your raw inputs into policy as a product. And we can't escape the fact, regardless of how large you think government should be, a quarter of our economic output is dedicated to the federal government every year. And so we really should care about what policies our government puts in place and whether or not they're informed by high quality evidence.

When we think about this sort of supply chain going from raw knowledge and science into policy, there's really three rungs.

Rung number one is the creation of data and evidence themselves. And that's largely done in academia as well as some other researchers at organizations in the private and non profit sectors.

Rung number two is you have lots of great data and evidence, but then you need to be able to interpret that data and evidence and apply it to policy questions. That also requires a lot of technical expertise and is done by some of the same actors.

Rung number three is making the policy decision itself and this rung, unlike the first two, requires value judgments about how you prioritize your values and what outcomes you actually care about.

And that final rung has to be done by policy makers who, based on their value judgments and those of their constituents, make the decisions that they think are in the best interest of the country or their constituents or local communities. The problem with this supply chain is that it's broken down and it's gotten all mixed up.

Rungs one and two, the creation and interpretation and application of evidence needs to be done in a purely scientific way, uncovering truth. It's only in step three that those value judgments should come. Unfortunately, many of those who are creating and interpreting the evidence are doing so in a way that mixes up their own value judgments and their own political preferences.

That has some really unfortunate consequences for society and happens in both parties. It damages the use of evidence on the right, because if you're on the right and all the evidence you're being fed is through a lens of sort of the ideology of the left, and you know that it's being sort of biased in those ways, you're not going to rely on it. So I think some on the right will turn away from evidence as a result of the breakdown of the supply chain. I think it also damages you on the left. If all you're being fed is a affirmation of your own priors, you're going to use evidence as simply political talking points. I've had jobs in the White House and in Congress where my job was feeding policy makers evidence to inform their decisions and I could see, not us, but other examples of evidence being used in exactly that way. Instead of having rigorous data analysis you get a set of six political talking points that cherry pick data to fit your own narrative. And so that is at

really big costs for our society because that means that a quarter of our economic output is being used for policies that are not based on evidence and what actually works, but what people want to hear and what they wanted to do anyway.

So let me just give one case study that I was involved in and the way I've seen this play out, and maybe give a very small bit of optimism on how it can be addressed but really lay bare some of the future challenges.

My example is a supply chain breakdown in terms of evidence based policymaking. It was in a policy that came about in 2021 as part of the American Rescue Plan Act. This was soon after President Biden was inaugurated as president and wanted to do something big. The economy was still largely shut down, unfortunately, in many ways. Although it should not have been. And he felt like we need to do more to stimulate the economy.

In hindsight, or probably in foresight, you could sort of recognize some of the inflationary impacts. But one of the policies in this American Rescue Plan Act was to change what's called the Child Tax Credit. So if you have kids or if you've had kids, you probably know what this is. It's a $2,000 per child benefit that you get.

But you require, in order to get it, either a tax liability — you have to pay taxes — or have earnings. The American Rescue Plan Act fundamentally changed this child tax credit into a child allowance, essentially a universal basic income for families with kids and increased the amount substantially.

So instead of being $2,000 per kid, it was $3,600 for a young child and $3,000 for an older child. If you had three kids, that'd be $10,000 a year. Cash assistance that does not depend on work or having to pay any taxes in the first place. So this really was a transformational shift for one year.

There was vociferous debate in the summer of 2021 and into the fall about whether to make this policy permanent. Making it permanent, I think, would have been a transformational change to society. We currently have a safety net that really focuses on work and self-sufficiency and rewarding work.

This would have kind of dialed the clock back to an era where we had more unrestricted welfare. It really hinged on — it was a very close battle — and it actually hinged on one senator from West Virginia, Joe Manchin, who was having reservations about it. He wasn't sure whether or not he would support it.

Let me take you now back to the evidence that kind of grounded this debate, which I think helped inform Senator Manchin in his ultimate decision. I'll leave the outcome unknown, although you probably know that we did not get the child allowance.

So anyway, going back to 2019, there was a National Academy of Sciences report on reducing child poverty. Now, the National Academy of Sciences is dedicated actually to evidence-based policy. It was started in 1863 by Abraham Lincoln. It continues to draw funds from the federal government as well as from nonprofit or private organizations. Its goal is to inform policy makers on important topics, but providing scientific evidence to inform their own judgments.

This 2019 report did not do so. It was a badly politicized report. First of all, it set out to create a political agenda around specific policies for reducing child poverty. It also made a major error. It modeled what would happen if you were to go from taking a child tax credit that rewarded work and replacing it with this child allowance. And they said that it would substantially reduce child poverty and have almost no effect on whether parents work or not.

This study was sort of the intellectual foundation for this 2021 move to a child allowance and in the debate to make it permanent. 462 Many of our colleagues, I don't know if you were a signatory of the letter or not, I won't call it any names, but a lot of 462 economists signed a letter supported by this 2019 National Academy of Sciences report that this policy would dramatically reduce poverty and would have almost no effect on unemployment.

It wasn't until September of 2021 when my co-authors and I were doing our own work in simulating the effects of this policy, that we uncovered this

error in the National Academy of Sciences report. When correcting it, we found that actually 1.5 million parents would exit the workforce as a result of this policy because it would weaken work incentives.

Our paper got out there. There was a lot of controversy and because we were calling out the National Academy of Sciences. We asked for a correction. They refused.

There was a *Washington Post* back and forth with Glenn Kessler who tried to moderate our debate, although it waded into probably very technical things about elasticities and things that I think the common public probably wasn't ready to hear. But it turned out that Senator Manchin did get word of our work and was worried about the work incentives and he ultimately voted against turning the child tax credit into a child allowance. So I take that as a partial victory, but I guess I would say institutions are hard to change because just this year the National Academy of Sciences started up a new report on the child tax credit and whether we should turn it into a child allowance.

There are 14 members who were selected experts to be on that panel. Of those 14 members, 11 have expressed publicly a view in support of turning the child tax credit into a child allowance. 8 of 14 have actively petitioned Congress to do so. And 12 of the 14 have either donated to democratic causes or work for Democratic administrations. You probably won't be surprised to hear that zero of the 14 expressed a view dissenting from this policy change. Zero out of 14 petitioned Congress not to make the change, and zero out of 14 have ever donated to Republican causes or worked in Republican administrations.

It's not due to a dearth of people who fit the criteria of being either right of center or expressing dissenting views. I came up with a list of 16 such individuals which I sent to the National Academy of Sciences. Another very small victory after an effort by myself and some colleagues, is that they actually added one person to the group of 14. That is now a group of 15. And this colleague has expressed dissenting views to it. So we'll see if one of 15 is better than zero. It's certainly not half, but I guess small victories.

And so then just to wrap up in terms of solutions on this, I think there are solutions but we need to call out these problems when they arise. I think policy makers will listen when you call out either mistakes or just the bias of some of these institutions. I think we need to just be advocates for the clear distinction between science and knowledge on the one hand, and then value judgments on the other. And then three, I think we need Congress to get involved, especially when Congress is funding some of the creation of the data and the evidence and some of the ways that they're interpreted that they can and should care about. There's things they can do to ensure that our federal funding and public funding is going to the pursuit of unbiased and scientific evidence so they themselves can make the value judgments and the policy decisions that are they think best meet the needs of their communities and their constituents. So with that, I'll wrap up.

Veronique de Rugy: Before opening it to the public, I want to start asking you a few questions. Kevin, I'll start with you. What's happened? It used to benot too long ago, even, like, 20 years ago, where there was actually a relative consensus among economists on broad issues. Marginally, economists were more free market. They were more willing to actually be driven by the data. So what happens? What do you think caused the change? Do you think this is a product of policy being so prevalent as opposed to, there used to be the debates in academia, right? People used to go at it, but now people think that the stakes are so high that it's kind of worth bringing in the big guns?

Kevin Corinth: Yeah, it's a good question. I think that economists, even today, by and large, when they do data analysis, or they run randomized control trials, or these natural experiments, I don't think they're cooking the books. They're doing careful, rigorous research. They're open to different findings. The major problem comes in that second rung of that supply chain when they're taking that evidence and data and then applying it to policy questions they care about. I worry that there's this idea that your research is supposed to help people.

Research should help people, but it should help them by providing them with knowledge and science which can then be applied in different

situations. I think you have a lot of economists and other academics who will have strong ideas about what the government should do to help certain people and have a certain sort of social justice mindset, which makes it hard for them to distinguish between their job as researchers and advocacy. I think as economists have become pretty powerful in the policymaking process, they kind of take it on themselves as, I have this social responsibility to make sure that my research, It's used to get the political outcomes that I think are right and just.

Veronique de Rugy: Let me ask you another question. Are you as concerned as I am about the trend with big data where basically a lot of economists are pretending they're just basically following the data and they're not attached to any theory, when really, they actually bring a lot of implicit theories to the way they collect and process and organize and even interpret data? Are you concerned about this? And how do you think it's going to affect policy?

Kevin Corinth: I worry a lot. I work at a think tank and one of our main jobs is, in addition to producing some of the data and evidence, is really to interpret that for policymakers. And I think there's not enough realization that that step is really crucial and hard and requires you to take off your value judgments and just do it scientifically.

I do worry that step is not being taken seriously. With more and more data than people, we'll get bogged down in that and not be able to parse out, well, here's what the data say on one hand, and then here's how to apply it to policy on the other hand. And then on this other hand, here are the value judgments I bring to that knowledge to actually suggest policy changes.

Peter Arcidiacono: I'm not concerned about it when we have two things. One is that the profession is ideologically diverse enough that if something like that comes out —for example, Carter and Kruger have a very famous minimum wage study that argues that there are no employment effects of the minimum wage — what's nice about that is people can respond and then look at the data in different ways and say, okay, well, what model might generate that? Maybe this is masking something else, and we can have this back and forth.

That works provided that you have the second thing, which is what I'm really more concerned about, which is who has access to the data. Increasingly, data can be very hard to get. I had to sue Harvard to get that data. There's a guy named Raj Chetty who has incredible power in the profession because he's one of the very few people who actually has access to IRS tax record data that can be merged to lots of different things. It's really important that lots of people have access for the purposes of making sure that your own blind spots don't determine the outcome.

Veronique de Rugy: It also seems to me like the difference between Kruger and Carter is they had a model, right? I mean, they had to have and kind of specify what their assumptions were, right? Or they could be pushed on it. With the big data trend there's no model; not only do you not have access to the data to actually reproduce what they're doing, but on top of that, you can't really look at a model and say, well, what are the assumptions? Because the claim of the whole big data movement is precisely that you don't [have assumptions], you just look at the data.

I have problems with modeling, but at the very least, you can see what they can do, and you can say, well, that makes no sense. That's what concerns me, I think, the most with the big data trend.

I want to ask you another question, Peter, about SAT scores and ACTs and all this. Do you think a lot of the universities — not all of them, they were mostly elite universities that took the scores down —changed around? MIT, I think, was one of the first that actually said, nevermind, we're bringing the scores back. Do you think that their decision was like a political one, like in the aftermath of the George Floyd protests, then they could safely bring back scores? Or do you think they were actually looking at data and thinking, you know what, this is actually really bad for the population we're claiming we're trying to help?

Peter Arcidiacono: I'm sure it's a combination, but

it's no surprise in my mind that it would be from a place that's a technical institute. In the sense that, where the test scores are especially important is on the math side where everything sort of builds off each other. In the sciences, you need to take the courses in a particular order, and if you miss out at the beginning it's very hard to catch up.

But I think that we're really not using test scores near as well as we could. In many other countries, the test determines whether you get in at all. That's it. It's one test weighted in a particular way on different sections. After looking at all the admissions files, I would actually prefer that system. Lots of people are like, why would you ever want to do that? Well, if you saw how they actually made their decisions, that's where you can get really big biases and such.

But I think we can do so much more because I don't think those countries that use test scores are using them right. The key with this is we're so often focused on inputs. So we think we have this big idea that the test score predicts success somehow, but we never think about sort of optimally weighting the different components of the test to think about what outcome we'd like to generate.

In some of these countries you might have the same test score that determines whether or not you're going to get in the best English program or the best math program. Well, that's dumb, right? You've got to more heavily weight math for the math program and English for the English program, and you should do it in such a way that it predicts success.

So that's where I would like to see us move

Veronique de Rugy: You could do it the French way — which is always the bad way —which is to do higher education the same way you do K-12 and just basically have kids go to college where they live. Imagine how that goes. It's a surprise that all the economists we have that are famous are actually mostly not French or from France and the four we do have from France are problematic, as Field Magnus will tell you.

I want to turn it to you now for questions. Let's start with Todd.

Todd Zywicki: I think Peter, you're the one who said you think the profession is more open. Roland Fryer wrote that famous paper in 2019 about police shootings where he found there was not discrimination. By and large people just decided to ignore that question.

Could he publish that paper today? In the same form with the same findings, my prediction would be that he could not, that the editors of the AER would discriminate against that paper based on its findings and force them to rewrite it. I'm curious about what your impression is.

Second, just a general observation also building on the first panel: is intellectual corruption worse at more prestigious universities? My perception of the plagiarism scandal but that also just in general, it seems like prestigious scholars can get away with stuff and won't get called on it in a way that normal people couldn't.

Peter Arcidiacono: Taking the second part. First, I think you definitely see that you can get away with it because economics, like in a lot of these things, we do these appeals to authority. If you have that name, then you can get away with it. One of the first questions I got asked at the Harvard trial was, are you aware that David Card — he was the opposing expert — won the John Bates Clark Award, which is like the second most prestigious thing behind the Nobel Prize. He won the Nobel Prize the next year — deservedly so. But that doesn't justify making really bad decisions in this case. We always have this, sort of, looking up at these guys. Well, if it's David Card saying that, it must be right. And we, of course, seem to meet it with skepticism and think about what the arguments are. And that goes the other way, too. I mean, when you hear Biden or Trump make an argument, it shouldn't be, well, he's wrong because he's Joe Biden or he's wrong because he's Donald Trump. It should be, we want to evaluate what the argument actually is.

On your second question in regard to Roland Fryer, a brief aside, the real tragedy on Roland Fryer is what happened to him afterward and the fact that he basically got shunned and that very few people spoke up.

That's something I personally regret, is not speaking up sooner.

Roland Fryer was the most prominent black economist. He won that John Bates Clark Award Medal. He was, I think, the first black economist to do that. He writes this paper on police shootings and then gets accused of sexual harassment and gets banned from his lab for two years. There's no excuse for sexual harassment. I'm not defending that in any way. But this guy has done more prominent research on how to change the black-white achievement gap than just about anybody. He made some bad decisions, but we're talking about some coarse jokes that got him basically kicked out.

You should watch his interview with Bari Weiss where it's coming back a bit, but no place would even have him out for a seminar for a long time. Duke did, and there was worry about it, and it was great. He's an incredible, just an amazing guy.

Veronique de Rugy: And it's worth noting that Claudine Gay only lost her president job. She's still employed at Harvard for like $900,000 a year, despite the plagiarism.

Peter Arcidiacono: Yeah, and Roland Fryer is still employed at Harvard but he lost his lab. I think that he still could get that paper published, I think that maybe there's some journal, Political Economy, for example, is a top journal that would still publish that sort of stuff.

Veronique de Rugy: So let me go to a non-speaker. Go ahead.

Audience question 1: There are multiple different Republican candidates for president. And if you looked at the top presidential candidate, Donald Trump, and you looked at an organization like Tax Watch, which evaluated tax policies of both Republican and Democratic candidates, both Donald Trump and Hillary Clinton were proposing tax plans that would do nothing to reduce the deficit.

How do you go about getting the Republican party to change and focus on reducing the deficit as opposed to just giving a tax cut? That's the first question.

The second question has to do with the Federal Reserve. Why is it that the Federal Reserve is focused on a target inflation rate? Why is it that the Federal Reserve is focused on an employment or unemployment percentage? And why is it that the Federal Reserve focuses on policies that are outside of its mandate when determining interest rates, and how do you go about reversing ideological capture at the Federal Reserve?

Veronique de Rugy: So, I don't know if I can answer all of these questions, but I can start with the second one. You said they have this target, right? Actually, do they? Really? I mean, it seems that since inflation broke in their response, they seem to actually have abandoned all targets. Because let's not forget that the inflation target is supposed to be an average of two percent — it's not just when you reach two percent. It's an average over a period. So we're way far from having solved the inflation problem and for a year the Federal Reserve has kind of acted as if the problem was done and there was no point in going further.

It seems to me that the that the Federal Reserve is not really actually following anything right now. I think an interesting question also is for the Federal Reserve is that they employ, what, over a thousand economists, right? If not more. And they literally missed the boat on inflation, the first real inflation crisis in over 40 years.

What are the institutional problems that actually lead to such an enormous failure and why are there no consequences whatsoever? I also agree that it seems to me — I'm not a monetary economist — the Federal Reserve has a lot of goals. It's too many. Instead of just focusing on price stability, just focusing on unemployment, it's also focusing — there was a lot of talks about this in 2020, 2021 and even 2022 — about inclusive growth and climate change. So the Fed is definitely distracted and that may explain why they actually didn't focus on inflation.

As for the tax cuts, I mean, it's a very good question. In fact, that gets to a question that I hope we're going to have a real big debate about with the expiration of the Trump tax cut in 2025, 2026. Because it is true that in the last 30 or 40 years the

Republicans have thought any tax cut is a good tax cut.

There's actually a lot of different — I just don't agree that a lot of tax cuts, a lot of giving tax credits to people, in my opinion, is just spending through the tax code with the exception of the tax exemptions that are meant to actually reduce the double taxation of income.

Republicans have lost their focus on caring about the debt or about spending because debt is the symptom of overspending for many years, unfortunately. I actually would be in favor of seeing a lot of these tax cuts be continued and be extended, but I would like to see offsets.

And there's plenty of spending to cut to offset the tax cuts. Now, there are scoring problems and I know there were a lot of debates about how the scoring of the Trump tax cuts were actually quite poor. Terrible, and of course biased against making them look as if they were going to be just devastating for the deficit and for everything. But leaving that aside, what we're trying to do is kind of say, tax cuts are great, we'd like more reforms of the tax cut to have an even better system, but you can't continue doing tax cuts without spending like drunken sailors. Americans want the tax level of America, but they want the spending level of France. That is a big problem that is about to explode in our face.

Audience question 2: Just quick before my question, the reason MIT brought back the SAT is because of a faculty rebellion because too many freshmen were flunking calculus and physics.

My question is, why do you assume that advocates are primarily concerned with the well-being of the people they're supposedly helping as opposed to helping themselves? And what data would you look at to answer that question?

Peter Arcidiacono: What was I assuming?

Audience question 2: That advocates are primarily concerned with the well-being of their clients, the well-being of the people they're supposedly advocating for rather than improving their own lives through their professional advocacy.

Peter Arcidiacono: Oh, I'm sure that there's a component of that, but I don't think that's the case for the vast majority of them. There is a lot of self-preservation in economics and in all of academia, but I think all else equal, they would like to see the students do well. They're not against that. There's just competing interests.

We need to try to get the incentives right to get rid of those competing interests. I think it is self-interest, why we see massive grading differences between the sciences and the humanities, where, in my view, we actually are bribing people to leave the sciences because the humanities are going to offer much higher grades and lower workloads. And I'm very aware of that as a self-interest phenomenon, because that's what I did. When I first got to Duke, no one signed up for my grad labor class. So I bribed two students to take it. And I did that by saying, we're going to write a paper together. They both got A's.

Audience question 3: Thank you. I'd like to thank the previous questioner for asking about the fiscal deficit, because I'm a Republican, but we have a lot of Republicans that pretend like they're fiscal hawks. And yet, if you look at what has actually happened with the deficit, since 2016, it's gone up every single year.

So, that's just a rhetorical statement that they make to get elected, but then when they get into office, they don't do anything. And it's because they think it's politically bad for them to cut spending, but it's at the point where the debt is a civilizational level risk now. It's far beyond what our GDP is every single year, and we're approaching trillion dollar interest payments on it every year with rising inflation.

So it's a very serious problem. But the other serious problem that I see is the centralization of banking. We've seen the bigger banks get bigger since 2008. We've also seen a decrease in the number of community banks. 30 years ago, the U.S. had 10,000 banks. Now, with a larger population, we have 5,000 banks.

One potential solution that I've heard Professor

Richard Warner make is the creation of sovereign state banks in order to underwrite loans for community banks. We actually have one in the entire country, in North Dakota. And North Dakota has the greatest number of community banks per capita, which are the banks that mainly lend to small businesses, which, small businesses are 45 percent of GDP. They're a major driver of the American economy. So that's a policy I'd like to see in Florida and in other states. So I was wondering if you guys had a comment on that and on anything else that you can see that we can do to stop the centralization of banking.

Veronique de Rugy: So I can't answer that question precisely, but I want to actually also direct your question's attention to something that is affecting everything from the budget decisions that were made, but also inflation and the banking system. It is a belief for the last 20 years that interest rates would never go up, that those historically unusual and low interest rates were to stay and they were just basically normal. That they were not the anomaly. That had enormous implications on literally everything, all the spending decisions and then the banking system that made this decision assuming that basically interest rates were always going to stay low.

