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Academic Groups Denounce Wisconsin GOP's Demand for Professor's E-Mails

March 28, 2011, 11:47 am

Both the American Association of University Professors and the American Historical Association are opposing [efforts](#) by the Republican Party of Wisconsin to obtain e-mails sent by William Cronon, a professor at the University of Wisconsin at Madison, following his publication of a blog post critical of that state's Republican governor, Scott Walker. The [statement](#) issued by the AHA, which Mr. Cronon serves as president-elect, accuses the Wisconsin GOP of abusing that state's open-records law in seeking "a pretext for discrediting a scholar who has taken a public position." Gregory F. Scholtz, associate secretary of the AAUP, said in a [letter](#) to University of Wisconsin officials that the disclosure of Mr. Cronon's e-mails "will inevitably produce a chilling effect" on the academic freedom of scholars throughout that university system.

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rburns 1 day ago

I suspect that Mr. Cronon knew he should have limited his use of the state's equipment and systems to their intended purpose—as they relate to his professorial role in the classroom, in his research and other faculty responsibilities. If he wants to exercise his personal political rights he should use his own personal equipment and services. But aren't we going a bit far here in that the request is to see the personal emails he used public equipment to publish—just to see them? He obviously wanted his thoughts or theories broadcast to others. I guess he just is pretty selective about the definition of those "others." No problem with that as long as he uses his own equipment, time, and systems. Finally, I suspect that the "chilling effect" will be on the widespread personal/political use of state owned, state funded equipment and systems rather than on anybody's academic freedom in Wisconsin or elsewhere.

It has been interesting to watch the definitions of "rights" lately in Wisconsin and all of the other parts of the nation that seem so concerned about Wisconsin these days. The public unions have a "right" to bargain collectively! without limits though the other side of the table no longer wishes to bargain that way. Elected officials have the "right" to desert their offices in order to stall legislation by fellow elected officials who stay at their places to do the work they are sworn and paid to do. Union demonstrators and others, some of whom are Wisconsin taxpayers have the "right" to squat in the State Capitol regardless of standard rules and regulations which apply to that public building, having not a care for those whose workstations are in that building, and with no attention to cleaning and repairs that must be paid for once they have left. Now a well connected professor has the "right" to a type of academic freedom that includes his personal use of taxpayer funded equipment and systems? Would he be defended by AAUP if he had used a state automobile for weekend dates or to take his Mother to the clinic? Would it be OK with the AHA if their president-elect were to use classroom furnishings to outfit his lakeside cabin?

I suspect that AHA has limits on the extent to which its officers, even, can make use of its resources, its logo, its letterhead, perhaps even its office space and equipment, etc.. I know that AAUP has such rules. The State of Wisconsin surely has such rules. Finally, I suspect that each of us has from time to time made inappropriate use of campus or organizational resources and equipment—but that doesn't make it right.

11 people liked this. [Like](#)**commentarius** 1 day ago

Good show, burns! Take it to those commies and hippies who are befouling the Land of the Free! Kill them all and let God sort it out - that's what Nixon would have done if the dang commies hadn't gotten him!

5 people liked this. [Like](#)**nyhist** 23 hours ago

If you read what Cronon wrote, you will discover that he used NO Wisconsin equipment for any of this. He wrote his work on the weekend, on his own time; he has always bought his own computers; and he has been careful to use his own personal email for all non-university business communications. So, rburns, most of your comment is based on a false premise. As he points out, the email on his wisc.edu address concerns his students and his historical work and teaching only. This request is harassment and a violation of academic freedom of a man who calls his blog 'scholar as citizen.' Is this what he deserves?

27 people liked this. [Like](#)**nebo113** 22 hours ago

To what extent might emails between Cronon and students be exposed in this situation? Does that violate FERPA?

1 person liked this. [Like](#)**megginson** 8 hours ago in reply to nebo113

No, since FERPA-protected information will not be revealed. The institution's FOIA officer has not just the authority, but the duty to edit out any information that by revelation would violate FERPA, or attorney-client privilege, or a host of other matters that FOIA cannot override, before passing along e-mails that are genuinely responsive to the request. The presence of such information in an e-mail would not necessarily be cause for exclusion of the entire message from the FOIA request, but it would lead to the information's being excised before the e-mail is passed along.

There are many misperceptions about what FOIA requests require and do not require, and folks who are worried about their own vulnerability should check with their institution's FOIA office. For example, it is often assumed that personal messages written on a work computer can be FOIAed (often true, actually, if it is determined that the FOIA request is legal and the messages are responsive to it), but that business-related messages written and sent on a home computer that never passed through the university technology infrastructure would not be FOIAable. That latter is generally wrong; if it relates to business, then it becomes a business record whether or not it was sent from the office, and FOIA requests can often get to it. There are non-hypothetical examples of officials who attended a business meeting, then went home and wrote up some notes about the meeting on their own time and their own paper, using their own writing instruments, only to discover to their dismay that the notes were fair game for a FOIA attack.

