

Facing the Reality of the Trump Regime

We don't have the luxury of looking away.

By Henry Reichman



On November 9, 2016, we awoke to the shocking realization that Donald Trump would be the next president of the United States. Many wondered what this would mean for our country in general and academia in particular. We are now well into the Trump regime, and it is clear that President Trump will do exactly what candidate Trump promised: try to enact an extremist version of the recent Republican program; assault the rights of Muslims and immigrants; and promote an agenda that its own proponents proudly call “white nationalism.” Within twenty-four hours of Trump’s victory, the AAUP issued a statement to its members. While acknowledging that our Association does not engage in partisan politics and has never endorsed a candidate for national office, the statement also recognized the widespread fear that Trump’s election “threatened some of the core institutions of our democracy and may be the greatest threat to academic freedom since the McCarthy period.” The statement noted in particular that Trump’s campaign remarks about minorities, immigrants, and women on some campuses had a chilling effect on the rights of students and faculty members. It noted that Trump’s call for an “ideological screening test” for admission to the United States could make it difficult for colleges and universities to attract students and scholars from abroad and to engage in the international exchange of ideas vital to academic freedom and the pursuit of knowledge. Lastly, it noted with alarm that the Republican denial of climate change and, indeed, of the validity of science itself represents a dangerous assault on the essential core of higher education’s mission.

In response, the AAUP pledged to

1. oppose the privatization of our public higher education system and fight for higher education as a common good, accessible and affordable to all;
2. oppose discrimination on the basis of race, gender, sexual orientation, disability, religion, or national origin and fight for an equitable and welcoming educational environment in which all can freely and safely learn, discuss, differ, debate, and grow;

3. oppose attacks on unions and the economic security of college and university faculty and staff and fight for expanding and strengthening the rights of all those engaged in teaching and research in higher education—tenured and tenure-track faculty members, faculty members in contingent positions, and graduate student employees—to organize and bargain collectively; and

4. oppose violations of academic freedom and of the broader rights to free expression in the academic community and fight for strengthened protections for and renewed commitment to the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1966 *Statement on Government of Colleges and Universities*.

I want to focus on each of these four pledges in turn, shedding some light on what has already occurred, what may yet occur, and what the AAUP is trying to do in response.

Against Privatization

Well before Donald Trump emerged as a national political figure, the AAUP was concerned about the now decades-long movement to privatize our public colleges and universities and the concomitant tendency to “corporatize” the management of many private institutions. Some thirty years of privatization have yielded only declining quality, decreased access, and burgeoning student debt. Underlying these developments has been a fundamental abandonment of the core principle that the AAUP has stressed since its founding in 1915: higher education, both public and private, is a common good, not a private commodity. Today, however, higher education is treated increasingly as a benefit available only to those able to pay for it, or those willing to amass crushing debt to gain its benefits.

Although President Trump has yet to articulate even the outlines of a program for higher education, it’s not too audacious to say that his administration is likely to embrace and accelerate rather than resist the privatization agenda, with its ominous implications for educational quality and the survival of academic freedom and shared governance. Deep cuts to public higher education under Republican governors like Scott Walker in Wisconsin, Bruce Rauner in Illinois, John Kasich in Ohio, and, yes, Mike Pence in Indiana, and under the Republican legislature in Iowa, suggest the likelihood of similar cuts in federal aid, including student aid, under Trump. The president’s choice to lead the Department of Education, Betsy DeVos, initially appeared woefully ignorant about higher education (among other things), but her demonstrated devotion to extreme privatization of K–12 education in Michigan hardly bodes well for our sector. And it now appears that Trump and DeVos will seriously weaken, if not entirely eliminate, efforts begun under President Obama to rein in abuses characteristic of so many for-profit institutions. Such actions must be resisted.

Equity and Safety

In recent years student demands, mainly at elite institutions, for so-called safe spaces have come under criticism, with a few voices charging—quite inaccurately, in my opinion—that such demands have become the principal threat to academic freedom and free expression on campus. Far more dangerous, however, have been those who would deny that college and university campuses must be, as the University of California, Berkeley, economist Bradford DeLong put it, “first of all, a safe space for ideas; second, a safe place for scholars.” Increasingly, it is the safety of scholars—both students and faculty—that is truly endangered. And if assaults on such safety are not resisted as forcefully as possible, it will not be long before ideas themselves will be even more threatened.