Then that led to them having to bail out the Silicon Valley Bank and all of that stuff. Right? Where did that start? That started in academia. The academics and the economists were really responsible for this. It's actually kind of funny that in 2019, Olivier Blanchard, who used to be the former president of the IMF and is a well-renowned French economist, gave a talk at the American Economic Association, I believe.

Everyone was so excited about it because he said we don't have to worry about the debt because as long as interest rates stay below the growth rate, there'll never be a problem. His paper was great, actually. It was a theoretical model that worked, that shows it on paper.

If you have a one-time increase in the debt and interest rates, and then after that you have primary surpluses forever and ever and ever, right? And as long as interest rates stay below the growth rate you're golden. That was true. The problem is that everyone was like, wow, we've seen the last 10 years, we've had lower interest rates and it's going to stay like this forever.

That was another problem with people ignoring the data. There's a theory right there, right? But then you look at the data of Europe and the US and what you see is that the situation that Blanchard describes just doesn't exist in the US or in Europe where we have primary deficits just kind of going on and on and up and up and up.

The problems that you talk about are often they're rooted in stupid ideas coming from academia or stupid interpretations. There was nothing wrong with Blanchard's paper. And I feel sad for the guy because he put out a book, it was called *Debt in Time of Low Interest Rates*, right as the Fed was starting to raise interest rates. Well, I think he deserves it, but they took that paper and they were like, more excuses to spend more debt, to not worry about the debt.

You're right that the Republicans, they pay lip service to spending problems and none of them are willing to actually talk about the fact that what we really need to do is reform entitlement spending.

One more question.

Audience question 4: Thank you, doctors. There was a brief joke made about AI. I'd like to ask about the effects or possible affects you perceive based on the writing on the wall about that topic. Are black box economic algorithms going to be deciding the future of all ideologies and institutions?

Veronique de Rugy: I don't know. I mean, I don't know. What I've heard about AI is that basically AI is already really good at math and so it's going to really help. I don't remember the comment I was making about AI, but that'll teach me. But one of the things that we don't tend to think is that AI is going to mostly supplement people.

It's going to all depend on how fast things change. But who knows? Kevin and I were talking about this before. Right now, we just don't have a lot of

evidence to say the impact that AI is going to have on productivity and growth. It could be kind of like the internet, which is not as much as we thought. Or it could be just really enormous. But I think it could improve economics. It's actually kind of really good at that, maybe.

Kevin Corinth: Could be a great research tool. Yeah, for sure. It does footnotes.

Veronique de Rugy: Really well.

Kevin Corinth: Yeah, that's it.

Veronique de Rugy: One more question, since we started late. Unless you want us to stop.

Veronique de Rugy: One more. One more. So, I mean, I don't know, have you already had a question? Yeah, so here, like, maybe here.

Audience question 5: Just a short one. How do we get the average voter to focus on straight economic data?

Veronique de Rugy: No clue. Do you want to take that?

Kevin Corinth: I guess that probably is mine. I don't know. I don't think it's going to come as much from voters, and I don't mean to say this in an elitist way, but I think some of these debates are pretty technical. And I think it has to come from the congressional members who are elected, realizing that the evidence that their tax dollars are going towards are biased and producing a narrative of the other side.

I think it's up to the congressional members really to make that decision. They could make that case to their constituents, but I think it might be more of a DC centric solution.

Scott Atlas: But the politicians respond to being … their incentive is to win. We have to make them lose. If you don't like what they did economically. It's very simple.

Veronique de Rugy: Can we take a very — is your question quick?

Audience question 6: It seems like a lot of governmental disbursements are ideologically driven, they engage in social engineering. The question is, what is the response to that, and would cutting back on that purpose reduce the deficit, reduce spending?

Veronique de Rugy: I mean, I've been trying for a long time and honestly, I really thought we had a really free market libertarian moment, at least on economic issues, during Obama. It sounds silly, but I was really fighting hard against the Export-Import Bank, which is export subsidies, mostly for really rich countries for very big companies to buy stuff from manufacturers who don't need it.

The Republicans were all in and we actually closed the bank. The charter wasn't reauthorized. And then for four years we actually managed to keep the bank operating at really a minimum level, like 10 percent of its activity. It was a zombie. And then the new crop of Republicans came to town and they seem to love cronyism and industrial policy.

Unfortunately, a lot of the protectionism is in essence, you know, special interest privilege. It just seems that the arguments we were making are just not working anymore. There's just very few people who are interested because they sense, a lot of the people who work in the area where I work, they take a lot of their cues from what they think is doable.

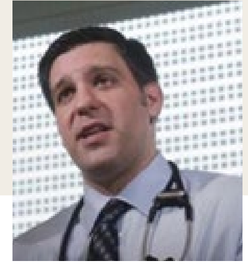
When, for instance, Donald Trump said he won't touch Social Security, people stopped talking about spending, right? And a lot of the stuff happens where you feel like there's no point banging your head against the wall, because they seem to actually be all in for this industrial policy that distributes a lot of subsidies to companies that don't need them, and were already actually doing the thing that they're now subsidized to do.

I will continue banging my head against the wall, all on my own. It's not just me, but it is really hard, and I just don't know. I just don't know anymore. I thought we had something going and we didn't.

Thank you very much.

Scott W. Atlas

Jay Bhattacharya


Matthew J. Memoli

Panel 3: Science & Public Health

Scott W. Atlas, MD, Jay Bhattacharya, MD, PhD, Mattew J. Memoli, MD, MS

Scott Atlas: This panel is entitled Science and Public Health, and now I will start with my remarks first and then hand it over to my colleagues here.

Science and public health are in crisis in the United States. This was exposed during the pandemic, the management of the pandemic, as a sort of a fundamental lack of critical thinking, a blockage of the free exchange of ideas. a denial of basic science. And academic science, which is our medical schools and our medical centers, failed in many levels that I won't go through in detail.

But beyond just denying fundamental biology, beyond denying the data that was there, a big failure was that academic science — and I'm using that term to include a lot of things — used overt propaganda reminiscent of the most heinous regimes in modern history. Including lying and demonizing opposing groups as highly dangerous to society.

And when I wonder why people accepted things that were pseudoscience and totally against common sense, I've always reminded myself that's all they heard. They were told that anyone else who says that is not just fringe, but dangerous. And this is very powerful, and I think we've known for decades by history how powerful propaganda is.

We have a crisis in science and public policy in many sectors, so that includes education, medical education. Doctors in training, the delivery of medical care, public health leadership, and basic scientific research itself. And we see many things happening that we can go into in a discussion about. The fact that medical students in many medical schools in the country have to take oaths about DEI. Faculty appointees have to sign attestations to their direct evidence of supporting diversity, equity, inclusion. The research has been prioritized in many ways, including by the funding agencies, particularly on topics like race and equity. And of course, this changes people's careers.

Our scientific journals were politicized to a level that I'm not sure existed before, but certainly I didn't know it, to the point of writing purely opinionated diatribes against those of us who disagreed with what was being done, as well as against political figures. This is sort of unheard of and really antithetical to what we always assumed about science.

And medical science in particular was, it was objective and evidence driven. But there's something else that I want to talk about in my final part of this remark. And that is doctors particularly, but scientists to some extent too, are really a unique position in society. There's what I think is a blind trust of people in these fields.

People are reluctant to question a doctor.

Intimidated, for lack of a better word, about people in science or medicine. I saw it you know, frankly, in the White House because you had a couple of people on the White House task force, Birx and Fauci particularly, who were the doctors in the room by degree, and people were very reluctant to question them.

And then when I started questioning them other laymen in the crowd of the meetings, meaning people that were of very high stature in their own field but they weren't medical, they would come up to me and say, yeah, that's what we thought, but we didn't feel that we should question it.

And I think this is also very pervasive in our society. And because of that blind trust, doctors and medical scientists have a special responsibility to society. And these remarks are,

I want to frame the rest of this with this observation by Hannah Arendt, who wrote in *Eichmann in Jerusalem*:

"What has come to light is neither nihilism nor cynicism, as one might have expected, but a quite extraordinary confusion over elementary questions of morality."

In the post-pandemic era we now live, we must acknowledge that the pandemic has been a great tragedy, there can be no doubt about that. This was the biggest, the most tragic, and the most unethical breakdown of public health leadership in modern history.

Truth may be slowly prevailing, but being proven right is not sufficient.

We have witnessed something more fundamental than a pandemic mismanagement. And yes, today, science and public health in America are in crisis. But this has also exposed profound issues in America that now threaten the very principles of freedom that we Americans often take for granted.

More than a fundamental lack of critical thinking, we saw a disappearance of America's moral and ethical compass, so pervasive that we have rightfully lost trust in most of our institutions and leaders, trust that is essential to the function of any diverse, heterogeneous society.

Human rights were violated in the United States. Guarantees of the most fundamental freedoms upon which this country was founded — speech, religion, assembly — were suddenly reversed by lockdowners under the guise of "the science" and "safety". Any free society, especially this one — a society founded on guaranteed liberty from government power in its Constitution and Bill of Rights — must be managed in concert with its system of laws, even during health emergencies.

And in this nation, with its Declaration of Independence explicitly defining freedoms of individuals as "endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," it is a stunning violation that liberty fell so quickly and thoroughly by government decree, and that the people allowed it.

The shocking compliance of Americans – that may be the greatest threat to our democracy.

Let's consider the university - our supposed centers for civil debate, where America's children, the next generation of leaders, are exposed to different views and thereby learn critical thinking.

Yet, the overwhelming majority of universities have betrayed the public trust and trust in expertise overall by denying fact, spouting politicized opinion as university-endorsed thought, and emphasizing ideology-based social policies as a guiding light for curriculum.

As a health policy scholar for over 15 years and as a professor at top universities for 30 years – as a graduate of the University of Chicago School of Medicine, when facts mattered, when critical thinking formed the basis of medical science - I fear for our students. Many faculty members of our acclaimed universities are now dangerously intolerant of opinions contrary to their favored narrative.

And the shocking lack of leadership at universities,

showing no moral clarity, and instilling no accountability for actions, has not only prevented the free exchange of ideas – but even more destructive, it teaches the worst possible behavior to our children, the next generation of leaders.

From today's extraordinarily weak American leadership – in campus, in the business world, in government, and in the influential world of entertainment and tech - from this absence of moral clarity, we have a serious confusion about freedom itself and its value.

Remember, America is the world's beacon for freedom and opportunity, but with that precious freedom comes a great responsibility, a moral obligation, for all of us Americans – to show the courage to speak out for what's right, and to fight for that freedom, and never, ever give in to those who want to take it away.

In America, we have a disastrous void in courage in our society today, perhaps most alarmingly at universities, our training ground for America's next leaders. To quote CS Lewis, "Courage is not simply one of the virtues, but the form of every virtue at the testing point."

And in this election year, I am even more concerned – concern not just about those running for office, but concern about American voters. Yes, during COVID, domestic migration indicated a flight toward freedom, to states like Texas and Florida and away from California, Illinois, and New York. But of the 11 worst states in pandemic management, 10 of which had the most stringent lockdowns, including DC, 7 of the 8 governors running for re-election were re-elected. Voters certainly did not prioritize liberty.

We cannot have a civil society if it's filled with people, led by people, who refuse to allow discussion of views counter to their own and lack the courage to act with certainty on Arendt's "elementary questions of morality". We desperately need leadership that unites, not divides; leaders with a moral compass, who know right from wrong; leaders who are not afraid to defend our precious freedoms – America's hard-earned freedoms that uniquely provide opportunity sought by millions the world over; leaders with integrity — or this country, as an ethical society, as a virtuous society, as a free and diverse society, is in serious trouble.

I'm going to stop there and hand it off to Jay Bhattacharya, my good friend and colleague, and now my brother from another mother after all we've gone through. Jay is a professor at Stanford University Medical School and he is an economist, as well as an M.D., and he's a professor of health policy, among many other things.

Jay Bhattacharya: Thanks everybody and thanks so much for the folks that have come up and told me how much my advocacy has meant. It means a lot to me to hear that. It also means a lot to me to be invited to a university dedicated to the idea that we should speak to each other. And that's a unique thing.

I also am grateful to be on the stage with two people I admire greatly that spoke up. I wanted to focus just for a minute about the nature of the bravery of the people that are on the stage here today.

I want to start by comparing the ethical norms of public health versus the ethical norms of universities. And I'm going to start with just the theory, so don't get after me saying that universities fail at this, that public health has failed at this. I'll just tell you what the ethical norms are.

In public health there's an ethical norm of unanimity of messaging. Unanimity of messaging, right? And so, for instance, if I, as a professor in the medical school at Stanford, get up and say that cigarette smoking is good for you, it'll reduce your risk of lung cancer, I'm going to get absolutely pilloried, and I should get pilloried, because I'm violating my obligation to you as someone who works in public health.

I'm not allowed to tell you things that are contrary to what the scientific data say. There is little room for skepticism on those kinds of issues in public health. Because the idea is you don't confuse the public by muddying things that are clear. The ethical basis for that is that you know for certain, based on the scientific data, that you've made that thing into

something that's actually should be anathema to talk about. The data on smoking and lung cancer is pretty close to incontrovertible. It's one of the things that we know with some certainty in medicine. So if I go and tell the opposite, I'm lying to you. I'm manipulating you in ways that might hurt you, right?

So there's a deep ethical norm against doing that in public health. At the same time, if you have issues that, at their base, the science is not clear, and, in fact, is of intense interest to the public, universities are supposed to provide places where people in medicine and public health can speak up and say no, this is not right, it's not clear what the evidence is regarding closing churches.

Does closing churches stop the spread of the disease? Well, there's not very good evidence on this. It's a new virus. Of course, there's going to be lots of disagreement about things. The problem during the pandemic was that these two ethical norms, the norm of the university, again, in theory, where we're supposed to speak to each other, and the norms of public health clash with each other so that if someone inside the universities or inside the NIH speaks up, they will they face the inappropriately applied ethical norm of unanimity.

So we end up being heretics. That's the basis of why we the cancellation happened. I think it's one of these things where really both public health and universities failed pretty fundamentally in living up to our obligations to the public. So let me just give a few examples of the failure andjust mainly because I want to tell you some stories. I'll end with some ideas for reform.

In March of 2021 I was invited by Governor DeSantis to to talk at a policy roundtable. And he told me — this is a completely true story — the issue was whether toddlers should be masked. Toddlers, two year olds. I knew I was going to get asked this, so what I did is I looked up the literature on toddler masking and it turns out, you'll be all shocked to realize, there is no good evidence in favor of toddler masking. Okay. So I said this to the governor. If you look at me on video, if I look like I'm a little worried and scared, I was. Because we in public health are supposed to, at that point, get behind the idea of toddler masking as the key to the epidemic.

If only we keep the two year olds masked up, the virus would go away. And I knew that wasn't true. So I said that in public. YouTube took down the video of me telling the governor that. Because it was too dangerous for the people of Florida and the United States to hear the sitting governor of Florida hearing from a scientific advisor on the science of all things toddler masking.

Then a hundred of my colleagues circulated a secret petition at Stanford asking the president of the university to silence me. It's a very Soviet thing to do. Essentially the implication was that what I was saying was so dangerous that it's not okay for a prominent member of the faculty at Stanford Medical School to say this.

The issue was that I'd violated the public health norm, unanimity of messaging. Don't speak up even if you think something's wrong, because if you do, you're going to hurt public health. But the reality was, there was no evidence on toddler masking — no good evidence on toddler masking.

In fact, in Europe there was recommendation against toddler masking by the European CDC. The World Health Organization said, don't mask any kid under six. That was too much, I thought, but there's certainly no legitimate scientific agency except for the U.S. CDC that embraced toddler masking. But at the university, you're not allowed to say that. In November 2020, my colleague Scott Atlas, an absolutely brilliant man, who was the head of neuroradiology at Stanford for a decade, has advised presidents and presidential candidates, he committed a major faux pas. He went and advised President Trump. You're not allowed to do that if you're in public health.

You're not allowed to do that. And he was telling President Trump radical things, like, Sweden opened its schools and they did pretty well in spring of 2020. The rest of Europe opened schools, maybe we ought to open schools. You told him that, right? Scott is an American hero because he was telling the president absolutely reasonable things: open the schools, protect older people better. Those were the two items. I know this because Scott and

I were talking every day. This brother from another mother — I mean, Atlas is an Indian name if you look carefully enough.

In November of 2020, the former Dean of Stanford Medicine organized a letter accusing Scott of being against hand washing of all things. Scott, are you against hand washing? Just for the record. It's not personal. Every time I've seen him, his hands seem clean to me. Then the Faculty Senate voted to condemn Scott.

It's only condemned two other Stanford faculty. Stanford has only condemned two other faculty in its history. One was a during the Vietnam War, a man who brought a terrorist onto campus during the Vietnam War protests. And then another, very early in Stanford's history, was a eugenicist that one of the founders of Stanford, Jane Stanford Jr., fired. Jane Stanford absolutely hated eugenics. So she had this academic fired over his desire for eugenics. And the third is a man who apparently does not oppose hand washing.

So what you had is the university enforcing the public health norm in a way that violates our responsibility as a university to tell the public the truth about the science. Our responsibility is not just to the public health, but to the public, I mean, it's the public that supports us. I now blame Stanford a lot.

Let me just, before I move on to the solutions, let me just do a very quick thing about what three other universities did — although many universities did this — naming three other people I view as heroes.

A man named Aaron Kheriaty at UC Irvine, he's a psychiatrist in charge of bioethics. He advised the UC system of bioethics for a decade. He told the university that it was unethical to impose a vaccine mandate on young men on whom we didn't know what the side effects of the vaccines would be, but yet the vaccines were protecting them against the risk that was relatively low in principle, right?

He told the university this. A few months later, he himself was fired for not taking the vaccine. Martin Kulldorff, a colleague of mine who wrote the Great Barrington Declaration with me at Harvard University, he had COVID in February 2021, almost died from it. But he recovered. He has a genetic condition that makes him very susceptible to respiratory infections and the evidence on the vaccine safety for his genetic condition was unclear. And yet the evidence on after you've recovered from COVID, do you have a lot of protection against the disease in the future, was very good.

Harvard University forced him, said, you must get vaccinated. He wrote in an exemption saying, look, here's what the scientific evidence says. Now I should say about Martin, he is a CDC expert on vaccine safety. He's an advisor to the FDA on vaccine safety. He's designed the statistical framework that the FDA itself uses for conducting vaccine safety studies. Harvard fired him for not taking the vaccine.

And then at George Mason University, Todd Zywicki, who's in the audience here somewhere. He sued his university because he'd had COVID and recovered. Again, with absolutely no evidence that the marginal benefit of the vaccine is very high for someone who's already recovered from COVID, he was absolutely correct.

You know what happened? They actually didn't fire him. He won the lawsuit.

What I learned from that is that it's not enough to be a bioethicist or a top level scientist. What you need to be is a lawyer, to protect yourself from this.

Okay just three ideas for reform, and then I'll sit down.

What should happen in public health? Here are the three ideas I think are vital for this.

One is transparency. Transparency. Public health decided that it was wanted to hide its deliberations about decisions that impact every single person on the face of the earth.

So, for instance, did you know that for the last two decades, public health has conducted a campaign to go out into the bat caves of the world, bring the pathogens into labs, sometimes very leaky labs,

and do research that might make those pathogens more dangerous under the cover of the idea that we're going to eliminate, catalog, and eliminate every single pathogen? Did you ever get to vote on this? And yet it affected every single one of you. Because it is very likely this virus and this pandemic was very likely the cause of exactly that utopian agenda. If scientists are going to take risks like that on your behalf, I think the public ought to know that they're doing it and should have a say in deciding whether it should be done or not.

Second, decentralization. You have a man in the face of Tony Fauci, who unironically went in front of an interviewer and, when asked why he was being challenged by people like Rand Paul, he said, look, if you criticize me, you're not simply criticizing me, you're criticizing science itself. Science itself. Think of the hubris of somebody like that. It's as if Louis XIV was alive again. Instead of saying, l'état c'est moi, it's la science c'est moi, right? The solution is decentralization. You do not put that much power in the hands of a single individual. You need to have a Scott Atlas at the table and they actually need to be listening to him.

And then third, you need to make public health apolitical. I think people — especially people in public health — misunderstand fundamentally the nature of public health. It's not enough to get 50 percent plus one to win in public health. That's politics. In public health, the messaging is because you're focused on true science. What that means is that you should be able to convince basically everybody. And if you convince everybody, people will act in much more reasonable ways. You're able to do it because you're doing it on the basis of truth.

So in that sense, I'm a failure in public health because I haven't convinced everybody. I think Scott agrees with me, so there's at least that. It needs to be apolitical and the politicization of public health has been going on for a long while now, but it's the death of public health to turn public health into a straightforwardly political endeavor.

