

AAUP

American Association of University Professors

Academic Freedom for a Free Society

VIA FACSIMILE: 608.262.8333

March 28, 2011

Dr. Carolyn A. (Biddy) Martin
Chancellor
University of Wisconsin
161 Bascom Hall
500 Lincoln Drive
Madison, Wisconsin 53706

Dear Chancellor Martin:

We were dismayed to learn that officials of the Republican Party of Wisconsin have requested, under the state's open records law, that the University of Wisconsin–Madison provide them with copies of electronic mail messages sent or received since January 1 by William J. Cronon, research professor of history and president-elect of the American Historical Association, that contain various key terms related to the current political turmoil in Wisconsin. On his blog *Scholar as Citizen*, Professor Cronon has argued credibly that this request was a response to his March 15 posting about the American Legislative Exchange Council and that its purpose was “to embarrass, harass, or silence a university professor (and a citizen) who has asked legitimate questions and identified potentially legitimate criticisms concerning the influence of a national organization on state legislative activity.” And he has stated, correctly in our judgment, that this action by the Wisconsin Republican Party is “an obvious assault on academic freedom.”

As you may recall, Virginia attorney general Kenneth T. Cuccinelli, a global-warming skeptic, demanded last year that the University of Virginia provide him with extensive records—including e-mail correspondence—of climate scientist and former UVA professor Michael Mann. The AAUP, the ACLU of Virginia, the Union of Concerned Scientists, and the Thomas Jefferson Center for the Protection of Free Expression filed an *amicus curiae* brief asking a Virginia judge to set aside the attorney general's demand, citing the Supreme Court's foundational assertion on academic freedom, in *Sweezy v. New Hampshire*, that

[t]he essentiality of freedom in the community of American universities is almost self-evident. . . . To impose any straitjacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. . . . Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to

inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will die.

Because of this “centrality of academic freedom to American democracy,” the brief argues, “the First Amendment’s protection of academic freedom requires a heightened justification for this type of intrusive and chilling inquiry.”

On March 25 you issued a statement on the request for Professor Cronon’s e-mail that affirms similar values and principles:

Academic freedom is one of the university’s greatest contributions to a democratic society. No other institution is charged specifically with protecting the pursuit of knowledge, wherever it may lead. Individual faculty, staff, and students inevitably consider and advocate positions that will be at odds with one another’s views and the views of people outside of the university. It is the university’s responsibility both to comply with state law and to protect our community’s right to explore freely and freely express their points of view.

You also state that you “will need to consider whether disclosure would result in a chilling effect on the discourse between colleagues that is essential to our academic mission.”

We believe that disclosure of Professor Cronon’s e-mail correspondence will inevitably produce a chilling effect not only on Professor Cronon’s academic freedom but also on the academic freedom of his faculty colleagues and of faculty members throughout the University of Wisconsin system, with potentially deleterious effects on the quality of research and teaching. We urge you to do what you can to resist complying with this outrageous request.

Sincerely,



Gregory F. Scholtz
Associate Secretary and Director
Department of Academic Freedom, Tenure, and Governance

cc: Dr. Kevin P. Reilly, President, University of Wisconsin system
Professor W. Lee Hansen, President, University of Wisconsin–Madison AAUP Chapter
Mr. David Musolf, Secretary of the Faculty, University of Wisconsin–Madison
Professor William J. Cronon