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*Today's News*

Wednesday, July 30, 2008

## Professors Rally Around a Former Student Jailed on Terrorism Charges

By [ALLIE GRASGREEN](#)

Jeanne Theoharis, an associate professor of political science at the City University of New York's Brooklyn College, remembers Syed Fahad Hashmi as an energetic student who took frequent advantage of his professors' office hours. He loved a good discussion with his fellow students, sometimes lingering after class to finish a debate.

Mr. Hashmi also took a keen interest in civil liberties. Ms. Theoharis recalls that he wrote his final paper for her class on the contradictions between basic American freedoms and ideals and the U.S. government's treatment of citizens since the terrorist attacks of September 11, 2001.

His interest in civil liberties may be even keener today. Mr. Hashmi, a 28-year-old naturalized U.S. citizen born in Pakistan, is being held in solitary confinement at the Metropolitan Correctional Center in Manhattan, on multiple charges related to terrorism. And now his trial, supposed to begin at the end of this month, has been pushed back indefinitely.

Mr. Hashmi's ordeal has had a profound effect on Ms. Theoharis and other former teachers, who have organized a "Free Fahad" campaign to gain his release. She and her colleague Corey Robin, an associate professor of political science at Brooklyn College who began the campaign, have gained the support of hundreds of academics, writers, and social-justice activists.

The professors are concerned not only about Mr. Hashmi's detention. They have also taken aim at the stringent conditions in which Mr. Hashmi is being held. In October 2007, Peter D. Keisler, acting U.S. attorney general, ordered special administrative measures for Mr. Hashmi's detainment. That decision placed Mr. Hashmi under 24-hour surveillance and compels his segregation from other prisoners. His visits, correspondence, and other reading material are severely restricted.

Through court documents and interviews with lawyers, it appears that Mr. Hashmi's involvement in Al Muhajiroun, a controversial and now officially defunct extremist Islamic group based in Britain, is one reason for his arrest. Testimony against Mr. Hashmi by a government informant may also play a role in his continued detention.

The U.S. Attorney's Office in the Southern District of New York, where Mr. Hashmi unsuccessfully challenged the conditions of his detainment, declined to comment on the case to *The Chronicle*. At the time of Mr. Hashmi's extradition from Britain in May 2007, Mark J. Mershon, an assistant director at the Federal Bureau of Investigation, told CNN that "if we are engaged in a war against terror—and we most certainly are—then Syed Hashmi aided the enemy by supplying military gear to Al Qaeda."

The faculty members who have banded together to free Mr. Hashmi see a larger significance in the case: a possible chilling effect among students who are critical of U.S. policies.

"My hopes are obviously to ensure his First Amendment rights and due process, but I think it also provides a lens on the larger political climate," Ms. Theoharis said. "He is being prosecuted to send a message to other young people about the dangers of being political. ... I think the kind of chilling nature of this is very alarming."

## Going to Extremes

Mr. Hashmi, born in 1980, emigrated with his family from Pakistan to America when he was 3 years old. In 1991 he became a naturalized U.S. citizen.

He graduated from Brooklyn College in 2003 with a political-science degree, taking classes with Ms. Theoharis and Mr. Robin. He left the United States for Britain, where he studied international relations at London Metropolitan University and received a master-of-arts degree.

In June 2006, British police detained Mr. Hashmi at Heathrow Airport, acting on a warrant for his arrest issued by the U.S. government. After nearly a year in British custody, he was extradited in May 2007. He has been held at the jail in Manhattan since then.

The details in the indictment against Mr. Hashmi are murky. Among the four counts are allegations that he conspired with unnamed persons to provide "material support or resources"—including money and military gear—to co-conspirators who delivered the materials to Al Qaeda members in Pakistan. The materials were to be used by Al Qaeda against U.S. forces in Afghanistan, the indictment says. Mr. Hashmi is also charged with allowing co-conspirators to store materials at his apartment that he knew would be delivered to Al Qaeda, and to use his cellphone to contact members of the terrorist organization.

According to his lawyers, much of the case against Mr. Hashmi rests on the testimony of one unnamed conspirator previously arrested in the Southern District of New York. Sean Maher, Mr. Hashmi's attorney, says that man is Junaid Babar, an American citizen who pleaded guilty in June 2004 to providing material support to Al Qaeda and assisting in a British bomb plot. Mr. Babar has served as a witness in multiple terrorism cases in exchange for a reduced prison sentence.