In the midst of 2020 when the lockdowns first hit, there were a few places, there were a few people that were staging protests. There was a protest by a church group in Idaho. Here's what they did. This is a very dangerous thing: They went outside and sang hymns. A couple of them were actually not wearing masks in an outdoor setting.

Public health authorities said that it was irresponsible to protest the lockdowns. When the BLM protests happened, a thousand public health grantees wrote a letter (they're always writing letters). They wrote a letter saying that protesting racism was a good thing for public health, especially in the middle of a pandemic. What's the difference between the two?

For the first time in history, the New England Journal of Medicine suggested which presidential candidate they liked. Nature, Scientific American, for the first time in history they all endorsed a presidential candidate. And it wasn't Donald Trump they endorsed, right? The idea that public health is not for Republicans, but is for Democrats, is the death of public health.

So, the three ideas for reform: transparency, decentralization, and a fundamentally apolitical public health endeavor.

Thank you very much.

Scott Atlas: And now we'll hear from Matt Memoli. Matt is an M.D. He's an infectious disease specialist and a researcher, and although he's speaking for himself, he works at the NIH.

Did I say that correctly?

Matthew J. Memoli: Yeah I'll elaborate. Thanks. So, thank you for having me. I feel honored sharing the stage with these two gentlemen.

It really is an honor to be up here with them. I know you're probably looking at them and saying, who is this? What am I doing up here with them? So, a little bit about me. I'm a federal employee, so I am here though on my own accord as a private citizen. Everything I say is my own opinion, and I am not speaking on behalf of the government or NIAID or NIH.

I'm also not being paid to be here. I am not receiving

an honorarium. I solely received reimbursement for my travel and and lodging.

So, having gotten that out of the way, I am, as Scott said, a physician scientist and I've been working on respiratory viruses for 20 years. I work within the intramural program of NIAID. So yes, I worked for Dr. Fauci for a long time. But my job there was not part of the grant program. I'm actually an academic scientist who has a lab and runs clinical and translational studies to study respiratory viruses, particularly influenza and coronaviruses.

And the pandemic was one of the most frustrating experiences of my life that brought to light things that are not new about medicine and science and things that we have to think about. Just an example of how this is not new, I like to tell the story of one of my heroes, Ignaz Semmelweis, who was one of the first physician scientists at the Johns Hopkins School of Public Health in about 1846, I believe. He was watching as women were giving birth and many of these women were dying of puerperal fever, but he noticed that it was only in the ward where the babies were being delivered by the residents, the doctors. Whereas the babies that were being born in the ward by the midwives, they were not having as many instances of this. In fact, most of the women were doing just fine. And he immediately started to empirically try to determine why this was.

First he looked at whether or not the women were on their side or on their back. Then he thought, well, maybe it's this bell that they're ringing when they come through and people are dying and it's scaring the women and causing the babies to be sick. But as the gentleman in the front here is pointing out, he realized — because this is before germ theory was fully accepted — that the physicians were doing autopsies prior to delivering the babies.

Nobody knew about hand washing, and then we're going and delivering the babies. And so they were bringing bacteria over from the dead bodies and introducing it into the woman and causing disease. No one accepted his explanation, even though he demonstrated it by having the residents disinfect their hands and deliver the babies and they saw a decrease in this puerperal fever. No one would accept it. There was elitism, there was gatekeeping. He eventually ended up in a mental institution for a period of time, but he was right. So this idea of this group think in medicine and science is not new, but there are now more reasons why it happens.

There's still elitism and gatekeeping. But now we have these issues related to funding and related to control of that funding and what's the easy path that affects us. So, for example, if you go out and look at universities where you have physicians or scientists, PhDs, doing science, many of them, especially the ones who are well funded, will also have a small biotech spin-off that they started.

Now, okay, I'm all for small business and biotech and all of this, but many of them are maybe working for a public university or a private university. They're using their lab and sometimes government or other funding to then do research that's helping them with their startup, which also may or may not be a good thing, but the issue here is what do you think their goal is?

Is their goal the traditional scientist goal of let's in an unbiased way discover things with an open mind? Or is their goal, let me prove that whatever product I'm developing works enough so that I can get bought out by a pharmaceutical company, make a lot of money, and start again? These kinds of influences are a problem.

In addition, you have the funding organizations, which are run generally by scientific bureaucrats, if you're lucky. Or you have people like Bill Gates, who, I don't know why he's an expert in pandemics. I haven't figured that one out, but, you know, he goes on various interviews and says we're going to wipe out pandemics. This is the last pandemic we're going to have. None of what he's saying makes sense, but everyone listens to him. He's very involved with NIH. He's very involved with the Wellcome Trust, which is a major funding agency in the UK. And all of this affects the scientists. Not because the scientists agree or believe it, but the scientists know if I'm going to keep my lab, keep the funding coming in, if I'm going to make money, pay for my kids to go to college, I need to go along with this. I need to go in this direction.

It really stifles the free exploration of science and trying to get to the bottom of things and really understanding things. I think we're in a place now and the pandemic brought this out, but it's not new where people generally take this easy path. They don't like to look at data carefully. Or maybe they've lost the ability to do it. I don't know. Or sometimes they don't even realize it.

I'm going to tell one last story and then finish up. I was recently meeting with a person who is a vice president of a scientific part of Moderna. This person joined Moderna recently, after the vaccines were made, from a university and is still deciding whether they're going to stay at Moderna or return to their university. And this person was at NIH giving a talk, mostly about their scientific work, and I had an opportunity to meet with them privately. And as we were discussing the Moderna vaccines, and I explained to this person some of the concerns I had regarding safety, and we were talking about how, you really don't have control of the mRNA — it can go anywhere in the body, it could go to the heart and cause inflammation. And this person, who I think is a very good scientist and a very smart person. acted like they had never even thought about this. Or that this was completely new information that they had never heard before.

I was sort of shocked, but then I started thinking about it. This person has a very particular specialty in science and just doesn't think about anything else other than that particular thing. So they're not thinking about, you know, the whole person or what the consequences are.

And that's sort of a microcosm of the whole reaction to the pandemic, right? We did a bunch of things with tunnel vision. Looking solely at, we're trying to stop the spread, or we're trying to do this or that, but not thinking about all the consequences. This is not what a good physician scientist should be doing or a good scientist for that matter. And so I think we need to find ways to, to change that.

Lastly, I'll finish just by saying the one thing I learned during this whole experience which I didn't tell you about, from writing to Fauci and telling him that I didn't think vaccine mandates were ethical or trying to tell everybody at NIH to working from the inside trying to change things, is that I had a lot of fear in the beginning. But then once I started to speak up and make it known, I realized there were other people out there who believe the same thing I do. They weren't willing to speak up like I was, but they would tell me privately or in email.

There are other people there. And so the one thing I would say is, as scientists and physicians, we need to run to the fire. We can't be quiet. We can't be scared. We have to run there. We have to speak up. We have to challenge dogma. We have to do research that challenges that dogma. We have to keep harping with our data as much as we can, and I could tell you stories about that in the flu world, but we don't have time.

Just keep trying. And we also have to not shy away from leadership positions. If we have opportunities to take them, we need to take them. Generally, scientists like myself, I want to do science. I don't really want to be a bureaucrat. But you know what? The bureaucrats we have are terrible. So people who are good at science need to take leadership positions. We need to do these things and try to make a difference. So, I'll stop there.

Scott Atlas: Thanks, Matt. Yeah, I just want to, I want to reiterate a couple things you said very quickly. Number one, it's absolutely true. The most important thing you do when you speak up is you convince other people to speak up. I think this is very important and I always say if Jay and I and Martin did anything, it was at least take some hits so other people could speak up. I think it's very important because you're not alone.

Second thing is, I had emails from people all over the country saying yes, you're right, keep saying the truth, but I'm not going to come forward. But the point of this is I had emails from people inside Stanford Infectious Disease at the medical school, but inside the NIH also. When I was at the White House, I had people emailing me from inside the NIH saying, you're right, keep speaking, we can't speak out. So, it's very important.

And of course, lastly, people depend on you, and

when you realize people depend on you, the slings and arrows, they don't matter. They're much less important.

I want to pick up on the funding issue because I think this is something regular people, non-science people, don't understand. I mean, Jay and I have both had NIH grants, and Matt, I don't know if you actually have to apply for grants. But there are two things I want to say.

Number one, the conflict of interest is shocking. There was a study that came out that opened the books for the decade prior to the pandemic. Over the 10 years, $325 million were shared in royalties by NIH employees with private sector pharma. $325 million in royalties by NIH employees. This is a massive conflict of interest because they evaluate drugs. They make statements and do work on what should be approved and what isn't. They're reviewing the research on other drugs as well as those drugs. There's all kinds of overlapping conflicts there. That should be absolutely illegal. I was shocked and every time I talk about it most people have never heard it.

The second thing, and I'm going to ask Jay to expound on this. I'd like you to explain how it works for people in academic medicine and science who need grants to get their job, to get promoted, and how this ties into the control, both on the individual grant level as well as the topics that are being researched.

Jay Bhattacharya: Yeah, so, in order to get tenure at a top medical school, you have to win NIH grants. If you're a top biomedical scientist in the United States working in a university, that's the corner of the realm. And it's not just money so that you can do your work. It's social status within the institution, within the field.

The way it works is you send a grant application in, there's a committee of your peers — usually people who are also NIH funded — who decide if your application's any good, and if you're fortunate, if you're brilliant or whatever, you win the grant.

The thing is, in order to win the grant, you have to read the tea leaves. You have to know what the NIH wants. So you're working on topics in the direction that the NIH wants. One of the things that Francis Collins did when he was the head of the NIH, was to change who's on the grant evaluation committees. You actually had to have an active NIH grant in order to be invited to be on the committee. So, what you have essentially is monothink. You have a system that perpetuates one vision of what the scientific endeavor is on a whole host of questions, when in fact science needs to have these kinds of challenges.

Actually, there's one other point I want to make about this and this saddens me in ways it's almost impossible to express. Propaganda that Scott was talking about, the pressure to not speak, it's not just among scientists — although it's really bad because the logic leads to this — but in the public at large.

The U.S. government, the European governments, other governments all engaged in activities to explicitly censor your speech in online settings. They did this by pressuring social media companies, telling them who to censor and what to censor, very often giving names of people to censor, including a current presidential candidate, and also topics to censor, which then were implemented in AI algorithms to tag every single post that had wrong think in it.

The thing that really saddens me is that my university participated in this via grants from the federal government in the name of doing research. Entities like the Stanford Internet Observatory — and also there are similar entities at Harvard, at University of Washingto — organized the supposed research then worked with social media companies to implement this censorship regime.

They serve essentially as a laundering operation for federal censorship demands, so you are paying for the research that then is used to censor you. It's something that is so fundamentally un-American that universities participated in the endeavor. More people need to know about it because I think the more people know about it, the more outraged they'll be.

Scott Atlas: I want to add a comment to this idea

of the professorial jobs requiring NIH grants in science and medicine. You can't get promoted without an NIH grant; that's true. There's another factor, though, and you understand why the lower level professors, the assistant professors, then it goes to associate and then full professors, why they're very reluctant to speak out, particularly against the people that are powerful in the funding agencies. They're also very reluctant to speak out in their own department. In fact, the medical school that sent around this defamatory letter about me and posted it on their website until my lawyer forced them to take it down in September of 2020, they were pressuring younger faculty members to sign this letter.

I hate to be real negative, but one of the things I learned is that there's a lot of evil in people, for whatever reason. That has to be understood, because you can't fix it if you deny that it's true. So, it's not useful to pretend that it isn't. And then you have to figure out how to fix it. And one of the ways to fix this, and this is what Jay is alluding to with his reforms, and I'm going to go into more detail in a later session, is to decentralize the people in power who control the money. And we can't have a very few people in control.

Fauci, in a way, was sort of ironically saying the truth when he said, "I am the science", because he's funding all the science in that whole area of medicine. If you alienate Fauci you can't get that grant. I mean, that's just the way it works. It's a club, it's a small group of people. We've all reviewed NIH grants and we see who's on these committees.

By the way, I'm going to say something here. Jay got an email from somebody, I'm not going to say his name, who's very high up in the power circles of scientific research, threatening his career if he didn't stop talking. I saw the email because Jay sent it to me. But I mean, it's shocking what is actually happening here, and it's very effective. When you have a pyramid of power in your career, that's very understandable that you're impacted by that. Not everybody is going to do what the few people who spoke out early on did, and I understand that.

Matt, do you have any comment on this issue of the power plays over the funding and what you saw internally, or is that something you weren't really familiar with?

Matthew J. Memoli: So, you know, I'm not involved in funding decisions. What I can say about it is what I do see is that what tends to happen is, in a given field, instead of funding various people who are taking a variety of different approaches to a problem, what happens is, a winner is picked. And when I say a winner, I don't mean a particular person. I mean a particular theory or a particular direction is picked as the winner. And all the funding goes to that direction and then all the scientists chase that and do the same thing.

My best example is influenza. A few years ago, there was the idea that we can make a universal vaccine if we do stock antibody vaccines. The stock antibody thing was never going to work. The science showed it was never going to work, but all the funding went at it. And it wasn't until they all failed that now they've moved on to the next thing.

During the pandemic, it was all mRNA, right? And to some degree, we're still talking about that. So there's like a direction, and everything goes that direction. And what I don't understand about that is, is that just somebody's arbitrary decision? Is that some sort of financial decision that's being made?

I don't know the answer to those questions, but that's what I do see with the funding, is it all goes in one direction, and then all the scientists chase it, and it completely kills innovation.

Scott Atlas: And on top of that, the topics that funding is targeted for are released and people adjust their whole careers because they need the NIH grant, don't forget. So they're going to do the grant on the topic that is announced.

I think we'll open it up to the floor if you guys agree. Richard?

Richard Epstein: Okay, look, I want to basically say yes and no. Everything you said in terms of the outcomes are correct, but I basically strongly disagree with some of the methodology. And let

me explain. What's dangerous when you have only doctors on a panel about medicine is they reinvent non-medical wheels that are well known and established elsewhere.

So the entire decentralization metaphor, straight Hayekian stuff from the "The Use of Knowledge in Society", and the general proposition applies in this case. Why is it important? Because if you know what the general proposition is, then the level of proof is going to switch and the burden's going to be on those who deny it rather than otherwise.

The second thing I strongly object to is they only put doctors on this panel. That's a monopoly, right? And it turns out that's not the only way you get knowledge about all of this stuff. I'm a lawyer and when Scott was denounced at Stanford, I escaped censure, but I was the kid on the train, right?

I made the same kinds of predictions and so forth, but this is what the problem is: every person here starts to talk about the evidence, right? That's the wrong way to do medicine, in my judgment. First thing you do is you got to develop a theory. Now, what do I mean by that? Well, I came out against masks basically in March of 2020. And I thought the reason was as plain as the nose on your face. Now, what do I mean by that? Your nose projects. Why does your nose project, you want to ask yourself? The answer is, because when you want to get rid of waste through your nose, you want to get it far away from your face so it doesn't come back to infect you.

When you want to get oxygen in from other sources, you want it to be away from your face so you don't get all of the contaminants associated with the operation. And if you then look at the rate of decline on this stuff, you realize that even a half an inch may make a very big change. You know more about that than I do, but it's true. So the first thing you say is now you put a mask on somebody. I don't know anything about anything, but all I know is what you do is you prevent the escape of stuff which is a contaminant, and you prevent the breathing of good air coming in. I've done no empirical research on it, but you have to tell me that proposition makes no sense, otherwise the presumption is going to be in the direction you don't put masks on people.

Well then the question is, what observed practices do you have? And there are practices. Surgeons wear masks, dentists wear masks. Beauticians wear masks and so forth and the setting is always a very close interaction between two people with a high rates of exchange in which one person may well be sick.

And so what we've done is we figured out a norm. The question is why is that?

Matthew J. Memoli: Can I clarify that? Yes. Because that's what you're saying is not quite true. So the reason your surgeon wears a mask and your dentist wears a mask is because they are working in an area of the body that could be susceptible to a bacterial infection and they don't want their mouth and nose bacteria that you're colonized with getting into a wound.

Richard Epstein: I agree with that.

Matthew J. Memoli: So that's completely different than wearing a mask for a virus.

Richard Epstein: I just want to be clear about it. I'm talking about the mask with respect to the self-defense issue.

Scott Atlas: I don't want to spend a lot of time on the mask stuff. I have a whole presentation on masks I could give, but I don't think people want to —

Richard Epstein: I just want to finish up the other point about all of this, is that what happens when you start seeing these patterns, why is it that the a priori stuff corrected in ways that you do, which is utterly immaterial to the general thesis, why do you want to say that it doesn't create a presumption in one direction?

So what bothers me about this presentation is that you treat it as an open question until you get empirical investigations, and you don't do anything by way of a general analysis. Of why it is that the body is organized in the way it's done. And so I think that's a serious mistake. And what it does is

it then slows down the entire process of getting coherent stuff, right? Because now you have to wait for the empirical evidence when you want to have the presumption which is created by the background norms.

Scott Atlas: Okay, I'm going to answer as the moderator. I'm going to take the prerogative here and then we'll move on. A, I agree with one thing. It's very important that you said is that the era of assuming someone's an expert on the basis of credential alone is over.

Okay, that is true. I completely agree with that. I also agree with your implication, which is that this stuff wasn't that hard. It's common sense. Everybody in the country who's normal understood some of these basic things. Jay and I and others here speak all over the place and, you know, I'm sure you hear the same as I do, which is, yeah, we knew that. That didn't make sense. And so that, that's true.

We're not here reciting data on COVID. This is not a data discussion. Okay, that isn't the point of this at all. What we're trying to do here, as people who understand how science works, as people who understand the role of doctors, as people who have had personal experience in this and understand what to do to fix it, are up here to speak.

I didn't just put a sign up saying anybody with an M.D. can come up on the panel. Secondly, though, I do respect very much anybody with a brain because they could probably answer most of these questions. So, I agree with you on that. Do you want to comment before we move on?

Jay Bhattacharya: Just very quickly, Richard.

You've spent a career with epistemic trespassing as your calling card. And it's a very effective one. So, I completely agree with that. I don't think that M.D.s or Ph.Ds or whatever should be the arbiter of whether you have a good idea. This is why I so strongly object to this censorship complex.

And yeah, it's Hayek. What can I do? I mean, he stole all the good ideas. We're all just writing footnotes on him, I guess. I think the basic issues of the pandemic were not that complicated. Like the Great Barrington Declaration, open schools and protect the vulnerable better.

the least original thing I ever wrote. I mean, it was the old pandemic plan. These were not complicated ideas. These were just ideas that were not allowed to be said.

Matthew J. Memoli: What you're really getting at is that for every recommendation a doctor makes, a free human being needs to make a decision if that's right for them.

Audience question 1: Thank you. Quick question on the philosophy of science. And this is something that I've been perplexed about. In the social sciences, we make a distinction between objective brute fact, right? Things that can't be reduced down to anything beyond what they actually are. And then there's the subjective institutional facts. They only exist because people agree that they do. And I'm seeing a number of people who take the subjective institutional fact into the domain of the brute fact. And I'm not seeing the scientific community, the medical community, actually pushing back on those basic philosophy of science grounds.

I'm just wondering if this is just a distinction the hard sciences aren't really talking about or if there's a reason that I just don't recognize.

And then the second component is just a tweak on the human rights statement. Yes, individual civil political rights were suppressed. At the very same time, collectivist economic, social, cultural, and environmental rights were elevated. And this is the dissemination of an alternate political hegemony through the discourse of a medical crisis. So I'd offer that.

Scott Atlas: Yeah, the second point, I totally agree. That is what happened. That's not how our society is supposed to function, though.

Jay Bhattacharya: I mean, I agree with that too. But also, on the philosophy of science point, there was the idea that you wouldn't have any immunity after you got COVID. That idea was a presumption at the

start of the pandemic. A lot of what happened was not at the high level of, let's reason this through and see what the right presumption should be and what kind of evidence we need. In that sense, I agree with Richard.

What happened was that the set of people that were put in charge of it, they had certain predilections about how you should manage respiratory virus pandemics that were derived, I think, in part from their experience with HIV.

All of these things were just presumptions that worked in HIV, but do not work for COVID. The lockdowns, I think, were imported from the Chinese experience with COVID early in the pandemic. These were not scientific questions, these were policy questions based on knee jerk reactions with people that didn't allow there to be any counter voices at the table with them.

This is why they treated Scott so badly when he was at the thing. So it's even before the philosophy of science questions.

Scott Atlas: It was just power. Massive incompetence is not something that people want to accept as part of the explanation of what happened, but I saw it with my own eyes. It was very low-level thinking, no critical thinking like Richard is so good at. And so that is a factor. It wasn't scientists, but you're pointing out that scientists, typically in medicine and doctors, they all said, yes.

They did, and that's the question. Why did that happen? There's several motivations for that, in my view, one of which is in the beginning. I think it was political. I don't think it's deniable that in the very earliest stage in the United States, it was political. In fact, one of the first things I said to President Trump in the Oval Office when I first met him was, "You should have said hydroxychloroquine doesn't work."