Since the election, according to the Southern Poverty Law Center, campuses have experienced an unprecedented spike in hate crimes and “bias incidents,” both physical and verbal, directed against African Americans, immigrants, members of the LGBTQ community, religious minorities, women, and people with disabilities. The AAUP Council, at its November 2016 meeting, passed a resolution condemning such attacks and calling on college and university administrators, faculty, staff, and students to unite against them. “Violence, threats of violence, and harassment have no place on campus,” the Council declared.

The resolution noted the particular vulnerability of “those among our students who are undocumented, many of whom have been in this country since early childhood,” and declared the AAUP’s support for sanctuary campuses. The Trump administration has now announced its intention to terminate the rights of the “dreamers,” those who entered the country without documentation as children with their families, by ending the Obama administration’s Deferred Action for

Childhood Arrivals program. Although Trump announced a deal with congressional Democrats to reestablish the program legislatively, that has yet to occur as of this writing and appears increasingly unlikely. Because so many of the “dreamers” are college students, faculty members have a special obligation to persist in opposing attacks on their status and pressuring the Congress to act.

Then there are the president’s notorious executive orders banning immigration from a number of Muslim countries. As the AAUP has stated, “Those being excluded from the US will doubtless include faculty and students who seek to travel here to speak, participate in conferences, or conduct other academic work. Their exclusion is at odds with fundamental AAUP principles and with our nation’s historic commitment to the free exchange of ideas.”

In September 2017 the AAUP joined with the American Council on Education and other higher education groups in an amicus brief to the US Supreme Court opposing the travel ban. The brief noted that foreign scholars have been deterred from accepting faculty positions in the United States or have pulled out of academic conferences here, either because they were directly affected by the ban or because they were concerned about its impact. It explains how the ban “jeopardizes the vital contributions made by foreign students, scholars, and faculty by telling the world in the starkest terms that American colleges and universities are no longer receptive to them.” In conjunction with the Knight First Amendment Institute, the AAUP is also looking into legal issues related to a regulation authorizing border patrol officers to search a traveler’s electronic devices at the borders without any basis for suspicion.

Trump’s actions on immigration are likely just a start. We need to be prepared for further assaults on the rights of a broad array of minority groups on our campuses. We will need to stand firmly in defense of the rights of those so assaulted. We must also be prepared for efforts by individuals and groups that support the “white nationalist” agenda to intimidate and silence opposition on campus. To be sure, efforts to deny such individuals, including even the noxious provocateur Milo Yiannopoulos, their own right to speak are misguided, if perhaps understandable. But we cannot let legally protected, if invidious, speech become genuine harassment and intimidation. The rights of all members of our campus communities not only to speak freely but also to develop, test, and debate their views in safety must be protected.

Collective Bargaining

Before the election, the legal environment for organizing, at least at the federal level, seemed to be improving. In key decisions the National Labor Relations Board made it easier for instructors at private institutions, including graduate student employees, to organize.

Now, however, the situation is quite different. During the campaign Trump pledged to nominate Supreme Court justices in the mold of Antonin Scalia, whose death deprived antiunion forces of a majority in *Friedrichs v. California Teachers Association*, a case that could have denied public employee unions the right to collect fair-share fees from nonmembers. Now, with Trump appointee Neil Gorsuch having replaced Scalia, the Court has agreed to hear the case of *Janus v. AFSCME Council 31*, which reopens that issue. It is thus likely that by June the justices will overturn precedent and bar such fees in the public sector, which would pose a profound threat to public employee unions, including the AAUP. In response, the AAUP is working with our unionized chapters to increase membership and strengthen ties with the faculty members they represent. The AAUP will also be joining an amicus brief in the case, as it did in the *Friedrichs* case.

Moreover, the Senate has now confirmed a Trump appointee to the National Labor Relations Board (NLRB), creating an antiunion majority and increasing the likelihood that important Obama-era decisions will be reversed. Indeed, that is what trustees and administrators at elite private research institutions like Columbia University, the University of Chicago (where graduate employees voted overwhelmingly in October to be represented by Graduate Students United, a joint affiliate of the AAUP and the American Federation of Teachers), and Yale University are counting on in their efforts to derail the unionization of graduate student employees. In 2016 the NLRB reversed a Bush-era decision, ruling that such students are employees and entitled to union representation. Now these universities—despite their often lofty language in opposition to Trumpism and supporting free expression—are counting on a Republican-dominated NLRB to overturn that decision before they are compelled to sign contracts.

Of course, assaults on unions and collective bargaining in states where Republicans dominate legislatures and governorships predate the Trump victory. Wisconsin is clearly the model. There, Governor Scott Walker successfully

pushed through legislation that almost entirely destroyed public employee unions, including unions of public university faculty. And this attack was followed by an assault on the tenure system. Now, however, as sociologist Sarah Goldrick-Rab has put it, “We’re all living in Wisconsin.”