Mr. Hashmi's membership in a group called Al Muhajiroun may also have played a role in his arrest. The radical Islamic group, founded in 1983 in Saudi Arabia, is known for its commitment to worldwide domination by Islam and an overthrow of Western culture. The group was banned in Saudi Arabia and later in Britain, and some of its members were implicated in a failed plot to create and detonate fertilizer bombs in Britain. The organization declared itself disbanded in 2004, but some believe it is still active as an underground group.

Mr. Babar, like Mr. Hashmi, was a member of Al Muhajiroun, and testified in the British trials on the failed fertilizer plot.

Peter Bergen, a national-security analyst for CNN and an adjunct professor of South Asia studies at the Johns Hopkins University's Paul H. Nitze School of Advanced International Studies, said it was difficult to gauge the real danger posed by Mr. Hashmi's relation to Al Muhajiroun because the extent of his involvement in the group remains unknown. "Attending a meeting is a completely legal activity," Mr. Bergen said. "The point is that a number of people who attended these meetings went on to commit major acts of terrorism."

The charges against Mr. Hashmi—as well as alleged threats against U.S. soldiers that he made upon his arrest—led Mr. Keisler to order the special administrative measures. The acting attorney general's order asserted that he believed there was "a substantial risk that defendant Hashmi's communications could result in death or serious bodily injury to others."

The conditions are severe. The prisoner is kept in 23-hour lockdown and under 24-hour electronic surveillance. He may not participate in group prayer, communicate with other prisoners or the news media, or listen to or watch any news programs. He may read newspapers only 30 days after their publication, and they must contain no political material. Mr. Hashmi's access to other reading materials is restricted. He may be visited by only one family member every two weeks, and those visits may not exceed 90 minutes or involve physical contact. He may write only one letter of no more than three pages to one family member per week.

In the fall of 2007, Mr. Hashmi's defense challenged the special administrative measures and other issues on Sixth Amendment grounds, but a U.S. district-court judge in New York rejected the arguments. Mr. Maher, Mr. Hashmi's attorney, said in an interview that the measures were usually imposed upon prisoners with a demonstrated ability to communicate with conspirators inside and outside the jail system. Nevertheless, Mr. Maher said the chances of the government lifting the measures were "nil to none." The measures and charges were ordered for political reasons, not

legal ones, Mr. Maher insisted.

Chris Zambelis works as a political analyst on Middle East issues for Helios Global, a Washington-based risk-analysis firm. Mr. Zambelis wrote about Mr. Hashmi's arrest in 2006 for *Global Terrorism Analysis*, a newsletter published by the Jamestown Foundation, and he says "there's no doubt" the government's actions against Mr. Hashmi, including the special administrative measures, are completely warranted if the allegations involving Al Qaeda are true. But, he reiterated, that's a big "if."

"If you want to give the government the benefit of the doubt on this, if there is something substantive that they've found that they want to pursue, obviously they are right in holding onto him," Mr. Zambelis said. "At the same time, there are a lot of mistakes and a lot of people get brought in and roped into these plots, and it turns out they had nothing to do with them."

### **Criminalizing Politics?**

Ms. Theoharis and others who call for Mr. Hashmi's release agree that his arrest was politically motivated. They point out that he has no prior criminal history (Mr. Bergen, the CNN analyst, deemed that point irrelevant) and they say that because the government informant upon whom much of the case against Mr. Hashmi is built has served as a witness in multiple cases in exchange for a reduced prison sentence, the validity of the testimony is diminished.

Mr. Robin sees his former student's ordeal as a concrete example of topics they discussed in class together, such as the effect of the Patriot Act and how the political climate changed following the September 11 attacks.

"The classroom is supposed to be a kind of sacred space where students can express their beliefs, and faculty are obligated to push them," Mr. Robin said. "It's chilling to me to think that that whole process, which is the essence of what it means to be an educated person, could suddenly become an item of scrutiny in a court of law."

Ms. Theoharis also argues that the government's secrecy surrounding its case and evidence suggests there's simply not much to it. "If we saw another country doing things like this, what we would think is that they don't have [evidence]," she said. "That they don't have enough to go public. This is what dictators look like, and this is what autocrats look like. ... This lack of openness is fundamentally antidemocratic, and it's often about criminalizing people without having the evidence to do so."

Mr. Hashmi's case has struck a chord with academics and public intellectuals. A "Statement of Concern" in support of Mr. Hashmi has been signed by more than 500 people, including prominent academics like Henry Louis Gates Jr, director of the W.E.B. Du Bois Institute for African and African American Research at Harvard University; Siva Vaidhyanathan, an associate professor of media studies and law at the University of Virginia; and Cary Nelson, a professor of English at the University of Illinois at Urbana-Champaign and the president of the American Association of University Professors.