There's a lot of groupthink in medicine that we've sort of touched on here and there was fear in all the people that are doctors and scientists. They're all regular people also. They were afraid. But, yeah, it's difficult to figure out. There is no one motivation for any individual person.

Matthew J. Memoli: So just stepping out of COVID for a second to get at your philosophical question. It goes back to something Jay was talking about earlier with this unanimity of public health messaging compared to academic science.

I was giving a talk a few months ago to basically all of the influenza clinical and transnational influenza experts and pharma people working on universal influenza vaccines. Tere were a number of people from the CDC there and in part of my presentation I showed a table of CDC data from the last, I think it was 10 years or 15 years, that demonstrated the performance of our current influenza vaccines.

And that performance is pretty poor. Many years it's less than 10 percent effective. 70 percent of the time it's less than 50 percent effective. So it's not great. And I was pointing this out. After my presentation, a gentleman from the CDC's influenza division chastised me for talking about it.

It was a table from their website! Okay. He said, "You're an influenza expert. People listen to you. You can't talk about the influenza vaccine in a negative way." I said, "But the data shows it's not working well. I'm telling the truth and it's your data."

The problem is when you go against these dogmas and you go at it from a more scientific or data driven perspective, you get chastised. People come after you.

Scott Atlas: And this is an illustration of how the public health community and leadership thought their role — and medical science has become this, in my view, to a great extent — is to persuade. Rather than figure out the truth, it is to persuade the public and not give the information. To me, that's unacceptable as a free human being. We can't allow that and we have to fix that.

I'm going to go into some of the reforms. One of them is that there's over 15 academic university medical centers in the United States that get over $500 million per year each, half a billion dollars per year from the NIH alone. When you are paying people, you ought to use that leverage to insist on things like transparency, ethics, et cetera.

Audience question 2: Thank you. Having gone through COVID the last few years, has public health learned anything that will prepare us for the next pandemic, which eventually will come?

Jay Bhattacharya: We didn't censor hard enough. We didn't lock down early enough and we didn't put enough power in the hands of fewer and fewer people enough.

Audience question 2: So essentially what you're saying is that human nature doesn't change.

Scott Atlas: I'm worried that they have learned, and they've learned some bad things on how to get done what they want done.

And I think this is relevant, actually. It's not just joking. In this pandemic accord that's being written — that was, I think, recently rejected, but it's not going to die — there's been multiple iterations. The Biden administration's representative, Hamamoto, said in its earliest draft, we support the pandemic treaty. Without even seeing it. I mean, this is like somebody signing a contract without seeing the contract, and it's legally binding.

I actually wrote a piece on the WHO pandemic treaty, if anybody's interested. It's called, Who Do You Trust? And it goes through the data and the links and stuff. I think it's worth reading if you care about it, because it's not going to die. But I feel like you're underestimating people, I'll say, if you think that they have given up on some of these things.

Jay Bhattacharya: Can I just say one real quick thing? It is vital that people understand the political aspect of this. In order to get public health to change, it's going to take a political revolution from regular people. It won't happen from the academic community; it won't happen within public health itself.

Matthew J. Memoli: This is where we can't run away. A lot of people have asked me why I'm still at NIH. Why didn't I leave? I was against the vaccine mandate. I was against all these things. Why didn't I leave?

But this is why. Because we need to stay. We need to try. And I can't do it by myself. So, you know, we need to stay and we need to try. And so that's why I say run to the fire, don't run away.

Audience question 3: As a very proud mom of who put a daughter through medical school, and she experienced residency in the middle of COVID, I can tell you firsthand the horrors that my daughter experienced and the exposure that she was put in. And I call it PTSD that she struggled through in order to survive it and to come out on the other side.

It forced her really to do two things. I think she found her own identity, and her own values and her own character in the midst of a very powerful very prominent medical school, so much to the point that her and her husband, who are both very well respected doctors, have gone into a very rural community and have said that they feel that it's the only way that they can make truly a difference from a medical perspective having experienced what they went through.

So for us as lay people who are, I often feel perhaps inadequate or undereducated to be able to address some of what I would call common questions. Do you have any advice for us on how we can help shed the light onto the truth of some of the control issues that we all experienced to help avoid again?

Jay Bhattacharya: Thank you for that. And thank you for your daughter's bravery. I think my best advice is that there are no common questions if they affect you and your family. And you absolutely have a right to ask them. Of doctors, of public health officials, of politicians. I think that the idea that somehow because we have M.D.s or Ph.Ds after our name that it automatically gives us the right to rule over you is insane. I think if I've learned anything from the pandemic it's the power that people have in my position and the easy way it's abused.

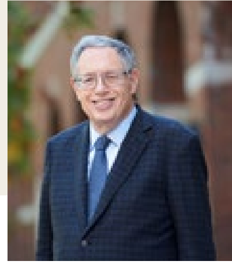
But we're talking in Florida and you had a much more sane response to the pandemic than California did. You had political leadership that was willing to say no. I think this should be, from now until the end of time, every single politician we elect should be asked this. What are you going to do? Are you

going to close churches down if the time comes? Are you going to close mosques, synagogues down if the time comes? Are you going to close schools down? Is that something in your toolkit? When will you do that? How will you consult us? Will you force us to take a vaccine when I don't want it? Every single politician needs to be asked this question because it turned out it was every single aspect of civil society, from the president on down to the bottom of that, that implemented the lockdown regimes.

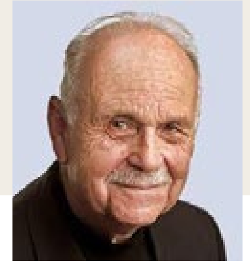
It should become a major part of our political structures to ask questions about public health. People need to be represented and they weren't during the pandemic.

Scott Atlas: Okay, I think we're going to have to stop because we have Governor DeSantis coming up a little bit earlier than he originally had planned, so I want to keep things on time. We thank you on the panel, and we're going to move on to the law.

Ilya Shapiro


Richard A. Epstein

Todd J. Zywicki


Stanley Fish

Panel 4: Law

Ilya Shapiro, JD, Richard A. Epstein, LLB, Todd J. Zywicki, JD, Stanley Fish, PhD

Ilya Shapiro: Let me set the stage before turning it over to the distinguished panelists. Legal education used to be a staid and intimidating enterprise. Think of "The Paper Chase," the 1973 film, set at Harvard Law and featuring the old-school teaching style of Professor Charles Kingfield. The classroom scenes there have all the standard themes: Teaching students how to think, probing the weaknesses of their arguments, differentiating fact patterns to apply precedent. Kingfield's idiosyncrasies represent the demands of law school, where the most important skill is logic-based communication. All took the same rigorous curriculum in their first year, including property that I took from Professor Epstein, before getting into doctrinal classes their second year, like corporations that I took from Professor Epstein, and then more specialized or esoteric electives their third year, like Roman Law, that I took from Professor Epstein. What extracurriculars there were also related to professional training, such as participation in law reviews and moot courts, plus clubs for those interested in going into law school, particular fields, and fun things like intramural sports and film societies.

That cursus honorum produced what people want in their lawyers. The ability to see all sides of an issue, navigate complex rules, and work with people they don't like to achieve their client's goals. The law was an esteemed profession because its practitioners were responsible for upholding the rule of law.

Although the basic subjects taught in law schools, particularly in the first year, are largely the same as they were decades ago, much about them has changed, often radically. Faculty activism, accelerated by the growth of clinical education, and boomer liberals being replaced by millennial progressives, is certainly a problem.

But even more, non-teaching bureaucracies have grown to enforce a rigid orthodoxy, and student cultures have shifted to avoid even a hint of conflict with prevailing–meaning left-wing–views. And so-called affinity groups have balkanized the student body and inculcated identity-based advocacy. Thus, there have been, in the last number of years, numerous attempts to cancel anyone who deviates from a "safe discourse."

Many legal scholars, myself included, have been caught in that web. And then there's the disruption of outside speakers. Indeed, one fun aspect of my Georgetown purgatory was being shouted down at a long-planned event at UC Hastings College of Law. Excuse me, it's now been renamed UC Law SF because Mr. Hastings did some politically incorrect things. But anyway, that experience was no isolated incident, not even for March of 2022. The week after, a similar thing happened at Yale, ironically over a panel bringing together lawyers from the left and the right who agreed on nothing other than the importance of free speech.

Then it happened at the University of Michigan at a debate on a Texas abortion bill. And then it happened a year later with the shutdown of Judge Kyle Duncan at Stanford, with the mob egged on by the DEI dean. Remember, this is going on at law schools, having migrated from the craziness that we've long come to expect on undergraduate campuses.

And that's why this is so worrisome. With all due respect to the humanities panel, if an English or sociology department is led astray, that's unfortunate and a loss to the accumulation of human knowledge. But the implosion of legal education has much more dire consequences. Law schools train future lawyers and politicians and judges who are the gatekeepers of our institutions and the rules of the game on which American prosperity, liberty, and equality reside.

Law students who police their professors' microaggressions and demand the deplatforming of harmful speakers will eventually be on the federal bench. And even before that, they'll be occupying positions of authority, bringing legal cases, occupying general counsel offices, and filling the partnership ranks of big firms.

Without any overstatement, it would be a disaster for the American way of life to have future generations of lawyers think that applying the law equally to all furthers white supremacy, or that one's rights depend on one's level of privilege, or that due process and freedom of speech protect oppressors and perpetuate injustice.

The problem isn't limited to canceling professors and disrupting speakers. The illiberal takeover of law schools involves the clash between the classical pedagogical model and the postmodern activist one. How did all this happen? Well, like a lot of stories of decline, it happened first gradually and then suddenly.

The growth of bureaucracies generally, and DEI offices in particular, have fueled a monstrous shift in the legal academy. The COVID pandemic and the so-called racial reckoning provoked by George Floyd's killing accelerated those pathological trends such that critical race theory, once thought to be a relic of the '80s and '90s — at least that's what we thought when I was in law school in the early 2000s — has returned with a vengeance.

Radicals went on the march as intolerant faculty and weak administrators let them. Then the at-best mealy-mouthed response by university leaders to the explosion of anti-Semitism after Hamas's attack opened people's eyes to academia's moral corruption. These are systemic issues. What we're seeing is not the decades-old complaint about liberal professors — hippies taking over the Berkeley faculty lounge — but careerist administrators who placate the radical left.

Whenever deans and presidents stand up for free speech and the core truth-seeking mission of any academic institution and enforce long-standing rules against disruption and intimidation, the mob disperses. But most university officials are spineless cowards. Is there anything we can do to reverse or stop these *illiberal* tendencies?

Illiberal, again, I emphasize. Should those of us who care about law school's commitment to the American constitutional order just throw up our hands, gird our loins, and regroup to fight elsewhere? Surely we need to develop novel responses to heterodox challenges. And that's what this panel will get into.

Now, I'm not going to give you any introductions. I hate it when moderators say that someone needs no introduction then proceeds to introduce that person for five minutes. You have their intros, you can Google them, you know who they are, or you should. Rather than the anointed ten minutes each for opening remarks, which academics will make into 27 minutes, we're going to limit this to five minutes each.

And I'm going to be strict about this. I requested a whip, but didn't get one of those. My phone does have an alarm and buzzer feature, however, and I'm not afraid to use it. So, let's keep this panel moving. I will now defer to my professor, as you heard, Richard Epstein.

Richard Epstein: All right. Thank you so much. And

what I'm going to do is to not bewail the current situation. It's been done enough. I'm going to try to tell you how it came about and what the difficulties are. And so, the first thing is, when you look back at the serene sensibilities of the 1950s and 1960s, the dominant course in the curriculum was something called legal process, and it told you how responsible lawyers allocated the risk for the destruction of cantaloupes in transit and so forth.

You then looked at these same people and you asked them, did they have a theory about how law should be organized? And the answer is they only knew how to move from the place where they were in small steps to somewhere else. And since they started at sensible places, it worked out pretty well.

Starting in the early 1960s, there were two movements, very opposite. Law and economics tried in a rational way to figure out how it was that the system made sense as a matter of first principle. And then the radical left came along with an alternative, mainly critical legal studies in one form or another, which said you can't possibly rationalize these relationships, so it's all a matter of preferences and politics.

And that second view tended to win out over the first view, in terms of the public response. Now I can't say what the antidote is on the macro scale, but I'm going to try to do it for a couple of minutes on the micro scale. Ilya was one of my students. I taught him, amongst other things, Roman law.

And, amongst other things, what you try to do when you teach a Roman law course is to let people understand that the so-called natural law principles were not just malarkey. What they did was lay at the foundation of a rational system that allowed you to escape the intellectual complacency associated with the 1950s incrementalism, without falling prey to the sort of radicalism on the other side.

And what you have to do is to be very patient about starting to build up a system from first principles. And the reason why you should like using ancient texts is that they remove a lot of the clutter associated with the modern state, administrative law, constitutionalism, and so forth, all of which tends to obscure the very few fundamental principles that lie at the root of all successful civilizations.

When you start going back to very early times, what you quickly discover is that the available means that you have in society are relatively few, and when you start making fundamental mistakes, the consequences will be that you die off and cannot survive. And if you look at the history of ancient civilizations, what you discover is most of them turned out to be gigantic failures because they couldn't overcome the problems of social cohesion.

If you then grasp the natural law principles on the acquisition of property, the transfer of property, the protection of property, and so forth, you can understand the essential conditions necessary for civilization and organized societies to survive. So what I try to do in the modern context is not to spend time yelling at people whom I don't think it's worth yelling at. Instead I take the students who care about developing serious approaches and tell them how, through incremental steps and so forth, that they can derive a more complicated system that ends up with dominant features of a responsive republic that most people in this room endorse.

So you start figuring out how you acquire property. You figure out what things are common, what things are private, and then you take it all the way through the protection of property and the transfer of property, and the creation of the necessary institutions that can stabilize those private relationships through the use of taxation and other forms of regulation.

I don't want to talk a great deal about it, but I'm just going to mention one situation to show you how this works. In the early law of Justinian, what you see is a distinction between alluvion and avulsion. And this is not something that grabs any of you, but it's the gradual movement of water first this way and then that way, as opposed to the violent disruption of it veering off in an unanticipated direction. What they do is they develop different property rules for the two situations, and you then can rationalize the matter to see why these different solutions is each efficient in its own sphere. But what's important

to understand about this particular situation is it develops as a matter of private law. But the rules, tested over time, are coherent and not ad hoc. But once you understand how they work, it turns out they start to explain the way in which you start to deal with boundary questions in international law.

So, if you want to try to figure out how you maintain peace, you have to have a neutral set of rules that does not give an systematic advantage to either of two rivals. You derive it from this particular source. And all of a sudden, a lot of conflicts which take place between nations are now subject to principled resolution by analogy to private law rules dealing with such key issues as defense of property and of the person. If you're prepared to follow those leads it is possible to avoid ad hoc legislation that could pop up in different societies. So doing all of this stuff, you can with time and patience overcome the systematic skepticism of the distinguished skeptic sitting on my left, my friend Stanley Fish. The approach here does not consist solely of some abstract endorsement of any particular position, but because of a demonstration of how tried and true customary norms have worked over time. The model is not static, because when novel situations arise, e.g. air travel, it is possible to fix, but not reject the system by a combination of common law adjustments and statutory and constitutional means to create a viable set of overflight and landing rules. Note that without this hard work there is no viable alternative to the politicalization of the left, which lets them win by default. So, develop the alternative framework in area after area so that when it comes to political rough and tumble debates, you're going to be better able to resist some of the sillier propositions that pass for wise political realism.

Ilya Shapiro: Alright, Richard basically says we need more rigorous education to solve this stuff. Todd, what's your take? And might I remind you, the buzzer's still here.

Todd Zywicki: All right, the buzzer's still there. So this is going to be a little bit of a bridge between — I'm on the next panel also, so I'm going to set up some remarks and this will give some background that will pick up on what Ilya was talking about.

I want to talk about the fundamental rod in law school and why it matters, and I want to start off with a quote from Leo Strauss and a great essay I recommend you read because it's very prescient in today's age on German nihilism. I read this after doing a podcast with Scott Atlas where he kept pushing me on whether wokeism was nihilism and I still haven't decided that, but you can find that podcast Wokeism Defined.

What Strauss wrote about Hitler, it was in the early 40s. He said those who opposed the pro-Nazi writers like Carl Schmitt and Heidegger, those opponents committed frequently a grave mistake. They believed to have refuted the no by refuting the yes, the inconsistent, if not silly, positive assertions of the young men.

But one cannot refute what one is not thoroughly understood. And so I'm going to take my limited time here to talk about the ideas that animate law school today. And in particular, why these ideas are so powerful. These are very seductive, very powerful ideas and they rest on some bases of truth. I think we can't just dismiss them. We can't just think that this is a short-term thing. There is a formidable intellectual structure that rests behind wokeism as it appears in woke law and the like. And I had thought law schools would be immune to this disease because we believe in the adversary system and debate and that sort of thing.

What I found is it was just a ticking time bomb. The students came into law school and those are the ones who are shouting down speakers and that sort of thing. So what are the ideas that animate woke law? The first idea is that that hierarchies are arbitrary. That hierarchies are not merit based. Hierarchies are somewhat arbitrary and corrupt, and based on connections and pull. If you ask liberals today how people get rich in America, the three top answers they give are connections, inheritance and luck. Connections, inheritance, and luck.

If you believe that people get rich in America through connections, inheritance and luck, you are not going to be a capitalist. You're not going to be a believer in the free market system. That's their worldview. And there's obviously some basis for this, right? I'm going

to go out on a limb. I don't know that much about oil and gas myself, but I'm going to just guess Hunter Biden was not put on the board of a Ukrainian oil and gas business because of his expertise in oil and gas exploration and getting paid millions of dollars to do that. Just a hunch. I don't know. Maybe there was some other reason, right? So clearly there is some degree of luck. There is some degree of connections. It's not everything, but there's a point there that I think needs to be taken seriously.

But this is why, for example, they can think of things like race, gender and the like as being credentials. Because basically, well, that's just because you're a white guy. You've been given an opportunity that this guy hasn't. So who's to say you're more qualified than that person because they just haven't had the same opportunities.

The second idea, and this is very important, is that neutral rules — the foundation of the liberal constitutional order, is the idea of process in neutral rules, due process, fair trials, and the like — are not neutral. In their world, neutral rules entrench an existing status quo and an existing power hierarchy. So this is why they push for equity instead of equality. This is the attack on the civil justice system and the criminal justice system. You judge the merits of a trial not by whether the process was fair, but whether you think the outcome is fair.

Right? And so this creates a whole mechanism by which they say neutral rules like freedom of speech is not an equal rule. So if you read Marcuse's famous essay, Repressive Tolerance, for example, what Marcuse says is, we've got to suppress the speech of the powerful and elevate the speech of the weak because the powerful have basically written the rules.

We talk about, "what is evidence?" Their view is that evidence is what the power powerful people have decided is evidence. Why isn't my evidence as good as that? Well, you're powerful. You've got computers and you know how to run statistical regressions. So you've decided that's what is evidence because that reinforces your dominant position in the academy. Why isn't my personal story, my narrative just as much evidence?

This then gets to why they say that speech is violence and violence is speech, because they say the powerful just use the police to act and impose violence in our name. We just don't get our hands dirty. So when they say we're burning down buildings, we're doing the same thing as you powerful people. It's just more obvious to us because we don't have the police on our side to enforce it.

The third thing, and I'll close on this, is that there is no truth, there are just truths.

Liberal democracy and constitutional order rest on the fundamental idea that we're individual, autonomous people who can reason to a societal good, who can appreciate each other's perspectives. In their view, that's impossible and we are fundamentally shaped by our intersectional characteristics, by our race, by our class, by our background, all these sorts of things.

So there is no truth. If there is a truth, we can't all perceive it. There are just truths. So what is dialogue? Dialogue is an effort for me to impose my views on you or your views on me. It all reduces to power. This is the idea that it's power. It's either my worldview or your worldview. What this means is shouting people down is perfectly allowable.

It's just another way of exercising power. Speech is just power. Speech is violence. Violence is speech.

Why does this matter? Because I've gone back and reappreciated the logic of the framers. The framers talk about separation of powers. The framers also talk about checks and balances between populism and elites. And elites are responsible for maintaining the long-term stability of our institutions, legitimacy of our institutions. Today, the elites are at the front of the mob with the pitchforks and the torches. Ordinary Americans would have never thought of the idea we should pack the Supreme Court or should be attacking Supreme Court justices over the flags that they fly at their vacation house. Or that we should be attacking the criminal justice system as completely illegitimate. Those are elite projects from the left to destroy fundamental American institutions for short term political gain. And that's why law matters. And that's why

understanding these ideas and getting our hands around them are important.

Thanks.

Ilya Shapiro: Todd was deeply offended by the Phillies flag. I know that for a fact. Dr. Fish, please go ahead.

