

AAUP

American Association of University Professors

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The Honorable Thomas V. "Mike" Miller, Jr., President
Maryland Senate

The Honorable Michael Erin Busch, Speaker
Maryland House of Delegates

April 7, 2010

Dear Senator Miller, Speaker Busch,

I write regarding the recent action by the Maryland Legislature to potentially withhold significant funds from the University of Maryland School of Law and to require a detailed report on clients who have been served by its legal clinics. Both actions would constitute serious violations of academic freedom in Maryland's flagship public university. They threaten to compromise the ability of this institution of higher learning to serve and engage freely with numerous constituencies in Maryland and beyond.

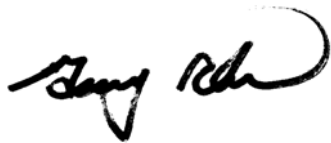
We understand that at this time the joint conference committee has agreed to a compromise measure that would not impose a financial penalty on the University, but would still require detailed reporting. We appreciate the work of the conferees in removing the potential fiscal penalty, but request respectfully that the reporting requirement also be removed from the final conference report. The requirement of reporting on specific cases, especially when a measure potentially imposing a significant financial penalty was already passed once by the Senate, sends a message that the Legislature is still seeking to control the services provided by the law clinics. It therefore exerts a chilling effect on the law school's ability to involve its students in practical training that is of benefit to underserved segments of the community.

The public interest is not served by state legislatures seeking to dictate academic programs and activities in this manner. Indeed, such actions run counter to basic American values regarding government control of the academic curriculum. They run counter to the distinctive history of service by American colleges and universities to their communities. The legislature's action ignores the substantial benefit to society provided by U.S. universities, and the professors and academic professionals employed there, when they engage freely in outreach and public service. That is at the core of the American Association of University Professors' commitment to academic freedom since 1915—it best serves society to have universities and academics protected from politically motivated efforts to legislate academic work. The AAUP has over 45,000 members, including many in colleges and universities in Maryland, and has played a central role in supporting the principles of academic freedom that are so central to our democracy.

The legislative action in this case suggests an unfortunate political agenda that undermines academic freedom, academic quality, and the ability of higher education institutions to serve their communities. It runs counter to the pattern in the last twenty-five years of colleges and universities becoming more engaged with and responsive to both private and non-profit sector interests. Ironically, in focusing on legal clinics the legislature has overlooked other University programs, units, and professional schools that serve a broad range of private concerns and interests. Business schools and economics departments use public monies for centers and programs that educate future entrepreneurs and managers and provide continuing education for current business leaders. Engineering schools along with geosciences and chemistry departments use public monies to interact with private firms in engineering, oil and gas, and petrochemical industries. Public monies are used by biology departments to serve, partner, and interact with the biotechnology industry.

The actions of the Maryland state legislature run directly counter to several decades of public policy at the federal and state levels. They run counter to nearly 100 years of policy and practice with regard to academic freedom, which protect the integrity of individual academics and institutions from political bias introduced through government intrusion. And they run counter to the public interest. I strongly urge you to delete these potentially punitive and chilling provisions from the final conference report. That is the action that will best serve the citizens of Maryland and the flagship university that serves them.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Gary Rhoades". The signature is fluid and cursive, with a large loop at the end.

Gary Rhoades, General Secretary, AAUP

- c: William E. Kirwan, Chancellor, University System of Maryland
- Clifford M. Kendall, Chair, Board of Regents, University System of Maryland
- E. Albert Reece, Acting President, University of Maryland, Baltimore
- Fr. Frank Haig, Loyola University, President, Maryland State Conference, AAUP