"What it seems like people are fundamentally agreeing with is the idea that civil liberties and civil rights are fundamental to who we are as a nation," said Ms. Theoharis, "and national security does not require, or is not aided by, or is not imperiled by the abridgment of civil rights. Why everyone is signing is because these rights are what we stand for as a country, no matter what."

The statement was delivered in mid-July to various politicians and lawmakers, including Michael J. Garcia, U.S. attorney of the Southern District of New York; U.S. Attorney General Michael Mukasey; and New York's City Council and state senators. Ms. Theoharis said the first time she sent the statement out to potential signatories, they were writing back within minutes, outraged by the extreme and "un-American" detainment measures.

"The conditions of the confinement seemed incredible to me, outrageous to me," said Michael Ratner, a legal scholar and president of the Center for Constitutional Rights, a nonprofit organization in New York City. Considering current federal political practices, the confinement didn't strike him as odd, "but it didn't seem legal, either."

Mr. Hashmi's trial was scheduled to begin at the end of July. But the trial date has been pushed back indefinitely due to new discovery information being turned over to the defense.

Past Mr. Hashmi's personal predicament, however, the case's potential to create a chilling effect on college campuses is particularly troublesome to those in academe who want him freed.

"It's particularly significant in a moment when we are seeing the criminalization of Muslim students," Ms. Theoharis said. "I think that he is a devout and practicing Muslim who is very political. If he can be treated like this, it sends a message to other young people, particularly other Muslim young people, that you know you are not protected. I think it is crucial in terms of students thinking they can be who they want to be and espouse the politics that they want to espouse. That's why we're sort of organizing around this case. I fear very much that this is about sending a message."

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*Today's News*

Wednesday, July 30, 2008

## Commonfund Issues a Truer Measure of Colleges' Inflation Costs

By [GOLDIE BLUMENSTYK](#)

The organization that tracks inflation for higher education has issued an addendum to the annual Higher Education Price Index figure it reported last week, this time including the effects of the recent spike in utilities costs. With that, the more-accurate estimate of colleges' overall annual cost increases for the year ending June 30 is 4.6 percent, the Commonfund Institute said.

The figure released last week for the index, known as HEPI, showed an increase of 3.6 percent over the previous year ([The Chronicle](#), July 24).

John S. Griswold Jr., executive director of the institute, said in an interview on Tuesday that the organization was not revising its original HEPI figure but decided to calculate the newer number because it was a better reflection of the actual cost increases colleges have been facing over the past few months.

He said for colleges' budget planning, the newly calculated figure will be "a helpful estimate."

In publishing the 2008 HEPI increase last week, Commonfund officials had noted that their figure understated the effects of higher utility costs and of supplies and materials.

That was so because its methodology for keeping the index consistent required it to continue to use data from the same source and from the same time period as it has in the past. The index began in 1961.

Commonfund draws its data on utilities and supplies from the Bureau of Labor Statistics, and because that agency has a lag in when its data becomes official, the HEPI increase has historically been based on the agency's data from the end of the most recent calendar year. Usually, that doesn't have a big effect. But this year, because most of the spikes in energy costs—which also drive increases in costs for supplies—came in the first few months of 2008, the HEPI for the 2008 fiscal year was unusually out of sync with reality. "It looked funny to us," said Mr. Griswold.

Salaries make up the biggest part of the index, but utilities account for 7 percent, and materials and supplies for 6 percent. Initially, Commonfund had calculated the index assuming that the annual cost for utilities had risen by 0.9 percent, and the cost for supplies by 4.7 percent.

Its unofficial HEPI, based on Bureau of Labor Statistics estimates as of June 30, was calculated assuming an increase in utilities costs of 13.7 percent and an increase in the cost for supplies and materials of 4.7 percent.

The Consumer Price Index increased by 5 percent from June 2007 to June 2008.

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*Today's News*

Wednesday, July 30, 2008

## Black-White Gap in Wealth Mobility Could Affect College Access

By [PETER SCHMIDT](#)

A new report by the Center for American Progress suggests that the educational and economic progress of black families is being hindered by racial gaps in the accumulation of wealth.

The [report](#),

"Wealth Mobility and Volatility in Black and White," says it is important to examine wealth—and not just income—in studying economic mobility, partly because college costs have risen enough to make family-wealth levels key determinants of who can afford a higher education. At the same time wealth helps determine education access, education access plays an indirect role in the attainment of wealth by being correlated with the incomes of parents and the future earnings of children.

White children born to wealthy families are much more likely to become wealthy adults than black children born to such families, says the report by the center, a research organization that promotes progressive social policies. Among those born to families in the top fourth of society in terms of accumulated wealth, 55 percent of white children and 37 percent of black children grow up to be in the top fourth as adults.