Stanley Fish: The five minute rule is going to be tried by me. I listened to a podcast of Todd's the other night up until 2:30 in the morning on the rule of law. And it was terrific. And now he's turned into some kind of cartoonish polemicist. How does that happen, Todd? You were rational and clear and made concessions. We can talk about this later.

I want to talk about a couple of things that have been mentioned. First of all, there's been some questioning of Claudine Gay's credentials as being the president of Harvard. Let me tell you something, guys. There's never been a presidential search that isn't cooked. They're all cooked. I've been on both sides; I've been a candidate and I've been member of a committee judging candidates. All presidential searches or higher administration searches are conducted in the context and under the pressures of constituencies and their interests. That's the way it is. To borrow a subtitle from one of my earlier books, it's a good thing too that it's the case, because otherwise what you're looking for is a kind of abstract purity of some template of the ideal administrator. Well, what you want is the administrator who will speak to these people, or those people, or that people.

Another way to say this is that searches for presidents and chancellors are made by persons who are members of a club. It's a club, someone said earlier. Yeah, it's a club. It's always a club. And what you want to do is A, get into the club, and B, be one of the influencers in the club. That's your job.

It's not your job to try to hew to something called transcendental truth, which I don't deny exists, but which I do deny we ever have access to.

All disciplines are clubs. In all disciplines there are always presupposed authorities and values and interpretations and readings. And then a group of young, hungry assistant professors who want to overturn them and replace them with another club manifesto.

So that's the way it works. Purity is a mug's game, and it is, by the way, the game that is being played by big data in both the law and humanities for reasons said earlier.

Finally, what happens to the notions of truth, objectivity, and justice? Objectivity and evidence. Nothing happens to the notions of truth, objectivity, and evidence.They're still around, but they are around as matters of contestation. They are not around as things to which you can point and then assess the performance of others on the basis of what you pointed to. Richard Rorty, American philosopher, said it perfectly. Objectivity is the kind of thing we do around here. By which he meant, to be objective is to try to do the job within a certain discipline that the discipline demands and enables. Nobody goes into any form of work as a historian, a literary critic, a legal academic, determined to get things wrong. You're always determined to get things right. You're always determined to be objective.

What you can't do is reach a level of objectivity or truth that stands above any of these limited human discipline-specific efforts. Truth is not a transcendental value. Objectivity is not something you can achieve in some ultimate way. Evidence is always a matter of choice, of debate. All of these values — and I believe in them, I believe in truth, I believe in objectivity, I believe in evidence — they all emerge in the crucible of debate.

Stanley Fish: So finally, there are no deniers of truth that I know of in the academic scene, either in the legal world or in the literary world. There are lots of people who have set aside the notion that there is an obvious, perspicuous, and ultimate truth which we can discover, but we're all in the trenches of our various disciplines trying to establish the truth as best as we can, and I think I'll stop there because I've actually made a point.

Ilya Shapiro: Well, not even a buzzer. That was easier than I thought it would be. Richard, please,

you had something to say.

Richard Epstein: Yeah. Stanley, I think you are utterly, totally, and completely incorrect. I'm going to try to put it in a different way. It turns out that what we do seek is not perfection, but sensible adjustments and improvements that we can make in response to perceived defects.

And so the question is, what kind of institutional arrangements can we start to put into play so as to make the evidentiary questions easier, and to make the normative questions clearer and thus capable of resolution. And so I'm going to go back again to the earlier systems, and the traditional way in which people thought about the law, not to think of this as a contest between different political groups battling it out in the crucible of a constitutional convention, a supreme court, or a legislature.

Well, I'm a Roman lawyer by training and that was not the way in which law was made then, nor was it the way that customary international law was made working in the Roman tradition. What you had at this time was this weird, slightly self-appointed class of individuals who held extreme prestige, and they wrote the various treatises and books to address these questions, without any regard to the particular parties in a given case. Their job was to think hard in the context of hard cases, some real, some imagined, about the established norms that ought to exist with respect to these given cases.

And so I mentioned to you the question of how you determine boundary lines between two nations or two states when you have a river that's constantly moving in one direction or another. And if you start going back to what Stanley said. his imaginary political struggles were utterly, totally, and completely false. At the conceptual level there was no disagreement with respect to the fundamental principles.

There remains of course, a question of what's the novel application. If it turns out that your river is the muddy Missouri, as opposed to a small English river, how do you make the adaptations? So you start looking at the United States Supreme Court opinion, in *Iowa v. Nebraska*, and it cites a dozen international sources from various places, all of which more or less say exactly the same thing.

And then you slowly apply these principles in an incremental fashion to get to a sensible outcome. So then the question is, well, is there any other thing that's going on? Well, yes, it turns out there is. And I'm just going to mention one of them, which is the technology associated with the veil of ignorance, who is essentially the objective observer that was talked about by Adam Smith earlier on.

What you always say is, we want you to make your decision without knowing where your future position is going to be with respect to some general rule. So when I wrote my *Simple Rules* book, I gave the following example. I said you could live in one of two places.

You could live in Lockean Gardens or you could live in Hobbesian Gardens. I used to tell this to my students. And in Hobbesian Gardens, it turns out that all's fair not only in love, but also in war, and life in fact, which means that force and fraud are, as Hobbes said of the state of nature, the cardinal virtues, not a sin. And in Lockean settings, you could have a stable set of institutions in which force and fraud turn out to be the ultimate sin, the antithesis of virtue.

So I said to people, here you are now with this perfect choice. I want all of you who are big, tough, rugged individuals to tell me you want to live in Hobbesian gardens, because you could kill somebody, anybody else at will. And you're more likely to do that before someone does it to you. The odds be damned. Nobody wants to live in Hobbesian gardens. It's 100 to 0.

Why is that? Hobbes gave you the explanation. Big guys have to sleep. And big guys can be trapped by a team of small guys. And so the instability essentially does that. And that gets you to institutions of individual autonomy, private property, and the like, in a pretty neutral way. Now, you can, of course, fiddle as to what is or is not private property in certain kinds of complicated cases, but the point about this is, if you succumb to the realism too early on in the game, what you're doing is you're dooming any constitutional system to failure.

The fundamental proposition in many cases is therefore that we do not know what we do not know, and so what we have to do is to fashion a set of rules that can deal with our ignorance as well as with our knowledge. And if you start working this through, it is amazing how you come up with a standard set of institutions that we prize as a consequence of the theory.

If you start where Stanley is, God knows where you're going to end. You have to make sure that noted skeptics are always treated with respect on the one hand, but not followed on the other.

Ilya Shapiro: Alright, I'm gonna, I'm gonna cut off this discussion of the meaning of life and the nature of truth.

I'm a simple constitutional lawyer, so I want to be able to understand what's going on. This high theory is a little above my ken, but also I want to stay on topic. And now the focus, the theme of the conference is reversing the ideological capture of universities.

Richard Epstein: This work remains relevant, because if you don't have an alternative system that doesn't respond to the manifest risk of biases, you will never be able to reverse them. So you can't spend all your time fighting them. You have to develop your affirmative case.

Ilya Shapiro: Alright, I want to refocus this conversation. We are the law panel. How are the challenges to legal education different than what we've been hearing about from the other disciplines?

Stanley Fish: One of the things about legal education, or the legal world in general, is that it's not particularly vulnerable to what has sometimes been called the deconstructive argument, in which you figure out, as deconstructive types do, that apparent coherences rest on challengeable assumptions, and then you can challenge those assumptions and put others in its place, and then keep on going and going.

That won't work in law. It works in literary studies. In fact, in many areas of literary studies, that is what you do. It doesn't work in the law where certain forms of stability and the possibility of reaching judgments is absolutely paramount. So I don't believe all the ideas that are generally feared by people who have spoken at this conference really make their way into the law in a permanent way. That the law is always recovering its own project. And that the so called deconstructive or alien forces that threaten to overwhelm it never really get a hold.

Todd Zywicki: Well, I'm going to have to disagree with some of that. First, just to clarify, I was rushed in trying to present what I was presenting, and my point was that these woke ideas are serious ideas.

It was the exact opposite of trying to stereotype them or trivialize them or whatever. What I was trying to explain to you is, there are real ideas here. And the way I explain it is, if I take everything I believe, it's an integrated system from the nature of man and knowledge up through the nature of society.

If you take everything I believe and turn it on its head, It's also a very powerful integrated system that rests on a different set of assumptions. I think we really need to understand the power of this. And I will also say, I agree with everything Stanley said about his commitment to truth and the belief of his commitment to truth and how important that is. I would disagree, though, that the current generation of university leaders and academics share that same commitment. At least that's my experience, and the ones behind my generation even more so.

We can think of it as a shared search for truth game. When we come to the academy, those of us who believe in the liberal university — and I believe it's one of the most amazing institutions of the Western civilization; the liberal university is a miracle, when you think about what we've done in these places — see it rests on a game.

The game is a shared search for truth game. We all come here trying to understand truth. We accept certain rules about how that is done. Certain ways we interact. We don't use ad hominem attacks. We don't lie. We don't bully people, that sort of thing.

They don't believe that. They don't believe that. The people who shout down speakers, the people who set up encampments, the people who disrupt classes, the people who threaten violence against speakers, the people who showed up at Ilya's speech at Hastings, right? That's not a shared truth game. The censorship game is not that.

One of the important points about this is what they need to suppress. This is why I think the scientists were naive to think that the ideas in the humanities wouldn't creep over to the scientists.

You can rebut flat earther theory or something like that using good old fashioned enlightenment science. What they need to suppress is truth. They need to suppress scientific truth or possible truth that could be in their views, weaponized for political ends. So you have to suppress any possibility of people talking about differences between sexes, biological sex, all these different sorts of things.

You can't even allow the research to be done. And so that's why they are censoring those things, because science they see as inherently political. And what's interesting about that is Marcuse himself said in the Marxist worldview, is that scientific freedom should be inviolable, right? And it's not inviolable under the modern worldview.

And so why does this matter to the particular issue with Ilya? Why does it matter? Why am I less sanguine than Stanley? We all know what just happened in New York, right? Right? And we all know what's going on with lawfare. We all know what's going on with the censorship of Jay Bhattacharya and me.

The techniques that are being used, the way the law is being used, the way the regulatory state is being used. Law is where the rubber hits the road and people are being trained to use these weapons and they're being legitimated in a way I think is very threatening to the liberal constitutional order.

Richard Epstein: Look, I think that what was just said is unfortunately all too true. But I want to go back to Stanley's point and to some extent Todd's point, claiming that these are just alternative beliefs of systems and so forth. Let me say what I think we have to worry about, and this is as much a criticism of Todd. These are all sort of alternative theories of truth and so forth, and they have a kind of internal coherence. But they need external validity.

So I talked about Hobbesian gardens and Lockean gardens. I'm now going to concretize it. I'm going to talk about California and Florida. And so the question is, which way is the migration going of ordinary individuals? Are people leaving Florida head over heels to go to California? Or are people moving in the opposite direction?

And the reason that you use the voting with your feet metaphor is it's very costly to vote with your feet. And if you see a clear direction, what it does is it gives you powerful information of which of the two rival states is more sustainable than the other. And so to the extent that one wants to treat this as a matter of abstract debate, Stanley's world view makes everything always contestable and so forth; these movements mean that it's not contestable.

And in fact, if you start listening to what Todd said, what did he insist upon? No bullying, no lying, and so forth. He's saying you cannot run a system of freedom of speech unless you follow the libertarian virtues. And it turns out that's not only true with speech, but it's true with everything else. And so the reason why this is such a battle, in some ways, is it is a battle between good and evil.

The apocalyptic Mr. Scott Atlas is holding the world on his shoulders, to use a pun. But essentially, this debate takes those large proportions in terms of what's going on. Because this is not a debate over marginal questions. Much care is reasonable care when you're trying to figure out whether you do surgery or injection. These are structural changes. And it turns out, any form of moral science relativism is a fatal disease because then people who disagree with you can exhibit a kind of certitude without putting their own theory to the test. So, you have to be as emphatic in your beliefs about the superiority of one system over the other as they are in theirs.

And what's the proof? Total social output is vastly greater in the one case than it is in the other.

New York is falling apart. California's falling apart. Florida's not falling apart. Why? And I'll add one sentence —

Todd Zywicki: To echo Richard, I think the answer is we need to be bold and say, here's where we plant our flag. This is what we stand for and defend these fundamental principles.

Ilya Shapiro: Okay. I want to again try to refocus the panel onto the ideological capture of law schools. Before I open to the audience, does anyone have any thoughts on that particular question?

Richard Epstein: It's not different: what happened is when we started off, and I started in the 1960s, there were a bunch of nut — mainly left-wing — cases, and there were some in law schools and some not, but they were the outsiders looking in.

Today, what's happened is they're now the guys on the inside, and we're the people on the outside trying to move back in. And unlike the conservatives who believe that we should let every flower bloom so that we invited people who disagreed with us into the ranks, their attitude is my purposive. Systematically to figure out how to exclude or demote or fire people like me and Jay and Scott as a form of social cancellation.

And so that is a huge difference in law schools. And why is it law schools are more relentless? Because the people who want to exercise those powers to exclude are in too many institutions much more powerful in the way in which they do it because they know the levers of power in a way in which these amateur physicians don't quite understand until they get involved in the legal system, at which time some become amateur lawyers of great sophistication.

Ilya Shapiro: Stanley, you've taught in different academic departments in different disciplines. What, what have you noticed that's unique or that manifests differently in the law?

Stanley Fish: Well, in law, as I've experienced it before the pandemic, there are several important features that have long since been abandoned in many liberal arts contexts.

One is that up until 2018, 2019, in the law schools where I've taught, everyone showed up. Everyone showed up most days. Another thing is that the meetings were frequent. And that the meetings were often on technical matters having to do with bylaws and rules and ideological questions didn't arise.

Also, people were teaching with the view toward preparing their students for practice and, earlier for bar exams so that there were professional constraints on their students. Everyone understood and worked within that shape of your courses. Now I think that's a great difference between the law school context and the liberal arts context in which I taught.

For in that context, change and innovation were valued for their own sake. And in fact, novelty was the chief and remains the chief value in humanistic liberal arts endeavors. What you want to do is say something that no one's ever said before or say — this is the same thing — that everyone who has ever said anything is wrong and that you are right.

That's what happens in innovation in the liberal arts. That doesn't work in law schools. You have to recognize the difference between educational contexts as you have to recognize the difference between all contexts. That's why I'm so resistant to any idea of truth with a capital T, but will insist on truth with a small t.

Within your discipline, within your department, within your college, there are always a sets of rules and obligations based on assumed and tested values. It's just that they're not the same all across the board and uniformity across the board should not be demanded in the name of something called Truth with a Capital T.

Transcendence is nice and I hope I achieve it someday, but not around here, baby.

Richard Epstein: I am today in spite of myself a litigating lawyer. And when you litigate, it's not litigating within groups where you have some common premises. It's litigating in a larger arena in an effort to impose your regime upon the rest of the world.

So, I am litigating, for example, cases having to do with medical drugs, in which it turns out the argument is if you commercialize one drug before another, you could be responsible for 25 billion worth of deaths because somebody out there doesn't know what's going on. I'm dealing with global warming cases in which it says if you want to sell gasoline in Hawaii and you don't mention that it could result in pollution, a jury can now impose upon you liability for the rising seas because you didn't tell people what they already knew.

And every case that I deal with is in the theater of the absurd. And what they do is they take concepts which existed for public nuisances in 1536, and they make me read them into utterly improbable contexts. So the problem with Stanley's subjectivism is that these tussles do not take place in social clubs. These are people from one group going after other people throughout the entire globe using every tool to advance their agendas.

They are not laughed out of courts. They almost always win because they sound like Stanley. There's no objective truth in these cases.

Stanley Fish: I've never said anything like that.

Richard Epstein: No, you have, Stanley. Actually, Stanley, 'truth with a small t' is what you say. We'll have to continue that.

No, no, no, one second. 'Truth with a small t' means that everything's a jury case. And if that's the world you live in, we're finished.

Ilya Shapiro: Okay, we can continue that at the reception. Someone in the audience has a microphone already for a question.

Audience question 1: Hi. This is for Dr. Todd. Could you explain to what extent you think that the World Economic Council or Klaus Schwab in their quest for a global reset or the UN in their Agenda 2030 has a bearing on ideological capture?

Ilya Shapiro: I have no idea. All right, let's keep focused. And by the way, I have thoughts on all this as well. You can read it in my forthcoming book, *Lawless: The Miseducation of America's Elites*, available for pre order.

Audience question 2: This has been a very interesting panel— and informative. I'd like to address Dr. Todd again and get him on the hot seat. I found your presentation interesting and you put a lot of the blame on the students and, frankly, their actions have been unacceptable and despicable.

So you can possibly fix that through the admissions office.I'm a graduate of Cornell, a school I probably couldn't get into today because of my privilege.

The question I have is, the alumni were so angry, we were able to get the president fired by basically saying we're going to start withholding donations. So we have a methodology there. But the college professors have tenure. How do we address that issue?

Todd Zywicki: Well, first, I think the thawing in universities is going to be temporary. In the end, Cornell notes the alumni need Cornell more than Cornell needs them. So long as people obsess on sending their kids to prestigious schools, they're going to always be tools of the university administrators.

I was on the Dartmouth board. I got elected to the Dartmouth Board of Trustees in 2005 as a write-in candidate. And after they kept losing elections, they just decided to pack the board and get rid of elections. I was an alumni-elected trustee and they just appointed a bunch of new appointed trustees. They essentially ran the numbers and they said, well, we predict that we'll have a 10 percent drop in alumni donations since we've basically just taken away their right to vote. But they'll come back. They always come back. That's the problem with that. I think that's a tool that's been used but won't be used that much again in the future. I mean, you look at these guys and Ken Griffin said, gosh, I sure wish you guys would get your act together so then I could start giving nine digit gifts to Harvard again. But so long as you guys keep doing this, you're going to have to just settle for the half a billion I've given you so far. It's just kind of a weird dynamic with these people.

Richard Epstein: Comments about the strategies

that are used on the other side. If you look on the campus, basically what you see is the faculties are 90 to 95 percent left. And what I mean by that is not some centrist Democrat who believes in the 1950s New Deal settlement. And what they always do is they describe themselves as marginalized, isolated, making it appear that the dominant organization turns out to be people like me who have about one percent of the faculty vote and so forth.

And so what they're able to do is to cast themselves as victims of a power structure they control by systematically misstating what the relationship is inside these organizations. And you have to attack those claims of institutional powerlessness so that people realize that it's false because it is yet one more way to deflect criticism. Even if you put a pretty good president in charge of a tenured faculty whose sentiments are like that, all you can do is veto the occasional tenured appointment.

You can't get rid of the existing faculty. And so what you really have to do, I'm afraid, is start new institutions in order to combat this danger, or convert old institutions to better purposes.

Audience question 3: I'm an attorney by trade. I graduated law school just about a decade ago, and the experience that Ilya described of that old school law school experience was exactly what I had, undergirded by the importance of the rule of law.

I saw none of this at all, this ideological rot that we're seeing today. I don't doubt that it's happening because in a lot of very online lawyer groups that I've seen, I have definitely seen that. But what do you think has changed so very quickly?

Todd Zywicki: First, the combination of COVID and the George Floyd stuff was a huge accelerant for this idea of law as a social justice movement. The idea that we judge the quality of our institutions by their outcomes, not by the fairness of their process.

There was a case that involved a tragic murder by the police in Louisville, where the grand jury chose not to indict some of the police officers, and the president of George Mason sent out an email saying, look at this evidence of the systemic racism in the justice system. Now, why is that a particularly asinine example? Grand jury proceedings are by definition secret. He literally cannot know what was presented in the jury room. All he knew was he didn't like the outcome.

Therefore, that just is more evidence that the criminal justice system is systemically racist. Based on what I saw on CNN, right? So that, COVID and Trump. Trump because it presented this idea of lawfare, of using law as a weapon to go after Trump. But more generally, now the attacks on the Supreme Court and the legitimacy of the Supreme Court.

Trump means anything is fair game.

Stanley Fish: For a moment, look, I'm holding in my hand a document that I'm sure you all own, which is the PMLA, Modern Language Association, program at its annual convention in September 2023.

Ilya Shapiro: Where I'm from, we discuss little else.

Stanley Fish: So, there's thousands of panels, and what are their titles? Certainly, there are some racist, sex, gender, and class panels, but most of them are like rethinking philology. Or how about magic in global literature, the appearance of magic in global literature.

Ilya Shapiro: Okay, well that's not really a law school. Let's take the next question about law schools.

Todd Zywicki: I'll just add the AALS conference topic was "Saving Democracy."

Stanley Fish: Here it goes. It's very short. Use the microphone. In olden days, a glimpse of stocking was looked on as something shocking, but now, God knows, anything goes. Good authors, too, who once knew better words now only use four letter words, writing prose. Now anything goes.

That's why all these people, they're all Cassandras. They're chicken littles. In most classrooms, things go on as before. You get a little list of horribles. Some guy or gal in a university says something outrageous. It gets printed in the *New York Post*. My favorite newspaper.

