STATEMENT FROM THE AAUP ON PROPOSED CLOSURE

OF THE UNIVERSITY OF NORTH CAROLINA LAW SCHOOL POVERTY CENTER

This statement from the national office of the American Association of University Professors is sent on behalf of the local AAUP chapters at University of North Carolina institutions and the statewide North Carolina Conference of AAUP chapters and is addressed to the UNC Board of Governors. It conveys the Association’s concern relating to a special committee’s recommendations affecting several UNC centers that are scheduled for action by the Board at its meeting on February 27. Of particular and immediate concern to us is the recommendation to discontinue the UNC School of Law’s Center on Poverty, Work, and Community, reportedly seen by its opponents as less a center for teaching law students and for scholarship than an advocacy program for the economic and social betterment and the civil rights of the poor, the disabled, and persons of color.

As noted in the AAUP’s 2013 Statement on Conflicts of Interest, "American universities have long been engaged with the institutions of the wider society, to their mutual benefit." To be true to their mission public universities must serve all members of our society, the poor as well as the privileged. Externally funded centers must be free to sponsor curricular and extracurricular programs and provide services to the public across the broadest range of perspectives and approaches.
A case within the AAUP’s century of experience that is perhaps the closest to the current UNC case in its facts and the issues it presents occurred at the University of Mississippi in 1968. The Mississippi School of Law had obtained a substantial grant from the United States Office of Economic Opportunity to establish Legal Services, a project to provide such services to people who could not pay for them. It did not take long for the development of political pressures, from private attorneys in the region and from others who had contacts with Board members or legislators or the governor’s office, to separate the federally-funded Legal Services from the state-funded university, and the separation occurred in summer 1968. Faculty members who had appointments for 1968-69 that included Legal Services work were informed that their services henceforth would be entirely for the Law School and they could no longer do any Legal Services work, even on their own time without being paid anything.

The Law School case was investigated jointly by an AAUP ad hoc committee and a committee from the Association of American Law Schools.

The report of the AAUP’s investigating committee concluded, with respect to two professors who suffered termination of appointment because they declined to cease any involvement with Legal Services, that the “appointments were terminated for reasons violative of their academic freedom . . . because they were accused of being engaged in civil rights activities on behalf of poor people (many of whom are black) in the local community.” The AALS investigators reported that “the violations of academic freedom we have found are so serious that, in the absence of positive and effective
action by the University of Mississippi to redress the clear impairment of academic freedom at the University of Mississippi Law School as well as the harm to individuals involved, . . . the appropriate sanction is expulsion of the University of Mississippi Law School from the Association.”¹

As to relevant previous AAUP experience in North Carolina, UNC law school Dean Boger in his eloquent February 19 statement on the current issue refers to the infamous 1960s Speaker Ban Law that prohibited any alleged Communist or Fifth Amendment pleader from speaking at the state’s public colleges and universities “ostensibly to protect the students . . . from ideas too radical to be heard.” The AAUP with its North Carolina Conference and its campus chapters actively resisted the ban for five years until its repeal was achieved. A delegation from the national AAUP testified in Raleigh in July 1965 at a televised hearing before the key legislative committee. AAUP-affiliated professors of constitutional law served as consultants in litigation that was initiated. The Association’s 1966 Annual Meeting adopted a widely publicized resolution, “Restraints on Visiting Speakers,” which stated in part that removing the restraints

reaffirms the principle that the common good depends upon the free search for truth and its free expression, and that students should be free to examine and to

¹ See the “University of Mississippi,” AAUP Bulletin Spring 1970, pp. 75-86.
discuss all questions of interest to them and to express opinions publicly or privately.²

A more recent relevant AAUP experience culminated in 2003 with the presentation of its prestigious Alexander Meiklejohn Award for Academic Freedom to Molly Corbett Broad, President of the University of North Carolina at that time. The faculty at Chapel Hill was responsible for annually selecting a lively and thought-provoking new book that was assigned as summer reading for all incoming first-year students. The book selected for summer 2002, on the early revelations in the Koran, was viewed by the responsible faculty as introducing students to the thinking of the Islamic world and providing those brought up in Judeo-Christian traditions with an interesting basis for discussion. Once this assignment became known through the media, the objections from citizens in North Carolina and beyond to requiring new students to study the Koran became intense. Litigation was initiated on behalf of three incoming students. The politicians joined in, with a legislator proposing an amendment to the budget appropriation that would ban funding for any religion unless all known religions were equally funded. The UNC Board of Governors initially appeared by a large majority to be in support of the Chapel Hill administration and faculty, but it got itself into a series of procedural tangles and, as weeks went by, was unable to make a formal statement on the matter.

At that point, President Broad stepped in. She alternatively met with the Board’s Academic Planning Committee and made forceful public statements in behalf of academic freedom and of AAUP-supported policies. She concluded her final public statement on the matter by stating that

we have a clear duty to uphold and passionately defend the right of faculty on every UNC campus to define the curriculum, to examine and to debate ideas, however popular or unpopular those choices might be, and however much the state’s nonuniversity leaders may agree or disagree with a specific campus decision.

The committee and then the full Board of Governors promptly followed by unanimously adopting a resolution in unambiguous support of academic freedom as defined by President Broad.3

Given this history in defense of academic freedom, we shall be greatly disappointed if the UNC Board takes a position that is at odds with the position it took in 2002. We hope and expect, however, that the current Board members will stay true to the values of academic freedom that their predecessors steadfastly upheld in 2002.

Jordan E. Kurland
Associate General Secretary

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