In Iowa, to take just one more example, we have seen legislation enacted under which most public-sector union contract negotiations will be limited to base wages. Iowa unions are now barred from negotiating over issues such as health insurance, evaluation procedures, staff reduction, and leaves of absence. They are barred from having dues deducted from paychecks, and unions now need to be recertified prior to every contract negotiation.

Such efforts, however, can be resisted. In Wisconsin, devastation of the unions was followed by a remarkable growth of interest in the AAUP, with new non-collective-bargaining chapters emerging and membership growing at several University of Wisconsin campuses. And the effort of Ohio’s Governor Kasich a few years ago to destroy public employee unions was reversed by an overwhelming two-thirds majority in a public referendum, in which the Ohio AAUP played a critical part. Still, the AAUP and other faculty unions must be prepared to absorb the blows to our finances and our ability to organize that Trump’s appointments and emboldened antiunion legislators are likely to bring.

Academic Freedom

Violations of academic freedom and of the broader rights of free expression in the academic community are now likely to be part of a broader assault on learning itself. The budget proposal issued in March by the Trump administration contained deep cuts that would severely damage scientific research, the arts and humanities, and access to higher education. Congress is unlikely to go along with these draconian proposals; indeed, the proposals have already been ignored. Nonetheless, the administration’s priorities are now clear. And nowhere is this more apparent than in the sphere of climate change. As the Union of Concerned Scientists has concluded, “A clear pattern has emerged . . . multiple actions by [the Trump] administration are eroding the ability of science, facts, and evidence to inform policy decisions, leaving us more vulnerable to threats to public health and the environment. The Trump administration is attempting to delegitimize science.”

The AAUP can celebrate one recent victory in this area. In September 2017, the Arizona Court of Appeals rejected attempts by a “free market” legal foundation to use public records requests to compel faculty members to release emails related to their climate research. In an amicus brief supporting the scientists, the AAUP argued that Arizona statute creates an exemption to public release of academic research records and that a general statutory exemption protecting records when in the best interests of the state, in particular the state’s interest in academic freedom, should have been considered. The appeals court agreed.

That case undoubtedly won’t end such efforts to intimidate academic researchers, and it demonstrates that threats to academic freedom come not only from the government directly but also from well-funded think tanks and other organizations. Indeed, we should expect the various forces that have always threatened the faculty’s rights and responsibilities—politicians, donors, and media, for example—to grow emboldened by the administration’s rhetoric and its policy decisions.

Seven years ago, the AAUP conveyed its concern that “the war on terror, the conflict in the Middle East, and a resurgence of the culture wars in such scientific fields as health and the environment” had created an atmosphere “in which partisan political interests threaten to overwhelm academic judgment.” Since the election, we have seen a new wave of politically motivated witch hunts, including death threats, against academic scientists working in fields such as climate change and fetal tissue research, where the implications of scientific findings are perceived as threats by entrenched interests and partisan ideologues. In addition to the “danger zones” for academic freedom enumerated in 2011, issues related to racial justice have also come to the forefront in the last two years and played a prominent role in the escalation of targeted online harassment.

Against this backdrop, ongoing and new efforts by private groups to monitor the conduct of faculty members have heightened concerns about the impact of the political climate on academic freedom. For instance, the so-called Professor Watchlist is nothing less than a McCarthyite blacklist of professors that purports to expose faculty who “advance leftist propaganda in the classroom.” Similar blacklists targeting scholars whose positions on the Israeli-Palestinian conflict run

counter to pro-Israel orthodoxy have encouraged harassing emails and efforts to deny employment both to established scholars and to graduate students.

Inspired by an independent action taken by faculty members at the University of Notre Dame, the AAUP drafted an open letter to the sponsors of the Professor Watchlist and invited members and supporters to sign it. The letter concluded, “We support and stand with our colleagues whose academic freedom your list threatens. Therefore, we, the undersigned, ask that you add our names to the list.” The AAUP gathered more than twelve thousand signatures.

But even without blacklists, attacks on the rights of faculty to speak as citizens are intensifying, with targeted online harassment a growing and deeply dangerous phenomenon that threatens to chill the right to speak of all in the academy. Recent examples of such harassment include cases involving Johnny Williams at Trinity College, Keeanga-Yamahtta Taylor at Princeton University, Lisa Durden at Essex County College, Dana Cloud at Syracuse University, Sarah Bond at the University of Iowa, Tommy Curry at Texas A&M University, and George Ciccariello-Maher at Drexel University.