I've been on campus. It's a little different now. That's good. Relax, chill out, family! Enjoy the fact that you're an academic man. That is God's privilege, if anything ever was.

Audience question 4: So, I took constitutional law in law school fairly recently, and I like to call it my 14th Amendment class, since all we discussed was race the entire time.

First and Second Amendment, forget about it. The only time we talked about the Commerce Clause was in regard to the Civil Rights Act. I see the trend now — especially with the elephant in the room, the New York case — what's going to come about is people who are unprepared to take the bar and unprepared to be attorneys in practice.

So what can be done about a professor that refuses to teach fundamental case law in a constitutional law class?

Richard Epstein: I can answer that question. The bar review courses are booming. And why is that? Because they teach the stuff the law school should have taught when they were doing something else. Students are essentially adaptive with respect to the way in which these institutions start to run.

The real problem that you have is you can pass the bar, but if you're talking about the kinds of complex cases that I've mentioned, every single one of them would come out a different way if you had an understanding of the traditional principles of property contract and law as they existed before we had this modern progressive revolution, which turns everything on its head.

And I don't know how you bring that back. I'm going to tell you, I'm 81 years old, in pretty good shape. I don't think I'm going to be teaching in 20 years. And I have some splendid students who have all the right instincts. But the problem is all this knowledge that you can pass on to a few students is going to be lost to history. And the only way that you can stop it is to devise alternative institutions.

It is not possible, in my judgment, to fix the worst of the modern law schools or universities.

Ilya Shapiro: I'll just add one thing with that problem. It's again, like Richard said, it's not about passing the bar. The bar is relatively easy. You study for it. It tests knowledge that's a mile wide and an inch deep. Just make it like a 9-to-5 job at most.

But the problem is that law schools are doing a real disservice in not teaching their students how to advocate before real world judges, and the skills of understanding different sides of the problem. In federal courts, if roughly half the judges are originalists and you say that you don't teach originalism because it's all about racism and all of that, that's a real problem. I think there's a market opportunity either for new institutions or for the schools that actually do teach usable skills in the full panoply of the doctrine.

Todd Zywicki: You mean like Antonin Scalia Law School?

Audience question 5: Okay, so I just want to give the perspective of a practitioner and a partner at a good sized law firm in Sarasota, and I want to push back some on Dr. Fish because, if I heard him correctly, it seemed like he was suggesting that the law was somehow different when it comes to ideological capture, and I don't think that it is. What I'm seeing, particularly from law student candidates that our firm looks to hire, is something different.

I'm not a statistician. I don't have time to pull together statistics. But I can tell you that we interviewed nine or ten different candidates to participate in our summer associate law clerk program this summer. A super majority of candidates were female.

And I don't have a problem with that. I don't have a problem with females in practice. What I have seen though is that non-lawyers are providing incentives and nudging certain candidates into positions that they ordinarily would not have been placed into. And my concern as a practitioner is the quality of candidate and the quality of lawyer that we're developing.

I look up at the lawyers that are above me and

they're cut from a different cloth. I look down and I'm not making an overgeneralization of the candidates that I see coming up, but I have serious concerns. And the reason I have serious concerns Is that on paper, as a litigator, or as a transactional lawyer, our jobs should be fairly objective. We should have judges applying the law.

Ilya Shapiro: Is there a question, sorry?

Audience question 5: Yes. The question in the comment is, do you think it's possible to insulate law school candidates from not following the law when it comes to acting as a judge or interpreting contracts based upon ideological capture?

Stanley Fish: I'm a member of a law school up until recently in this state called the Florida International University Law School. I will bet that 95 percent or 90 percent of the faculty is left liberal, but the school's candidates pass the bar at a higher rate than anyone else. All the courses are taught from a doctrinal perspective. There is no relationship whatsoever at the FIU Law School between the political identification of its faculty and the way it teaches.

So my advice is, Don't start a new law school. Send your kids to FIU.

Ilya Shapiro: Todd, what about the bread and butter of law schools churning out lawyers?

Todd Zywicki: Yeah, what I've focused on, because I think it's what matters most, are our elite law schools. Going back to my initial point, elites play an outsized role in society. Elites become the leaders of the bar. They become the elected officials on a national basis.They become the regulators, that sort of thing.

So, in terms of bread and butter law schools. I taught at Mississippi College Law School as my first law school, and we prepared students to take the bar. There was some of this, but in the end, you understood that you needed to help your kids pass the bar.

But by and large, even with elite law schools, most people go on to become lawyers. They don't become, you know, academics or judges. They're not being taught at elite law schools to do that.

Richard Epstein: You go to the Yale Law School in 1990, which is before all of this stuff, and Owen Fiss walks into class. And he takes the copy of the federal rules and he throws them in the waste paper basket. And he says, we don't want to talk about this stuff. We want to talk about a case called Goldberg v. Kelly and a right to get a hearing before there's a suspension of your social security rights and so forth.

If you go to a place like that, it's a disaster. At most of the weaker law schools, with weaker students in terms of their instruction, Stanley is, I'm going to say it, absolutely right. Namely that the dominant pressure for them to pass the bar tends to be even more powerful than some of this other stuff. But there are certain courses which then release all these terrible tendencies.

So what you can do is have a situation where 90 percent of what they do actually trains them to be a lawyer. And 10 percent of what they do trains them to be a rioter or a protester and so forth. And we don't want to forget the 90 percent when we worry about the 10 percent. But at the major law schools, paradoxically, the bar exam is a cure.

And so people don't worry about that as much. And so you get a Yale Law School and devote your studies to ten different views of the Equal Protection Clause.

Todd Zywicki: And the bigger danger is that this will trickle down, right? The elite law school graduates become the professors at the other places.

Ilya Shapiro: I think the bar passage rate at Yale is actually lower than at FIU, for that matter.

Okay, last question, because we have to accelerate things a bit for Governor DeSantis's arrival. Let's talk a little bit about the American Bar Association and its role in creating the environment we have in law schools now.

Richard Epstein: Can I say that the ABA has become

one of the most incompetent organizations on the face of the globe.

And dishonest. So, most recently they've decided to have this project on democracy, right? To figure out from a balanced perspective what's wrong. And they said, we're going to get a Republican and we're going to get a Democrat, and the Democrat they get is a standard Obama type, and the Republican they get is Michael Luttig a former federal judge on a crusade to remove Donald Trump from the ballot.

He sadly is, in fact, one of the most mindless advocates of all the stuff having to do with insurrection theory. So the whole situation is essentially a left wing operation. Then there are the so-called 'insular cases' that arose in the aftermath of the Spanish American War. These are difficult to deal with, but the work of such folks as President McKinley and William Howard Taft, first as the head commissioner of the Phillipines and later as Chief Justice, was admirable. But the ABA is unanimous in their determination to make all their efforts racist. Not one voice in dissent.

Todd Zywicki: Your question more specifically, Bob. The ABA has become much more ideologically aggressive.

They've become much more aggressive about using that ideological power. They've tried to impose new rules on DEI on law schools, for example. They've discovered this is a leverage point.

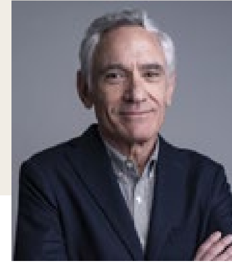
Ilya Shapiro: To put a finer point on all that, the ABA has its esoteric programming that Richard was describing, as well as its amicus brief program that are supposed to be representing the legal profession but are always filing on the left side of all the politically controversial issues.

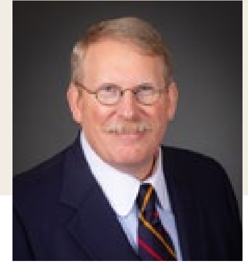
They are not your father's or your grandfather's ABA. Lewis Powell parlayed the presidency of the ABA into a Supreme Court seat. That would not happen now. The president of the ABA is … Who knows? Who cares, right? I think only about 15 percent of lawyers are now members.

Some of them are just enrolled as non-dues paying members. But the reason this is important, why Bob asked that question, is because the ABA is the sole accreditor of law schools. And that's how they use pressure points of various kinds. We haven't really gotten into reforming that. Perhaps Todd will hit some law school specific reforms in the next panel that he's moderating.

But removing the ABA monopoly on accreditation of law schools would be a big deal for reforming law schools, about which you can read in my forthcoming book, *Lawless: The Miseducation of America's Elites*. With that, we're going to stop and quickly transition to the next panel. Thank you so much.

Todd J. Zywicki


Scott W. Atlas


Robert S. Eitel

Panel 5: Policies for Reform

Todd J. Zywicki, JD, Scott W. Atlas, MD, Robert S. Eitel, JD

Todd Zywicki: You know, I was so cheery on the last panel, so hopefully I can be even more optimistic now. Here's how I think about the question for this panel.

What we're going to try to transition to here is concrete ideas, very specific ideas. I'm going to give you a bunch of bullet points, then we can discuss them, but we'll take it from the abstract down to the concrete.

I'm going to start with two premises.

The first is, if we have a strategy for reversing the ideological capture of the universities, I don't know what it is. To the extent we have a strategy, it appears to be a not very good one. Or you could say it sucks. Our strategy seems to be, basically, we will wag our finger — we will try to make the left embarrassed for what they're doing. We'll try to preach academic norms to them. It doesn't seem to be working very well. Anybody disagree? Does anybody think whatever our strategy is, it's working? By and large it's not working.

Second, everything we talk about, everything I talk about, we need to beware of unintended consequences. We always have to think about the intended and the unintended consequences. And a lot of the problems in higher ed today, I think, are unintended consequences of earlier efforts that were well intentioned but hadn't been thought through. And I think we also have to keep in mind something very important, which is the people we're dealing with, in most places, are very bad people, as I just said on the on the last panel.

Think about where we are in American history. Wall Street hedge fund people are appalled at the ethics of university leaders. That's the state of higher education leadership that we've that we've reached. Bill Ackman and people like that are appalled by the ethics of university leaders, right?

Any tools we give they will use very aggressively at the same time. They're not sitting around waiting for us to give them license to do things. They're already doing a lot of these things. So the question will be, how much worse would it be. But I'll give you an example of something we should avoid, like taking away tenure, like someone said in the last panel.

It's clear that the left, universities already discriminate against people ideologically in hiring. I don't see any reason to think they wouldn't discriminate in firing. So, if we take away tenure protection, they're always going to be more aggressive about firing people than I think we would be.

So let me give you some bullet points throughout, keeping in mind that there's going to be unintended consequences as well as intended consequences.

The first is to use the power of the purse. Universities are giant corporations, they run on money. One of the things that's been very effective is something called the Solomon Amendment, which ties eligibility for federal funding to allowing military recruiters on campus. Universities hate allowing military recruiters on campus but they grin and bear it because they know that federal funding is tied to it and that the federal government is serious about allowing military recruiters on campus. I think we should think about doing that for free speech. We could tie federal funding to that, as long as we're willing to enforce it.

Second is supporting alternative models. We need to have more experiments, build new institutions, build a variety of institutions, like New College here. I don't know whether it'll work. I hope it works. I don't know whether the University of Austin will work, but we have got to try it. Try different things. Some of them will work. Some of them will go catastrophically wrong, but I agree with what Richard said on the last panel. I think elite higher education is fundamentally irreformable at this point, and it's going to just be luck if it works.

Third, the idea of something like a free speech ombudsman that the state of Florida could have basically somebody appointed in each university that is dedicated to preserving free speech and has to file a report and report to the state legislature on the state of free speech on campus. Could that be corrupted? Yes, but I think by and large, if we put a bureaucrat in charge of that they'll take that that seriously in protecting First Amendment rights.

Fourth, my old friend Bill Frezza is in the audience here and he turned me on to Saul Alinsky, so I'm going to point to an Alinsky idea. Make the enemy live up to its own book of rules. We're seeing this now with October 7th, which is the model that they were using. Only, their model they're using is only sustainable if you apply speech codes, disciplinary procedures in a totally unequal fashion. And everybody understood for the longest time it would only be applied against Jewish students, not against Palestinian students. It would always be applied on one side and not on the other side.

What we see now is a movement to force them to apply their own book of rules, which they're being embarrassed on. People are actually litigating, using the complaint process, using all the sorts of processes that are available rather than being shy about doing it. Use lawsuits, use complaints.

Fifth, we need to develop a farm team of administrators. I mentioned I was on the Dartmouth Board. The President of Dartmouth resigned while I was on the board. We could have proposed pretty much anybody in the country who would've been plausible as a presidential candidate for Dartmouth.

The problem was there were no plausible candidates. All the candidates were from an Ivy League school or were the provost in another Ivy League school or the president of a Big 10 school, all those people who had come up through the ranks. I think echoes something that was said earlier about being willing to be an administrator, being willing to engage in building institutions.

Six, use power where you have it. So one of the things that's going on in law schools right now, we've heard about Ilya's experience, we heard about Kyle Duncan's experience, the judge who got shouted down at Stanford. A couple of judges led by Jim Ho on the 5th Circuit and Lisa Branch on the 11th Circuit announced that they will not hire graduates of Yale or Stanford and have now extended it to Columbia. They're not targeting any individual students, which I have problems with, to tell the truth, but they're targeting the institutions. They say, basically, we don't believe that the products of these institutions are well trained to be lawyers because they have not been educated in an environment that is sufficiently protective of free speech.

And what happened? Both Yale and Stanford have woken up. Both Yale and Stanford have made at least noises about protecting free speech in the wake of those experiences. That would have never happened but for the fact that Judge Ho and Judge Branch held their feet to the fire and all of a sudden students realized that they were going to be excluding themselves from clerkships.

Seven, we adopted at Scalia Law a faculty statement

on classroom dialogue and debate. It's modeled on the Chicago principles, but it's better. I encourage you to go look at it for various reasons.

Our faculty deliberated it, we adopted it, and those are the principles of our faculty. It wasn't just something passed by the Faculty Senate. I think professors in every department, for example, should develop and get everybody in the department to agree to the Chicago principles and make it concrete to people.

I would encourage you to adopt our statement rather than Chicago's, but actually get people to buy into it and get the faculty to buy into it and get the faculty held accountable to doing it.

The last thing is don't be shy about just saying no. Passive resistance. You don't always have to be a hero. During COVID I would walk through an airport. I knew I had to wear a mask in the airport. But during COVID, I would just walk through an airport, and I wouldn't be free-nosing it or doing some cheap thing like that. I'd walk and I'd just have my mask in my pocket. And if somebody came up and told me to put my mask on, I would do it. Make them make you do it. Make them have the uncomfortable experience of making you put pronouns in your bio or whatever the whatever the case would be.

So those are just some ideas I've had. All of them could have unintended consequences, but I think we need to have experimentation. If we don't try anything, we know how this ends. And it doesn't end well. So maybe some of these things will backfire. Maybe we'll get to a bad result faster, but I think we're headed for a bad result if we do nothing.

And so with that, Scott, of course, and Bob Eitel, who is the president and co-founder of the Defense of Freedom Institute for Policy Studies, will give you their thoughts.

Thanks, guys.

Scott Atlas: Thanks, Todd. I'm going to go through some concrete things about reforming public health and science and I will refer people to something I wrote October 30th, 2023 in RealClearPolitics called Today's Public Health Emergency, Restoring Trust with Seven Steps, if you want to read that. And again, I'll start with these very concrete things.

Number one, we need a clear definition of a public health emergency. That not only must be defined, but it has to have strict time limits. There is no definition of a public health emergency. The excuse of invoking or declaring a public health emergency is the gateway to all the mandates and usurping of freedoms that we got.

We need term limits — not just in people elected — we need term limits in the agency appointments. Fauci was in the NIH for 38 years, Deborah Birx was in for 30 some years. These people are bureaucrats. To see a picture of them wearing a stethoscope around their neck with a white coat on is just very misleading. Add term limits, maybe six years to all mid-level and agency director positions. It's not good enough just to swap out. It turns out in Washington, it is true that career bureaucrats are running things. They outlast the president. They outlast the head of any agency.

You can't let these people have that kind of power and by the way, perverse incentive to maintain that power at all costs. We need to forbid all these drug royalty sharing agreements by employees of the FDA, NIH and CDC. And I believe there has to be some kind of rule about related private jobs after government service.

There's a revolving door. It's good to get great talented people. We want people who are really good to be paid. But what I don't like is the person who was the head of the FDA when the approval of the vaccines were done came out of Moderna. And this is not just that one person. This happens all the time.

I'm fine with people making money, but there has to be maybe a moratorium after you serve in government for five years or something like this. There's a conflict of interest in that. That's not good.

We need to require full transparency. Jay mentioned this. There is this cloak of secrecy around the discussions by people who work for us. These

people are employees at the NIH, the FDA. We don't work for them. They're employees. We want to know what's said at the meetings. When I discovered in October of 2021 that the advisor to the FDA on pediatric COVID vaccines said at one of their meetings, "We're just going to have to give them to see if it works and what the safety issues are. That's just the way it goes." That's abhorrent to medical ethics in a free country. We can't have that. That was not visible to the public. So, I say all these meetings, they have to have their discussions put up in public forums on the internet. And if you're afraid of that, then you can't work there. I mean, there's something to hide if you can't do that.

We need to look at these authority agencies. The CDC and other health agencies are supposed to be strictly advisory. They don't set rules or laws. They're there for information. They can give advice. We have elected officials. Part of the problem, of course, is that they hid behind the CDC: Oh, if the CDC says this, then we have to do that. That was basically the general rule of the people. We have to restate, codify somehow, that the CDC has no authority whatsoever. They're strictly advisory and, likewise on the medical schools, the accreditation, someone mentioned, is done by the AAMC.

This is an accrediting agency that defines all the medical schools on what percent of diversity hires there have to be, what percent of diversity students there have to be. I would be shocked if there's a single person, black or white, that would rather have a doctor that got in because of their skin color over if they're the best person. I just find that hard to believe. We can't have a society like that. We can't have these authority accrediting agencies have that kind of bent or rule.

We need to decentralize the cartel that controls funding of science research. Okay, we mentioned this before, how there's only 15 medical centers that that dominate, and they receive $500 million each from one agency. They can't defend the NIH and still turn their lights on in the morning. So, we need to decentralize that.

There's a lot of proposals on the table that Jay and I have spoken about in some detail. And the seventh of these is that we need to immediately halt all binding agreements or pledges to the World Health Organization.

It's a corrupt organization. They're grossly incompetent. Their track record is horrendous over the past 15 years. I outlined it in detail in a piece called Who Do You Trust in 2023 in Newsweek. They're morally corrupt. They lied. Tedros, the head of the WHO during the pandemic, said that yes, China's right, there is no human-to-human transmission, et cetera, including praising China for their transparency at the time when China blocked the WHO from looking at the Wuhan lab records.

This is completely unacceptable. We're the biggest funder of the WHO. "We" means the people paying the taxes. The government has no money, as everybody knows. It's our money. We can't hire something like that. That's just unacceptable. I'm not saying never join the WHO. I'm saying let's hold off here. We are the number one funder, let's use the leverage. Let's get the transparency and get somebody in there who has an ethical backbone.

Now, the last thing I want to say before I hand it over to Bob is this. And this is something that I believe more than anything else. And it echoes something that Brad Watson said. We have freedom in this country, okay? With that freedom comes responsibility. What is the responsibility? There is a moral obligation to have the courage to speak out to defend freedom, okay? And in America, we have seen a disastrous void in courage. Yes, most alarmingly at our universities. And as Brad, I think, quoted C. S. Lewis, who said, "Courage is not simply one of the virtues. It is the form of every virtue at its testing point."

I'm very concerned in this election year. Why am I concerned? I'm concerned that Americans don't care about freedom. People in Florida care about freedom. Many of them moved here for it. During COVID, yes, there was a migration towards states with freedom. But in the 2022 governor elections, of the 11 states with the worst, most stringent lockdowns, seven of the eight governors running for reelection in those states were re reelected by the

people whose children were shut out of schools, whose people lost their jobs, who couldn't see their dying parent because of the shutdown of the nursing home.

They reelected those governors. I'm very concerned about that.

These things are not difficult for me. I don't know why. I don't think they're that complicated. But I know right from wrong. And we need leadership that understands right from wrong or we're going to lose everything we have in this country. Thank you.

Todd Zywicki: Thanks, Scott. Go ahead, Bob.

Robert Eitel: Thank you, Scott, so much. My name is Bob Eitel. I have to say I have never been canceled. I don't know if I should be participating in this event, but I will say this: the *New York Times* has written a very mean article about me in the past. So I will take that as admission to the club. Does that work?

Todd Zywicki: That works. You're an honorary member.

Robert Eitel: It was mean. I should probably explain why I'm here. I'm not an academic, I'm an attorney. I'm, specifically, a regulatory lawyer and kind of a policy wonk. In my prior job, I served as a senior advisor to Secretary of Education Betsy DeVos , whom I admire greatly. This was prior to doing what I do now, which is the head of a think tank and public interest law firm that's focused on education and civil rights issues.