At the other end of wealth distribution, 35 percent of white children and 44 percent of black children born to families in the bottom fourth end up in the bottom fourth as adults, the report says. Although the researchers did not specifically study what factors account for the black-white gap in wealth accumulation, their report suggests that discrimination in housing, employment, and other areas plays a role. The report also notes that black families in the top fourth tend to be in the bottom of that category, making it more likely, simply as a statistical matter, that they would fall into a lower bracket if they lost any wealth at all.

The report is based on an analysis of family-wealth data gathered from 1984 to 2003 as part of the [Panel Study of Income Dynamics](#),

a national study that follows families and individuals over time. The researchers looked at people who were from 6 to 21 in 1984 and measured their family wealth then and their own wealth in the 1999-to-2003 period, when they were 24 to 40 years old.

The report says its findings "indicate the need to provide more educational opportunity and earnings potential for the least-advantaged members of American society" because "without adequate incomes, families cannot save." It recommends that policy makers seek to make wealth a less-important factor in determining how well people are educated. "If we severed the link between local property values and school funding to a greater extent, then we might lessen the 'indirect' effect of parental wealth on one's own wealth," it says.

Similar conclusions were reached in a [report](#)

on upward mobility published in May by the Economic Mobility Project—a collaborative involving the American Enterprise Institute, the Brookings Institution, the Heritage Foundation, and the Urban Institute.

That report, by Bhashkar Mazumder, an economist, said the entire black-white gap in upward economic mobility can be explained by gaps in academic-test scores. Both black and white children with the same test scores experienced similar rates of upward mobility, and there was no racial gap in economic mobility among white and black people who had finished four years of college.

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*Today's News*

Wednesday, July 30, 2008

# House and Senate Negotiators Approve Compromise Higher Education Act

By [KELLY FIELD](#)

Washington

After months of negotiations, lawmakers have reached agreement on a long-delayed bill that would set federal higher-education policy for at least the next five years.

Negotiators from the U.S. House of Representatives and Senate voted to approve the compromise bill on Tuesday night during a formal conference at the Capitol. The vote was 18 to 3 on the Senate side, and 22 to 1 on the House side.

The bill, which would reauthorize, or renew, the Higher Education Act, the major law governing federal student aid, now heads to the House and Senate floors, where votes are expected by the end of the week.

If it passes, as anticipated, the bill will be the most significant piece of higher-education legislation to clear Congress since September, when lawmakers passed a measure that slashed subsidies to lenders in the government's student-loan programs and used the savings to significantly increase federal student aid ([The Chronicle](#), September 10).

The reauthorization bill, which is five years overdue, would create dozens of new grant programs for colleges and students, while imposing hundreds of new reporting requirements on institutions. It would crack down on conflicts of interest in the student-loan programs, hold institutions and states accountable for skyrocketing tuition, and make it easier for for-profit colleges to become, or remain, eligible to award federal student aid.

The bill would also prohibit the secretary of education from dictating how colleges measure student learning for purposes of accreditation and overhaul the department's advisory committee on accreditation issues. However, it omits language in earlier versions of the legislation that would have created a federal ombudsman's position to resolve accreditation disputes.

## Withholding Matching Grants

Before voting to approve the bill at 8:30 p.m. Tuesday, members of the conference panel adopted an amendment by Rep. John F. Tierney, Democrat of Massachusetts, that would punish states that fail to maintain their higher-education spending. House conferees approved the amendment unanimously by voice vote, and Senate conferees approved it, 12 to 9.

The "maintenance of effort" amendment would withhold College Access Challenge Grant funds from states that failed to raise spending on higher education each year by at least as much as they increased it, on average, over the previous five years. The challenge-grant program offers matching grants intended to increase the number of low-income students who are prepared to enter and succeed in postsecondary education.

Similar language by Representative Tierney was included in the House's version of the legislation, but it was stripped from the compromise bill at the insistence of Sen. Lamar Alexander, a Republican from Tennessee who is also a former governor. As originally written, the provision would have withheld federal Leveraging Educational Assistance Partnership grants, which match each dollar that states commit to need-based aid, rather than College Access Challenge Grant funds.

During debate on the amendment, Mr. Tierney argued that there is a "direct correlation" between state spending and college tuition rates, and described the arguments against his proposal as "somewhat specious." Groups representing governors and state legislatures have warned that states will be forced to hold down spending during good economic times to avoid being held to more-generous levels when the economy worsens.