The AAUP has been tracking these incidents and has intervened in several of them. In September the AAUP issued a statement jointly with the American Federation of Teachers and the Association of American Colleges and Universities calling on college and university administrators and trustees to stand up to these assaults. The statement said:

These campaigns of harassment endanger more than the faculty member concerned. They pose a profound and ominous challenge to higher education’s most fundamental values. The right of faculty members to speak or write as citizens, free from institutional censorship or discipline, has long been recognized as a core principle of academic freedom. While colleges and universities must make efforts to provide learning environments that are welcoming, diverse, and safe for all members of the university community and their guests, these efforts cannot and need not come at the expense of the right to free expression of all on campus and the academic freedom of the faculty.

The three groups called on college and university presidents, members of governing boards, and other academic leaders to “resist this campaign of harassment by endorsing this statement and making clear to all in their respective institutions that threats to individual members of the academic community, to academic freedom, and to freedom of expression on campus will not be tolerated.” Local AAUP chapters and state conferences have been taking this statement to their administrative leaders and boards, challenging them to endorse it.

In recent years the AAUP has argued that the single greatest threat to academic freedom has been the erosion of the tenure system, resulting from the overreliance on part-time and other contingent faculty, a product of corporatization and privatization. But now we are seeing once again a frontal assault on tenure that may only intensify under the Trump regime, even if the president is not directly implicated.

It begins, once again, in Wisconsin, where until recently tenure for public college and university faculty members was enshrined in statute. Scott Walker removed this provision from the state’s laws, leaving it to the University of Wisconsin’s governing board to ensure tenure through policy. But the policy adopted now provides for the dismissal of faculty members after post-tenure review without the protections of academic due process and on the sole initiative of an administrator. In other words, although in Wisconsin tenure exists in principle, in practice any tenured faculty member may now be dismissed without a faculty hearing or even a reasonable explanation.

This move was followed by more direct assaults on tenure in Iowa and Missouri, where proposed legislation would have barred any public college or university from providing tenured status to any faculty member. In a public statement, the AAUP called these bills “a concerted attack on academic freedom.” The good news is that these and similarly odious proposals have not so far succeeded. Still, there is reason for concern that such efforts may be opening salvoes in an all-out attack on a tenure system already dangerously weakened by “adjunctification”—and hence an attack on academic freedom itself.

Almost as central to the defense of academic freedom as tenure is a system of shared governance. Unfortunately, however, at both private and public institutions shared governance is increasingly under siege. The poisonous notion that colleges and universities should be run more like business enterprises—a concept central to the disastrous privatization and

corporatization project—has increasingly empowered authoritarian administrators and out-of-touch governing boards at the expense of faculty.

The examples are legion. In 2014, the administration of Union County College in New Jersey, with the concurrence of the trustees and the governor, ended, or severely restricted, the faculty's role in choosing its own representatives to committees; eliminated most faculty committees, including the key Faculty Executive Committee; and replaced departments headed by faculty-chosen chairs with new academic divisions headed by deans selected with little or no faculty involvement.

We are now witnessing another crisis in shared governance in the California State University system, the nation's largest public university system. The promulgation of two executive orders, which cap general education credits and eliminate placement tests and remedial English classes, prompted growing opposition among the faculty. It is not in the purview of the AAUP to opine on the merits of these orders. But it is our role to note that these decisions appear to have been made without adequate participation by the statewide and campus academic senates and without appropriate consultation with the California Faculty Association.

Conclusion

This account of the new reality has not been optimistic about the current condition and imminent future of academia under the Trump administration. But if there is a silver lining it is that faculty members are now more alert to the dangers we face, and many are organizing to respond. The remarkable women's marches, which involved between three and four million people nationwide, resonated especially on college and university campuses. And the extraordinarily rapid response of so many, including many administrators as well as faculty members, to the proposed immigration ban is another reason for optimism.

It is not the AAUP's role to participate in the organization of a partisan political movement. But it is definitely our role to organize faculty members to stand up and fight for our profession and our lives, for academic freedom and shared governance, and most centrally for higher education—public and private—as a common good essential to a free and democratic society. As the old labor slogan says, “Don't mourn, organize!”

Henry Reichman is professor emeritus of history at California State University–East Bay. He is first vice president of the AAUP, chair of the AAUP's Committee A on Academic Freedom and Tenure, and chair of the AAUP Foundation. His email address is henry.reichman@csueastbay.edu.