In my prior job, one of my primary responsibilities was to take all the ideas of the sorts of things we've been talking about today, distill them into policy, and then distill them into guidance and into regulations. That was what I did, and to do it in a way that honored the rule of law and conservative principles of limited government and statutory authority.

So my remarks today are going to be focused on what are the concrete things that should be done in connection with policy, particularly regulations and investigations at the federal level, to reverse this illiberal takeover of the university and institutions. I'm going to make a couple of assumptions.

The first assumption I'm going to make is whatever happens in the election, there'll be a new president. Perhaps that's not going to happen. Perhaps that is a big assumption, perhaps not, but that is an assumption I will make. There will be a change of administration that will allow for these measures to occur.

And then secondly, that there won't be major changes in the Congress. That, whatever happens, it'll be at the margins. 51-49 in the Senate, either way. Perhaps the Republicans keep the house. Perhaps they don't. But that's just to say there's not likely to be any room for major legislative changes come 2025. Perhaps so. But I'm going to assume that's not going to be the case.

The other thing I want you to understand is that when I talk about the use of federal executive power and specifically the Education Department, please do not take that as an endorsement of the Education Department. I think many of us in this room would prefer to see the Education Department go away and for state and local governments to take over K-12. But I don't think it's going to go anywhere soon. So, let's think about how we should use it.

It's interesting to me that we've talked most of the day about the university and we haven't had a lot of discussion about the federal student loan program. Federal student loan program includes a $1.6 trillion dollar portfolio, at least until Joe Biden giving it away by cancelling student loans. It's about $125 billion dollars in appropriations every year. Nearly every — with the exception of Hillsdale and a few others — institution of higher education in the United States depends on this program for their students to attend their institutions using student loans and Pell Grants.

As a condition of participation in that program, every university, every college has to adhere to certain requirements, and there's a whole slew of them. There are volumes of regulatory requirements for schools, but there's several very important ones that come into play here relating to issues of race, gender, sex, and civil rights.

The first is Title IX. I don't know how many of you have been following the Title IX issue, but it's a big deal. And it's coming your way in a big way. And it's not just higher ed that's going to be affected by changes in Title IX. It's going to be K-12 as well. Last April, the Biden administration published new regulations that changed Title IX, which bars discrimination on the basis of sex in education, in major fundamental ways by extending Title IX from simply focusing on biological sex to focusing on gender identity.

As a result, this means that sex-separated spaces, whether in K-12 or higher ed, based on biology will be a violation of civil rights law. There will be no bathrooms, showers, intimate facilities protected based on biological sex. Sex-separated sports at the college level and the K-12 level will be under threat.

The definition of sexual harassment on campus will also change to include gender identity harassment, meaning that so called "misgendering" and "deadnaming" will be a violation of civil rights law, meaning that if you are a boy who identifies as a girl and you insist on being referred to by female pronouns and the teacher doesn't do it more than once, that's a federal civil rights violation.

That's going to bring the power of the federal government into the school for an investigation. The reason that is important is that schools need to comply with these civil rights laws in order to maintain their federal funding via the student loan program and Pell Grants or K-12 via the tens of billions of dollars of grants that the Department of Education distributes every year.

So, my point is simply this: The first thing that a new administration needs to do is to reverse this regulation pronto. It is absolutely essential that they do so. It takes a lot of work. It will take, frankly, probably 24 months to do it, but it needs to be done. There are also court cases pending right now. I'm proud to say that my organization is representing the states of Louisiana, Mississippi, Montana and Idaho in pending litigation in federal district court in Monroe, Louisiana, to challenge this regulation and to blow it up.

The regulation was published at midnight on April 29th, and we filed at 12:13 AM. That case is pending. There are at least seven other suits pending around the country, one of which is a suit filed by the State of Florida in the Northern District of Alabama, U.S. District Court.

But this gender ideology is coming your way, and it's coming your way in a big way in K-12 and higher ed.

The second thing that a new administration should do is in connection with race, and that has to do with admissions, particularly in higher ed.

I have to tip my hat to Peter [Arcidiacono] and the Students for Fair Admissions team for their work on those two critical Supreme Court cases that said convincingly and once and for all that the use of race in higher education admissions is a violation of the Equal Protection Clause of the Federal Constitution and Title VI of the Civil Rights Act of 1964.

However, I have absolutely no doubt that institutions of higher education will look for ways to get around the ruling. Sorry to say, Peter, I think you were more confident about that than I am. But I am not comfortable about that. So, what I think the next administration should do is launch, through the Education Department and the Justice Department, an investigation. Take the top 15, 20 so-called "elite" schools, and investigate them and ensure that they are complying with the law. Ensure that they are not using race in connection with admissions and by extension, employment decisions regarding faculty. And that ties into this issue of DEI statements and that sort of thing.

The third thing that the next administration should do, at least from the perspective of the Education Department, is in regard to anti-Semitism. We've all seen what has happened. I think it's been eye opening for many of us. To me, it's highly concerning. My organization has filed a slew of civil rights complaints with the Department of Education about instances that have occurred on campus. It is illegal to discriminate based on shared ancestry and other ethnic groups and characteristics, which clearly covers issues of anti-Semitism. There is a law called the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, and

that is simply a law that requires for schools to file annual crime reports about criminal instances that occur on their campus.

One type of crime that is covered by the Clery Act is hate crimes. Hate crimes are defined within the Act as instances of harassment and intimidation. Well, we saw that in the months after October 7th. I can guarantee you that schools are probably looking at this very closely.

But the reason that this is important is this: It provides a way for an administration to institute penalties against these institutions, like Columbia, that have done little or nothing to stop the anti-Semitism that's occurring on campus. Liberty University in Virginia just paid a fine of 14 million because it violated the Clery Act on other grounds.It failed to report certain crimes on campus. This is the sort of tool that you've got [at the Education Department]. There's lots of other things that we can talk about in terms of accreditation and intellectual viewpoint diversity protections.

But right now, I'll just kick it back to you.

Todd Zywicki: Sounds good. Thank you, Bob. We've got 23 minutes before we move from the warm up back to the main show, so we'll go straight to audience questions.

Audience question 1 [Bill Frezza]: Thank you. We've all heard a lot of talk about the importance of restoring civil discourse to our universities. The problem with civil discourse is it only works if you're engaged with people of good faith who are intellectually honest, which has become a minority of the people we're up against.

I'd like to ask on the panel, anyone who cares to comment on the power and importance of using mockery.

Todd Zywicki: Well, of course, Bill Frezza asks the Saul Alinsky question.

I think this is important, and I didn't want to lose this from the last panel, which is the assumption is that there's rules to a game.

The shared search for truth game is different rules from the power dominance game, right? And so I think mockery is an important part of this, and a lot of it has to do with the fact that there's this sort of game that's played. This is one of the things I think was brilliant that the Trump administration did with the Princeton letter. Princeton said, "We are a systemically racist institution," and the federal government said, "Oh, really, because you've been lying for years and saying that you don't discriminate."

That's not exactly mockery, but I do think the one thing that they can't stand is that there's this whole game where you pretend like you're saying serious things, but everybody realizes that you're not. And so taking them literally — the old saying is the left can't meme — these are Alinsky-type tactics to pierce the arrogance of the top brass. Bob, did you have something you wanted to add?

Robert Eitel: I would just add that this issue is best left outside of government policy and it's probably best left to the faculty lounge, not government.

Todd Zywicki: Right, and students are good at it.

Scott Atlas: I just want to add something, which is that, in addition to these immediate things, I think it's very important to foster young people who understand and value freedom. And how do you do that? Well, I mean, one of the sponsoring organizations here, Global Liberty Institute has a program, Rising Leaders. People in their 20s and 30s who are like that. They want to be mentored by senior people who also have those characteristics. They want to be able to have liaisons to leadership positions in their careers and not fear that they're going to be fired by opening their mouths. And they want to network among each other.

I think this is very good and I will say that even though I haven't said many optimistic things, I do see young people at Stanford. There have been increasing numbers of people signing up to be working for the so-called "conservative" Stanford student newspaper, the *Stanford Review*. I just went to a dinner of theirs the other night.

There's a lot of excitement around that. We want to

encourage people and, secondly, get people who are young to go understand the importance of these careers. Maybe I wasn't raised this way, but It's very important to have really good and ethical people in journalism, in the media. These are extraordinarily — I'm stating the obvious — but they're so influential. I never understood their importance. And in our rising leaders, program just to give a plug to two of them. One is Aaron Sibarium, the reporter who broke a lot of the Claudine Gay stuff. He's one of our Rising Leaders. The other is Amber Athey [Duke], who's the Washington D.C. editor for *The Spectator*.

These are very important careers and we want to get young people who are ethical to understand how valuable they are.

Todd Zywicki: And I'll add one thing. Young people are by nature counter-establishment, right? And so you see the UNC fraternity boys protecting the flag. The whole thing was sort of like *Animal House* and it's basically the 'sticking it to the man' kind of thing, except 'the man' are these people who use pronouns and stuff like that.

I think there's energy there that can be challenged into creating a counter-establishment, not just an anti-establishment force like Scott is creating.

Scott Atlas: Yeah, and also at New College of Florida and schools that are committed to this, of course.

Somebody said, well, the donors are never going to stop giving to the Harvards of the world. And it's true, I have a lot of cynicism about a $300 million gift to Harvard, unrestricted by a very conservative person. But on the other hand, the other powerful group in these universities is the students, okay? The only people that the leadership of universities fear are the donors and the students.

They don't fear the faculty per se. I think when you have these students, they have to realize they actually are in a position of power and you have to make sure they know that.

Todd Zywicki: Over there.

Audience question 2: My question is for Robert, and I would like to say that everything you said regarding Title IX was extremely interesting.

My question is, if in a situation in which It would violate your religion to call someone who was a boy and identified as a girl a boy, could you argue that in court if they were to sue you based off that?

Robert Eitel: Yes, and that's part of the problem, right? I mean, that's part of the basis of our lawsuit is that [the Biden Title IX rule] puts faculty, teachers, students in a position of violating their own religious conscience on that issue. In addition to compelling speech, which is also a First Amendment violation.

Todd Zywicki: Thanks for keeping your question short, by the way, since we're limited on time. We'll go over here.

Audience Question 3: Yeah, this is a pretty simple question. Dr. Scott Atlas, I heard you say earlier that there are people with evil in their hearts.

And I heard you say a second ago that you know the difference between right and wrong. And I'm curious if you'd be able to go into that, and ideally, with simple words.

Scott Atlas: Yeah, I should defer to Brad Watson, who's the C. S. Lewis Scholar, for this kind of answer. You know, I think, my only point is, and maybe because I wasn't from an elite background — I'm from a very sort of upper lower class. My father was a taxi driver, my parents didn't go to college, my grandparents weren't born here — I believe that it, you need to have people who understand very basic values. I have my own biases, but I don't buy into people who have a long lineage of Andover and Exeter. Okay, I don't care about them. I care that the poor people and the single parent families were destroyed by the lockdowns.

Rich people, they didn't get affected by the lockdowns. There are very fundamental things.

I mean, you're asking me how does someone know right from wrong? I think I just read a book called *The Abolition of Man*. I think I would recommend that book. It's not trivial to read that book and

understand it. I also, before that, had read Hannah Arendt quite a bit because what I fear I see today is, it sort of reminds me of Nazi Germany. And that's a hyperbole sort of statement, but I do believe that there were a lot of good people who went along with what happened.

There is the "banality of evil" phrase that Hannah Arendt uses, where it's just really sort of normal people that are evil. This is a rambling non-answer, but I do think we have to go back and think very hard about what's important in life. What you're going to do with your life that has some significance, and you have to speak up before it's too late when you see wrong.

It has to be done. I don't know any other way to live.

Todd Zywicki: Well said, Scott. I'll add two things. Not to over restrain the Nazi analogy, but one of the things that strikes me is that these huge bureaucratic institutions that we operate in nowadays are all run by our HR departments. Fundamentally, everybody in America basically now works for your HR department, filling out their forms and all that sort of stuff, right? And so much of what happened with Covid is that these big bureaucratic institutions, I think, drain people's sense of moral responsibility.

Everybody's following some process or procedure done by somebody else, right? "Well, we're not imposing the vaccine mandate, the CDC recommends the vaccine." Well, who at the CDC? "Well, the CDC." Well, we'd like to sue the CDC about their vaccine recommendation. "Well, you can't because that's just guidance. It's not binding on anybody." It's like the show game where nobody takes responsibility for anything. And everybody can wash their hands of their personal responsibility.

But I'll say a second thing prompted by your remarks. I'm the first in my family to have graduated from college. Sounds like you're the same. And I know a lot of us who are COVID refuseniks seem to have similar backgrounds. And why I get so passionate about this is, as I said earlier, the liberal university is a miracle. The institutions of liberal democracy are amazing. The rule of law, the Constitution, the liberal university, corporations, professional civil service, the media, right? These are remarkable institutions of human freedom. And what makes me so angry is that people have grabbed a hold of all of these institutions and just commandeered them for their political purpose. They just took the accumulated capital of centuries and weaponized it for political advantage. Public health being another.

There was that saying a few years ago, "You didn't build this." I didn't build this. We didn't build this, right? There were professors and scholars for generations who fought to strive for intellectual freedom, intellectual integrity, to create norms of self-governing universities that protected us from government interference and that sort of thing, and that's all just been squandered.

People just took it and weaponized it for political purposes and just paid down that capital and that just really angers me.

I guess I'll ask you a question. I know Bob wants to get in. Do the people in public health even appreciate how pissed off people are and why they have good reason to think that public health ... ?

Scott Atlas: No, my senses are they they are completely oblivious to the idea that people have legitimate complaints about how the public health establishment is run.I can't generalize but I think there are people living in two completely separate worlds in this country. I mean, it's shocking. I live in one of the other worlds, Palo Alto, California.

Robert Eitel: And D.C.

Scott Atlas: Well, I mean, when you see people, they've never even heard the data on COVID. They literally don't know. And this is partly the censorship, but it's the bubble they live in. They just don't know. Fauci just gave the graduation address at Columbia. I mean, he's getting accolades. I was told, and I'm not sure this is true — I haven't been in D.C. restaurants for a bit — but I was told when he walks into a D.C. restaurant, he gets a standing ovation. So, there's a different world. And so, I don't think people are aware and I'm cynical about that. That's why I said in a TV interview the other day, I think the CDC needs a complete enema, to use a medical term.

Todd Zywicki: Understanding they have a problem is the first step towards fixing it, right? And they don't even understand they have a problem. Bob, did you have something?

Robert Eitel: I just wanted to say that there's various lessons here that we can see about how the left uses federal regulatory power or state regulatory power to achieve cultural and social change. You're seeing it in the Title IX regulations.

I don't mean to fixate on it, but it is a big deal and we've been doing a lot of work on it. But they are literally weaponizing Title IX offices in every school district and every college, university in the country to implement a gender ideology. People didn't vote for that, but that's what the left wants. That's what the left gets.

Todd Zywicki: Another question over here.

Audience question 4: We've been hearing all day about the breakdown of our institutions. And one of the big problems we have is that our society, like all traditional societies, looks backward and tries to develop systems that will be stable.

We like debate because it moves things forward quickly. We get consensus before we change things. We try to move forward incrementally. The elite in our country basically want a utopia. They're not traditional. They're trying to bring in an enlightened world. And enlightenment favors dynamism and rapid change.

We're heading to a point in this country where we've got a largely traditional population and an overwhelmingly utopian elite. And either the elite is going to beat the population into submission, or we're going to have to disempower the elite, which means accountability and pulling from power, 80 to 90 percent of the people leading our major institutions.

Do any of you see any way to do this?

Todd Zywicki: I think that's a big problem, and it scares me, because the elites are now detached by geography, by education from everybody else. And the response so far has been to just keep ratcheting down the pressure on the top of the pressure cooker, right? This lawfare against Trump, I think, is sort of their final Hail Mary, the final shot across the bow. When he says, "If they did this to me, they can do it to you," they do want that signal sent, right? There's a reason why they were investigating PTA parents and investigating the Catholic Church. And it's not because they were terrorist threats. It's because they were sending a signal.

This is sending a signal and the elite basically thinks they can just ratchet down the pressure tighter and tighter. And I fear an explosion.

Scott Atlas: Yeah, my suggestion is vote for someone who's going to disrupt the system.

Audience question 5: Hello, my name is Lance Schilling from Venice, Florida. And it's fantastic what we're doing here, coming together to make a change. Unfortunately, we've been outdone by the opposite side. I feel what's taking place today has been in the works for the last 20 years. They've hijacked the education system and indoctrinated our kids.

And that's why we see all these young kids in colleges today joining Antifa, BLM, and Free Palestine. It's going to take a very long time for us to fight back. And, you know, we always want to follow the science and yet today we have people who have got all these pronouns behind their names. I don't even know what it means. We have 21 different genders.

You know, everyone says speak up, but then when you're at work and they post things on Workplace you can't say anything. When they're honoring Transgender Day and I'm like, I don't even know what Transgender Day is. I would like someone to explain it to me. I'm just waiting for someone to say, well ,it's a man that dresses as a woman and I can be like, well, that's dress up day.

So there's things we can't say but everybody wants to speak up. I'm glad we're here, I'm glad we're making a change, and I think the only changes moving forward we can make is if people get involved with local elections and grassroots movements.

Todd Zywicki: I'll just amplify something you said and throw this to Bob also. You may recall a few years ago when Yale had the thing with Nick Christakis. At one point they inadvertently named the students who were yelling at Nick Christakis at Yale. And it turns out they were almost all freshmen.

This was, like, September of their freshman year. You can't blame the professors because kids are already going to college primed for this stuff. Somewhere in their K-12, in the online environment, somewhere in their social milieu, kids are already indoctrinated and they're going to college and the professors are reinforcing it.

But the damage is done for a lot of them by the time they actually get to college.

Robert Eitel: Well, that's exactly right. These kids are primed to receive the message that they received after October 7th. They were ready for it. One thing we haven't talked about today is the fact that we've got to get rid of the public education monopoly and institute school choice.

I apologize for any teacher union members in here, but your leadership at the national level is highly radicalized, and they are a reason we are seeing the things that we're seeing in our schools. They control school boards, particularly in the large municipal cities and blue states.

That's tens of millions of kids and they are hearing this garbage. They're not learning anything. You could do a deep dive into the Chicago public schools. It is a disaster.

Todd Zywicki: We have time for one question, maybe two if it's very quick right here.

Audience question 6: My great uncle was here 60 years ago as a Florida State University English professor helping to set up New College, and he was so proud of it. He's long gone now, but he'd be really delighted to see the wonderful turn.

I want to ask you a question about policies for reform for hiring, not just the president, but all the vice presidents and the deans and other leaders of universities, what you'd suggest.

Robert Eitel: Well, from my perspective, that's a state matter. Keep the federal government out of it as much as possible, though we can talk about things like viewpoint discrimination protection, but that is something that the states should run. I'm a big fan of allowing the states to experiment on these issues and run their universities the way they want to, unburdened by accreditation agencies based in D.C. or whatever.

Todd Zywicki: And your question is about hiring academic leaders? Yeah, and I mentioned that in passing. I think this is really important, and partly it's by personal experience. I'm at Antonin Scalia Law School. We're, I think, the youngest law school in the top 50 of U.S. News. We've got a very distinctive profile, as the name suggests. And we became a great law school because we had a great dean, a guy named Henry Manning, who had a vision. He came in and he executed it and had great standards. These are really important positions. And boards can be very powerful in doing some things.

I commend Governor DeSantis, Governor Youngkin in Virginia is following his model in terms of having board members who are there to carry out his agenda on big issues. And so, ironically, as somebody who's basically a libertarian by temperament, I think public universities are more likely to be reformable than private universities, which are just these private clubs.

Todd Zywicki: I hope that this is something conservative philanthropists will focus a little bit more on, which is grooming future academic leaders, academic administrators. Bringing in somebody from outside — and obviously President Corcoran has done an amazing job — but it's really hard to come in from outside of the academic ecosystem and figure out how to run it.

Ben Sasse had the advantage of having been a college president and then gone on to other sorts of things. But the academic administrators know how to run rings around the boards and that sort of thing. So I think there is a real generational need to groom future leaders, make these attractive

positions for people and make them understand why this is important.

Most of us conservatives don't become academics because we want to run things. We tend to be disagreeable people who are willing to be in a world where we're outnumbered. And we're excited about our ideas and so it feels like a tax, but it was said earlier, sometimes it's incumbent on us to take on some of these leadership responsibilities for the good of the countrym to put it bluntly.

Question back there.

Audience question 7: The things we've talked about today about really transcends into the whole corporate world. I've spent my career — I'm a CPA — in private equity and corporate America and you see a lot of this has to do with greed, lack of ethics. It is heavily predominant in corporate America and it's all power and control. I was a CFO for many years at different companies and when you speak up and say, no you can't do that , you're shunned or you're shown the door. You see it all over the place in corporate America.