Mr. Alexander, in turn, argued that the federal government has no business dictating how states spend their tax revenue, particularly when it is not providing full funds for education for disabled students. To drive home his point, he offered an amendment to Mr. Tierney's amendment that would prohibit the federal government from punishing states until it lived up to its end of the bargain by providing 40 percent of the average per-student cost for special education.

"I don't think it's our business to be allocating state tax dollars," he said. "If we want to do that, we should run for governor or for the state legislature."

The Senate conferees rejected that proposal, 10 to 11.

Mr. Alexander joined two of his Republican colleagues, Sens. Johnny Isakson of Georgia and Tom Coburn of Oklahoma, in voting against the bill. Rep. Virginia Foxx, Republican of North Carolina, cast the lone vote on the House side against the bill.

For the most part, though, the mood inside the negotiating chamber was celebratory. Lawmakers have been working on the measure since 2003, and up until late last week, it seemed doubtful that they would be able to complete work on a compromise bill before Congress's August recess. If they had failed to do so, the bill could have become entangled in election-year politics and put off for another year.

The bill's prospects improved last Friday, when lawmakers neared final agreement on a pair of provisions that had tied up negotiations for days. But the measure ran into another stumbling block on Monday, when Senator Coburn, nicknamed "Dr. No" by his colleagues, put a hold on the bill (among many others) in protest over his broad concerns about federal spending. Mr. Coburn agreed to lift his hold on the higher-education bill Tuesday morning, clearing the way for the formal conference last night.

As senators prepared to vote on reporting the compromise bill, known as a conference report, Sen. Barbara A. Mikulski, Democrat of Maryland, offered praise for her colleagues.

"Tonight we will make a difference in the lives of people," said Ms. Mikulski, who managed the debate in the absence of Sen. Edward M. Kennedy, the Massachusetts Democrat who is chairman of the Senate Education Committee.

### **Praise From For-Profit Institutions**

Lobbyists for for-profit colleges are equally enthusiastic about the bill, which would make it easier for proprietary institutions to comply with a section of the law known as the "90-10 rule," which requires those colleges to receive at least 10 percent of their revenue from sources other than federal student aid. The bill would give for-profit institutions new ways to meet the 10-percent threshold while also allowing them to temporarily treat new federal-loan funds as part of their 10 percent.

Congress raised federal-loan limits by \$2,000 per year last spring, largely in response to concerns that lenders' departures from the federal loan programs and tightening credit criteria could make it harder for students to obtain private loans in the coming academic year.

For-profit colleges have also welcomed a provision in the bill that would require colleges to disclose their transfer-of-credit policies. Lobbyists for for-profit institutions have long complained that some traditional colleges refuse to accept credits for courses completed at their colleges simply because their institutions are accredited by national organizations, rather than one of the six regional associations that accredit most traditional, nonprofit institutions.

But lobbyists for traditional institutions have been more measured in their praise of the bill. While they appreciate the new grant programs and accreditation protections, many resent the increased federal oversight that the bill would bring. Under the bill, colleges would be required to disclose everything from their policies on illegal downloading of music and video files to the details of their arrangements with lenders.

## More Paperwork

Colleges are also grumbling about the bill's new reporting requirements, which they maintain would increase their costs at the same time Congress is pressuring colleges to hold the line on tuition growth.

Under the bill, the secretary of education would publish annual lists of the institutions with the highest and lowest tuition and fees, and net prices, by sector, as well as lists of the institutions with the largest percentage increases in net price and in tuition and fees over the previous three years. Institutions appearing on the percentage-based lists would be required to report to the education secretary on the factors that contributed to their price increases and the steps they were taking to hold down costs.

Still, nonprofit colleges can claim some victories. In the weeks leading up to Tuesday's conference, they persuaded lawmakers to drop language that would have required them to notify students and employees within 30 minutes of an emergency and to report any gift over \$250,000 that came from a private-sector corporation (though lawmakers left in such a reporting requirement for gifts from foreign governments if the money was to be used for a center receiving funds under the bill).

Colleges also persuaded lawmakers to abandon a requirement that institutions whose net tuition and fees outpaced their sector's average submit a report to the secretary and provide the secretary with certain tax documents from the previous three years.

And while lawmakers retained a controversial requirement that colleges offer students music and video through subscription-based services, they provided a possible out, adding "to the extent practicable" to the language. Still, the language is considered a coup for the entertainment industry, which contends that illegal downloading on college campuses costs it millions of dollars. The bill also would require colleges to use technology to curtail copyright infringement on their campuses.

The compromise bill also contains some good news for the Advisory Committee on Student Financial Assistance, which was created more than two decades ago to counsel Congress and the Education Department on student-aid issues. The House version of the bill would have abolished the influential committee, but the final version preserves it.

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