

AAUP

American Association of University Professors

Academic Freedom for a Free Society

1133 Nineteenth Street, NW
Suite 200
Washington, DC 20036-3655
Phone: 202.737.5900
Fax: 202.737.5526
Web: www.aaup.org

Landmark Threats to Academic Freedom: the Case of Labor Education A Statement by Executive Committee of the AAUP

In the last few years the Landmark Legal Foundation has lodged public records requests of and complaints in regard to labor education centers in at least eleven public universities and colleges, including Florida International University, Indiana University, UCLA, UC Berkeley, the Universities of Connecticut, Iowa, Massachusetts-Amherst, Michigan, Minnesota, and Wisconsin, and the Evergreen State College. Thus far, to our knowledge the most serious complaints, which threaten academic freedom, appear to have taken place at UC Berkeley and Evergreen, where the foundation seeks to restrict the work of the centers, in terms of who they serve and what they do. At Berkeley, Landmark's complaint alleged, among other charges, that the Labor Center provides services for private (union) benefit rather than for public benefit. At Evergreen, Landmark made a request for a state audit of the Labor Center, charging that this program "is in violation of Washington's requirement that public funds must only be used for a valid public purpose." The letter from Landmark went on to say that "Rather than a valid public purpose, the Center's activities are designed to promote a particular political ideology."

In the two examples provided above, an external body (Landmark) is seeking to interfere with work in the academy, on ideological grounds, in situations that in some regards are comparable to those faced by university legal clinics (see Robert R. Kuehn and Peter A. Joy, "Lawyering in the Academy: The Intersection of Academic Freedom and Professional Responsibility," *Journal of Legal Education*, 53,1(2009): 97-124). And that external body has a highly politicized agenda: the Web site of the foundation (the full name of which includes "The Ronald Reagan Legal Center") has as its banner, "The best investment a conservative can make," and has a running news item that the foundation nominated Rush Limbaugh for the 2007 Nobel Peace Prize.

The claims of Landmark in regard to labor education are a fundamental threat to academic freedom, to the autonomy of higher education institutions and professionals in them, and to the responsibilities of each to serve society. They also run counter to common sense thinking about the role of educators and researchers, and of colleges and universities in society. Landmark focuses on labor education without addressing far more common centers and programs that serve private economic concerns and interests. Imagine a higher education institution which could not have a business school or economics department with centers or programs that educate future entrepreneurs or business leaders or provide in-service opportunities to current businesspersons. Indeed, that was part of the response at Berkeley, where the complaint also related to Proposition 209 and the Center's hosting a Summer Institute for Union Women and sponsoring a Latino Leadership School and Black Trade Union Leadership School. Educating potential union leaders is not unlike educating potential CEOs and managers. Both are legitimate academic endeavors.

It appears that most universities have responded to Landmark's requests in ways that defended the rights of labor centers. However, at Evergreen, despite the fact that the state auditor gave the college significant flexibility in how to handle the audit request, college administrators went forward with a review – conducted by the college's internal auditor – that raised questions about the ethics of providing educational services to unions and community groups (for example, of immigrant communities), and of being involved in any work that could be seen as opposing the work of federal agencies (in this case, for example, Immigration and Customs Enforcement). Those questions mirrored charges made by Landmark that “the Center's focus appears to be increasingly directed toward thwarting federal and state law enforcement efforts to combat illegal immigration in Washington The use of public funds to undermine federal and local law enforcement in the performance of their duties is not a valid public purpose.”

The claim, as applied to the Labor Center's activities, appears to suggest that any effort to educate workers and immigrants about their constitutional rights would be counter to the public interest. Such interpretations not only lack face validity, they run counter to the concept of academic freedom, of both individual professionals as well as of the university. They run counter, as well, to conceptions of academics and academic institutions responsibly providing services to society. If academics and universities are involved in community outreach and service, as they should be, they must be protected from ideologically motivated attacks on their academic work. That dimension of academic freedom is part of the contribution of this concept and condition to the benefit of society.

The founders of the American Association of University Professors articulated in their 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* the “special dangers to freedom of teaching,” referring to “the danger of restrictions upon the expression of opinions which point toward extensive social innovations, or call in question the moral legitimacy or social expediency of economic conditions or commercial practices in which large vested interests are involved.” The statement then cautions against related threats that lie in “governmental policy or a strong public feeling on economic, social, or political questions.” The founders of this association knew whereof they spoke. The fourth case investigated by the AAUP was that of Scott Nearing, a graduate of the Wharton School, who in 1915 was non-renewed as an assistant professor at the University of Pennsylvania. The AAUP, and the *New York Times*, construed the nonrenewal as a dismissal. The reasons for the action of the university lay in Nearing's political views, statements, and writings, among other matters, on the topic of child labor, and the relationship between capital and labor. Nearing ran afoul of vested interests.

We reaffirm the core value of academic freedom, which works to the benefit of society, and which underlies and protects the involvement of academics in the lives of their communities.

The Landmark Foundation's actions and claims as regards labor education are a threat to academic freedom and to academic institutions and professionals fulfilling their professional responsibilities. Administrations will best serve the public interest by supporting that freedom, including by supporting the freedom of college and university labor centers to do their work.

—AAUP Executive Committee
October 8, 2009