You see the SEC regulations. If people were a little more ethical, you wouldn't need so many regulations. And even in the AICPA, they have regulations now where you have to report DEI, CRT, climate change on your 10Q, 10K. It's ridiculous, but the ethics in corporate America is pretty bad and so much of it boils down to greed.

Scott Atlas: I'll just make a small comment. That's one of the reasons with this Rising Leaders program we are not just talking to young people who want to go in the policymaking. I had Riley Gaines come in and talk. We have people from private finance. We had Jennifer Sey come in, the woman who worked at Levi's, who was fired for advocating for open schools. We want people not who are fired, but who are currently in leadership positions in private corporations, because you're right.

I always thought the backstop for sanity was a private business because it's a bottom line. They have to make money. But no, they started to do all these regulations. So I think we need to talk to a bigger audience. We have at this Global Liberty Institute a consortium of businesspeople, private sector people, as well as academics, etc.

Todd Zywicki: Where's the mic over coming over here?

Audience question 8: Hi, I'm Kathy Mayhall, and I'm the president's neighbor, and he's a great neighbor. Anyway, my husband was a teacher for 37 years, and he taught all levels. He has two master's degrees. He's a great guy. He's been through the system, and he's got all this education, but I have a naive question to ask as a parent.

Is it true that these higher education places that we've always held up high have gotten rid of the SAT exam results as a reason for admission?

Todd Zywicki: They talked about that earlier, they got rid of it for a while, but they're bringing it back. There's a great irony of the SAT, which is that they always said the SAT is biased.

And when they tried to decide which minority students to admit, they have to still choose. And so they admit the ones with the highest SAT scores, which I always thought was kind of ironic.

Audience question 9: So, the Democrats have done an excellent job in controlling the message. They've completely defined us.They control the dialogue. And to some extent, they've defined the language. So how do we change the playing field, define them for what they are, reestablish the dialogue, and go on the offensive?

Todd Zywicki: It sounds silly, but we need an all-of-the-above strategy. I'll emphasize something I said earlier, which is that the elites really do play an outsized role in society.

So I think the things that Scott's doing, of building sort of a counter-elite, the Federalist Society is a good example of this in the legal realm. That model can be replicated.

I think using government power in a savvy way, as Bob said. Now that makes me queasy to be able to do that because of government interference, but I'm

also a bankruptcy lawyer by training and what we know from bankruptcy is that when an institution has failed, you put them in receivership. And I think a lot of these institutions have failed.

They need to be put in receivership and put under parental supervision. They need guardrails passing rules that protect people from ideological discrimination or political discrimination, things like this.

But it's going to be a long battle. I'm not an optimist. Scott, are you an optimist? Bob, are you an optimist?

Robert Eitel: Yes, I'm an optimist. One thing that I would do if I were governor or president is issue an executive order directing government agencies to use appropriate grammar.

Use "he or she," not "birthing parent," use "mother," that sort of thing. Make it very clear and be very intentional about the use of language.

Todd Zywicki: Got another question?

Audience question 10: Yes, we talk about the funding of the colleges and the million dollars of donations that alumni give, et cetera. But there wasn't any mention about what now turns out over the last 20 years has been building up into the billions of dollars in donations that have been coming out of the Middle East and China to our institutions. There are apparently strings attached, and this has been, up until now, pretty covered up, in terms of what those strings are, what research they've said to cancelled, et cetera. Little bits and pieces have been dribbling out over the last few months. But do you have any comment about all of this? I mean, this seems more important than the endowments, almost.

Robert Eitel: Believe it or not, there's no legal requirement under the Higher Education Act to participate in the federal student loan program to report this income. There is a requirement, but there is no teeth in it. One change the Congress has been considering is such a requirement that any foreign source of income, wherever it comes from, needs to be reported to the federal government and publicly disclosed, so that people know that X university is receiving X billions of dollars from X school from X government or X foreign sources over a period of time.

That's something that Secretary DeVos was big on. We actually resurrected that element of the law. The Biden administration came into office and blew it up and pulled it all back. But you're absolutely right. It is a problem.

Todd Zywicki: Probably at least one more question or wrapping it up. Okay. Well, we are out of time. So thank you.

Alexandra Islas: You can finish up. We're going to have everybody stay seated. The governor will be here in just a few moments So if you have a seat, please stay seated We're not going to have anybody getting up unless you're going to scooch in a little bit.

But other than that I'll let you just finish up with a couple of closing remarks.

Todd Zywicki: Scott, do you have any — Sorry, first I want to thank Alexandra and the entire GLI for hosting us. I of course I want to thank the New College. It's a thrill to be here. It's a thrill to be to see what's going on here at New College, so I wish you guys all the luck and everybody's watching this experiment. So thank you for that.

And thank you. All of you. It's amazing. They've seen everybody here all day. This has been a thrilling expedition. And Scott, thank you for bringing this great group together and creating a great program.

Scott Atlas: Thank you.

Thanks, Todd and Bob. And I'll take this minute or two to just thank everybody for participating: all the speakers, all the audience. It's been a great group. We had a lot of great questions there. Some of them are not so easy to answer. And if we don't get a chance to wrap it up, which doesn't seem like we will, we'll hear some remarks from Governor DeSantis, and then we'll see everyone at the reception.

Gov. Ron DeSantis

Closing Remarks

Ron DeSantis, Governor, State of Florida

Scott Atlas: Okay, everyone. We have a special guest here. Governor Ron DeSantis. I'm going to say a few highlights. There are so many that — and everyone here I think knows them — but I just want to point out that in 1991, he was a member of the Little League World Series team. He went to Williamsport. He attended Dundon High School, went to Yale, has the Yale and Harvard Law School resume.

He worked his way through the military, he deployed to Iraq as an advisor to the U.S. Navy SEAL commander. I don't think that was ever really talked about during the campaign. He's the leader in every issue that I think most conservatives believe in this country as governor. He's tackled all of the important ones, restoring the limits to the government in the pandemic.

In fact, as I was advising him in the spring, summer of 2020, we flew around Florida, and did some press conferences together on opening the schools here,. It was quite a treat to see him handle the press, actually.

He's been great at storm disasters, protecting children against the gender surgeries, holding teachers accountable to educating core knowledge, really working toward the principles of standard values that parents and their families want in schools, leading on environmental preservation again, that vis-a-vis this meeting, countering ESG hijacking working Americans' investment by private finance, election integrity and more.

He, as everyone here knows, was reelected as governor, winning even in the historically Democrat areas like Palm Beach and Miami Dade County. And I want to mention he's got a great family. His wife, everyone knows here, the first lady of Florida, Casey DeSantis, and their two daughters and their young son.

Please welcome Governor Ron DeSantis.

Gov. Ron DeSantis: Thank you. Oh, please have a seat. Thanks so much. Thank you. Thank you. It's great to be here. Great to be in New College. Thank you, Dr. Atlas. Thank you, Richard Corcoran for convening this. There's been a lot of great stuff done. You know, Richard was in our administration when I first became governor as commissioner of education. And I think you could take this to the bank that in the last five and a half years there's been no state that has done more to reform and improve education in this country than Florida. Richard was really a big part of that. And I really appreciated having him in the administration.

We took on school choice. We made sure schools were open during COVID, battling school unions, all this stuff. So, it was really good. Now the negative of having Richard in the administration is that we

do a charity golf tournament every year, the Governor's Cup. We raise a lot of money for charity. We have executive branch people versus the legislative branch people. And although the executive branch always wins handily, Richard doesn't get points for the governor's team. And so I told them, man, you got to start producing. So, maybe that was one of the reasons why I decided that we needed him to be here at New College.

You know, when I became governor, I remember the Speaker of the House at the time came to me and said, hey, we need to talk about New College. I didn't know what it was. I was like, we need a new college? We have enough colleges in Florida. He's like, no, New College in Sarasota. He's like, I want to shut it down. It's communist, all this stuff. I'm like, what? Let me see. So I look, and I'm looking at this statute saying it's supposed to be the top honors college in the state.

How come running for governor, being governor, this never came up? No one was coming to me talking about this or anything. And so, yes, it was so much about ideology, no accountability, no grades, none of this other stuff. And so he wanted to just close it. And the legislature, I don't think, really wanted to do that.

But I'm just like, look, this is a public institution and we have not only a right, we have an obligation to make sure that our public institutions are serving the best interests of the state of Florida. And how it was being operated and the culture that develop ... Look, if you want to go be on some, like, Marxist commune, if that's what you want to do with your life, look, who am I to say? But I don't want the taxpayers of Florida funding that. That's just not the way it goes.

So, we made some big changes. And part of it was, what's in the best interest of the state of Florida. I don't think you've seen more dramatic improvement over any institution ever. What are we talking about now? We're talking about a year and a half since we really started to do this.

I look at the facilities. I look at all the improvements, a lot of interest. And what's going on? So, this is the right thing to do. But the mission is we want a liberal arts education that is rooted in the western tradition that is a classical education similar to what our founding fathers had when they went to universities.

That is something that I think will attract people, not just throughout Florida, but throughout the country. I think there's a lot of parents [who want that], especially [with] what you see going on in some of these other university campuses. Now the insanity in universities is not new, but I think what you've seen since October 7th has brought that to bear in ways that people really can't shake it because they see how insane this has become.

Where you have people in the aftermath of babies being executed in ovens, people being raped and elderly people being beheaded, this really lowest of the low barbarity, and yet these students think that the thing to do is to go out there and to do Hamas. Now that, to me, that was bad enough, but then to think you can commandeer the university, the property, offices. Columbia even held, like, some janitor hostage.

Letting the inmates run the asylum doesn't work. So, you've seen a sickness in these universities. Look, I've talked to people who are very high up in finance and all these other things. When I was running for governor, they would have never said you're better off at Florida than Columbia or Harvard.

They would never have said that. Now they're saying that. People are telling me that it's better to go to Florida.

So we basically said, when this was coming out, look, you're going to abide by the appropriate code of conduct. And if you don't, you are going to be brought and held accountable. They they tried to take over the lawn at Florida State. They turned the sprinklers on. They were gone very quickly. Tried to do it at UF, didn't work. And even beyond universities, you know, they tried to take over a street in Miami a couple months ago. Miami PD had all of them dragged off in 15 minutes, which was very good, because they were taking over places for hours and hours in other parts of the country.

Then fast forward a couple weeks after that they, tried to take over a road going into Disney World and the Florida Highway Patrol ejected them in 11 minutes. That's a new world record for getting them off. So you see this, and we've obviously done it much different, but what you're seeing in academia is what happens when leftist ideology infects an institution, it corrupts the institution. And I think back to de Tocqueville talking about how in America you had all these mediating institutions. It used to be like, as a conservative, you're just like, just get government out of the way. We have all these other institutions in society, which we would, we'd rather that be where the action is.

You know, the problem is, the left infects corporate America, it corrupts it. When it infects academia, it corrupts it. When it infects medicine, which Dr. Atlas can tell you about, it corrupts it. When it infects corporate media, it corrupts it. You know, corporate media has always been left leaning, but I'd say, you know, when Reagan was president, they had to report the facts. They would try to shade it, for sure, and they would do that. Now, you have the BLM riots, remember, a few years ago, and you have a reporter from CNN standing in front of buildings burning, saying that it's a mostly peaceful protest. So the facts are totally out the window, it's ideology.

You also saw during COVID, ideology. Scott and I would talk about the data. We had other people like Dr. Bhattacharya, Kaldorf, and on March 1st, did everybody have the answers? But after a few months, the data was pretty good. And yet nobody, very few, would acknowledge it.

And I'm just thinking to myself, how am I, as a governor, looking at this, seeing this clearly, and these people aren't? It's not because these people were not smart enough to understand, because it was easy to understand. It was because the ideology had trumped evidence-based science with respect to COVID. There was an agenda and they were playing on a team and you saw the corruption in that.

Dr. Atlas mentioned the mutilation of minors. That is not consistent with the Hippocratic Oath to do no harm, to cut off somebody's private part who's 14 years old. And yet that has been something — and not very many Western countries have indulged in this. Only here you see this really going. That's a corruption of the medical establishment.

Yeah, I was over in Britain last year, and I was talking to one of the members of parliament, and she said to me, we're fighting all this woke, you guys are the ones that are importing it over to the UK. Like, it's not starting here, it's an American thing.

So you see institution after institution, the criminal justice system in New York City and how they do it. You pursue some of these charges against well-known politicians while at the same time letting criminals go free for all these things, which they have done over many years. It's just rotten.

A lot of that is the root of having ideological capture of these institutions. So I think it's been something in Florida we fought across the board. We fought ESG. We fought and defeated Disney when it came to the education of youth and making sure that parents had rights. We have fought this in the criminal justice system. We had two ideological prosecutors who weren't following the law, one in Tampa, one in Orlando. I removed them from their posts and people are safer as a result of that.

Of course, we bucked the consensus on Covid and Florida, when Covid started, we were doing well as a state. Most people would have preferred to live in Florida than the governance of California, New York, Illinois, then, for sure. But the contrast in how we handled COVID versus them, it has sparked a massive infusion of people, investment, businesses unlike this state or really any state has ever seen.

And that would not have happened had we just kowtowed to whatever the prevailing orthodoxy was. So we knew and we did.

Then you see some of this other stuff that happens in corporate America. I grew up in the Tampa Bay area, I was a public school kid, and I go to Yale. And I had never been to New England in my life, and it was a culture shock, like, what some of these people were saying, some of the professors. But I always told myself, it doesn't bother me because when you get out into the real world, none of this

stuff will fly. I was like, you're not going to be able to just do that. There's going to be a reality that bites. And that's kind of what I thought.

Fast forward now, 20 some years later, honestly, I think the joke was on me because these folks did get jobs in corporate America. They've moved up the ladder and then they've done a lot of really stupid things. I mean, corporate America funded the BLM riots of 2020. They poured all kinds of money in these organizations and I can tell you that money was being pocketed and fleeced. Who would have said that was a good idea to do some of these things? Some of the stuff that they've done to indulge in ESG and all these other things, you know, has really been nuts.

Think about when the Georgia did their election bill in 2021. Major League Baseball moved the All Star game out of Atlanta. Why? Just because there was an eruption and a moral panic on social media and with corporate press. So then they kowtowed and did that. Oh, by the way, they're now bringing it back to Atlanta this year. They haven't apologized, but somehow that voting law was too bad to have it in 2021, but that exact same voting law is fine to have it in 2025. Go figure.

So you see all this. And how is this happening where all this stuff's happening — open borders. To me, it's a very ideological posture that people are taking. How does all this happen?

I think the root of it really goes back to the corruption of universities and academia. I think that has been the foundation that has put a lot of the toxicity and the ideology out into various arteries in our society. And it has created a situation where if you're willing to fight back against that, like we are in Florida, you can thrive. But if you're not, you are not going to do well as a state or as a country. So getting it right in the universities is really important. And no state has done more than we have here in the state of Florida to ensure that our universities are not about ideological indoctrination, but they're about the classic mission of a university, the pursuit of truth, making sure that students are taught how to think, how to engage, how to have their assumptions questioned. You know, one of the things that I don't like about some of the formerly elite universities is they produce a lot of students that have never had their assumptions challenged.

There's a lot of groupthink about that. That's not a rigorous education. You should have to defend positions. You should have to argue other points of view and back and forth. So we really believe in the classic mission of higher education. We've taken great strides in ensuring that this is coming into reality.

And some of it is just making sure that we're not allowing campuses to descend into the anarchy that you've seen in some of these areas. And, you know, someone said to me the other day, you're so lucky in Florida that your universities haven't been allowed to become like Columbia or Harvard or something.

I'll tell you this, if one of our universities allowed themselves to turn into a Columbia or a Harvard, the president of that university would be out of work the next day. That's just what would happen. We're not messing around with this stuff. So this is really important.

Part of what I know Richard has stressed here at New College — what we're also stressing at places like the Hamilton Center for Civic Life at the University of Florida, which is really going to be an exciting thing. And I'll bet you there'll be a lot of collaboration between New College and Hamilton Center.

I was just down in Miami at the Adam Smith Center we have at Florida International. We have the Adam Smith Center for Economic Freedom, and they did their awards. They had the president of Paraguay. They've had former heads of state all throughout the Western Hemisphere that have been fellows there. It's really going to be, I think, the focus of freedom for the Americas, which is needed because we have more leftist governments in this hemisphere today than we did at the height of the Cold War. So, that is an engine. We have an institute at Florida State that's doing similar. So there's a lot of stuff that's going on that I think is going to make a big difference.

But underlying all of that is an understanding of, yes, this is funded by the taxpayers. We have a responsibility to make sure we're equipping students with the tools that they need to be able to do well for themselves. Hopefully in Florida, but if they choose to go elsewhere, and that's what we'd have to do.

But we also have to prepare them to be good citizens of this republic. And that's not always the same thing as teaching somebody skills that they can take and do a career. In fact, that is something that has been neglected. and university after university for decades after, decades upon decades.

And when all these elite universities were founded, Harvard in the 1600s, Yale in 1701, that was the primary purpose that they were doing. They were trying to produce leaders who could be leaders in their communities and eventually be leaders in what would become the United States of America decades later.

So that's what we're doing here, what Richard's really been leading with New College. That's what we're doing across the state of Florida. And think about it: you're a parent, you work 18 years to be able to instill certain values into your kid. Do you want your kid going somewhere for four years and having all of that undone?

And then they charge you $150,000, $200,000 for the privilege? No, you don't want that. So you have an ability, particularly Florida residents, where you could go to a place like New College, the University of Florida, these schools. In-state tuition is like $6,300. You don't really pay tuition if you're a high performing student because you qualify for Bright Futures and likely pay zero tuition or 75 percent off the tuition depending on what level you qualify for.

That is really significant. that you're able to do that because I think having all this debt has been a huge problem for so many students. And I'm not somebody that says taxpayers should bail people out of the debt. I certainly don't think you should act unconstitutionally and do it when the Supreme Court said you couldn't do it.

But I also think that a lot of students have been told by these universities that these degrees were magical and you know, you go $100,000 in debt and you have a degree in zombie studies. The seas aren't parting for you. It's just not the way it works. We're doing it in a way that's really accessible for folks and with tuition being where it is, and we have not raised tuition since I've been governor and many years before that. So I think it's been ten years the state of Florida has kept tuition in place. Now, for part of that ten years, we didn't have significant inflation in the overall economy. Of course, we have had a lot of inflation over the last three or four years. And so some people say, well, the inflation is going up, the universities need more. I'll say, wait a minute. You know, we've had academic inflation with the cost of tuition for years in this country.

We're basically holding the line and saying, do what you got to do. We provide good funding from the state, but we are not going to be in a situation where we want to raise tuition. We think it's important that it's something that's low. But people are going to look to schools like this for the leaders in the future. People are going to graduate from New College or the Hamilton Center, some of these places, they're going to have a strong foundation. They're going to understand what it means to be an American. They're going to understand the foundations of this country. They're going to be able to apply that not just as citizens, but as leaders, whatever vocations they may.

And some of them may even end up being involved in some type of elected office or being involved in the administration of government itself. You're going to be well equipped to be able to do that. So I think this is a really important conference. I know you guys have had a lot of great speakers.

It's saying something that you can get so many people to come here. There's a vibrancy of what's going on here in Sarasota. But I when I found out we had a chance to make this something special, I jumped at the opportunity because, I'm thinking to myself, okay, if you're a family in Arizona and you really want to have classical education, would you rather visit Michigan in January or Sarasota in January?

So the final thing I'll say before you guys wrap up is just when Benjamin Franklin walked out of the Constitutional Convention. He was asked, "Dr. Franklin, did you give us a republic or a monarchy?" And his answer was, "A republic, if you can keep it." They knew you can have the best Constitution in the world, you can have the best Declaration of Independence in the world. These things do not run on autopilot. They require every generation of Americans to step up and fight for freedom and defend freedom when it's threatened. And sometimes that may mean put on a uniform, risk your life, and even give the last full measure of devotion for service to this country. But a lot of what it means to keep a republic, and I would say reclaim the republic, given where we are now, is having good citizens who understand America's unique role in human history, who understand the values that our founders articulated that are enduring to this day, and who are able to lead in their communities in ways that will put those values at the forefront.

So, you have my appreciation for all the hard work that you're doing in all terms of everything that we've done here in New College and in higher education writ large.

We've had a lot of great feedback. Some of the feedback, when certain quarters are negative, you know you're doing a good job because you're over the target. So some people who lodge criticism, they're just mad that this is no longer their personal ideological chew toy. That we're actually insisting on things being good.

So you see that, and you see a lot of positive feedback, but as proud as we are of the steps that we've taken — and we've taken stronger steps than anyone else in the country — you ain't seen nothing yet. Thank you. Appreciate it.

New College of Florida
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About

About New College of Florida:

Founded in Sarasota in 1960, New College of Florida was named the No. 1 Public Liberal Arts College by Washington Monthly in 2023 and is the Honors College of Florida. New College provides students with limitless, original opportunities for success through a highly individualized education that combines academic excellence, undergraduate research opportunities, and career preparation experiences.

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