I'm only providing information from my own personal experience (though that home note-taking incident did not happen to me). There is no legal advice being offered here, and all that this message is intended to say is that anyone worried about FOIA requirements should check with their FOIA office, particularly since state FOIA laws vary somewhat.

And nothing written here should be taken to mean that I sympathize with the FOIA attack on Cronon. In deciding between the ethics of someone who used state-owned hardware and software to send or post a personal opinion (which Cronon apparently didn't anyway), and someone who would choose to attack someone's politics by attempting to make a technical legal case against them involving a petty misuse of nonconsumable state-owned infrastructure, the choice is really simple.

3 people liked this. [Like](#)**wilkenslibrary** 21 hours ago

I have seen elsewhere the suggestion that we all forward all of our college-related e-mail to Governor Scott Walker (that's govgeneral@wisconsin.gov), Mark Jefferson (that's mjefferson@wisgop.org) and GOP State Party Chairman Brad Courtney (that's State.Chairman@Wisgop.info. Seems that they have nothing better to do than read professors' e-mail...

Betsy Smith
Adjunct Professor of ESL
Cape Cod Community College

19 people liked this. [Like](#)



rescomp 7 hours ago

I always find it interesting that right wingers hate government and its intrusion in our lives UNTIL such intrusion can be used to hammer someone with whom they disagree.

10 people liked this. [Like](#)



softshellcrab 6 hours ago in reply to rescomp

Really? Well I find it interesting that left wingers love government and the rights of your hero groups to intrude and requisition government records under the FOIA laws that Democrats rammed through after Watergate, UNTIL such intrusion is used as a hammer by a group with whom they disagree.

Shameless hypocrite.

[Like](#)



rentedname 7 hours ago

...help! help! I'm bein' oppressed!

[Like](#)



11245928 6 hours ago

I appreciate that Bill Cronon feels threatened by what the Republican operative may plan to do with the emails that he has requested through the state's FOIA, but how can any historian rationally rail against a freedom of information act request? Isn't this one of the tools of their trade, especially those dealing in political history of the recent past?

[Like](#)



copywritergirl 6 hours ago

I am so glad that rburns doesn't let the facts get in the way of his opinions."I suspect that Mr. Cronon knew he should have limited his use of the state's equipment and systems to their intended purpose--as they relate to his professorial role in the classroom, in his research and other faculty responsibilities. If he wants to exercise his personal political rights he should use his own personal equipment and services"

That is what Professor Cronin actually did do, R. Would you care to rephrase your little slings and arrows at the professor since you are completely WRONG? Or are you happy with your opinion as is, regardless of how it bumps up against the facts in the case.

If you are ever accused of something in academia, I would imagine that you would actually want people to base what happens to you on facts and not on political rantings.

6 people liked this. [Like](#)



softshellcrab 6 hours ago

I support the efforts. Look it up. It was Democrats who rammed through all these FOIA, "Sunshine Laws" and Open Records laws in the years after Watergate, so their heroes in the Media, Big Labor, Ralph Nader activists etc. could have access to records to further their Democrat liberal agenda.

You wanted it, you got it. What's good for the goose is good for the gander. It is the height of hypocrisy for you liberal Democrat academics to cry foul now..... Eat it and swallow it.

Like



swagato 5 hours ago in reply to softshellcrab

The Freedom of Information Act which, broadly speaking, permits the citizens of a country to observe records that its own government, for some reason, has deemed not worth sharing with said citizens.

The Wisconsin GOP has demanded access to Professor Cronon's professional email history, instigated to this demand after Prof. Cronon, on a public blog, criticised what he (in his professional capacity) saw fit to critique about the GOP situation.

It appears to me that you are conflating the right of citizens to know more about their higher powers (to wit, the government), with the whim of a higher power to intimidate and investigate (without due cause) a scholar—part of whose job identity is the analysis and critique of social structures. The FOIA urges a government to either be more frank in its national discourse, or be a damned sight more secretive. A powerful political party demanding full access to a person's professional email records because that person decided to publicise his professional views is, in my opinion, vastly different. It sets an extremely worrisome precedent whereby the prospect of all this hassle and negative publicity will cause our own future scholars to think twice before thinking at all.

Then again, that would be well in line with current Republican thinking, would it not? An unthinking citizenry is far less likely to criticise, and far easier to pacify.

6 people liked this.

Like



wilkenslibrary 27 minutes ago in reply to swagato

Talk about setting a precedent—according to this afternoon's CHE (<http://chronicle.com/article/M...> a Michigan think tank is also demanding e-mails, not just from a single professor, but from all of the labor-studies faculty members at Michigan's three largest state universities. The person requesting the e-mails is Ken Braun, managing editor of Michigan Capital Confidential (micapcon@mackinac.org) in case you want to cc them on anything.

Betsy Smith
Adjunct Professor of ESL
Cape Cod Community College

Like

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