

UNIVERSITY OF WISCONSIN'S RESPONSE TO FOIA REQUEST EMPHASIZES IMPORTANCE OF ACADEMIC FREEDOM

The University of Wisconsin issued two documents in response to the request for Professor Bill Cronon's emails: a message from the Chancellor, and a letter from the General Counsel to WI's GOP. As the GC letter describes, UW has withheld the following documents, among others.

4. Personal communications. The Wisconsin Supreme Court's decision in *Schill, et al. v. Wisconsin Rapids School District, et al.*, Case No. 2008AP967-AC (July 16, 2010), allows the university to withhold e-mails containing purely personal communications that do not relate to Professor Cronon's employment as a faculty member or the official conduct of university business, even though they were sent or received on university e-mail and/or computer systems.

5. Intellectual communications among scholars. Faculty members like Professor Cronon often use e-mail to develop and share their thoughts with one another. The confidentiality of such discussions is vital to scholarship and to the mission of this university. Faculty members must be afforded privacy in these exchanges in order to pursue knowledge and develop lines of argument without fear of reprisal for controversial findings and without the premature disclosure of those ideas. The consequence for our state of making

such communications public will be the loss of the most talented and creative faculty who will choose to leave for universities that can guarantee them the privacy and confidentiality that is necessary in academia. For these reasons, we have concluded that the public interest in intellectual communications among scholars as reflected in Professor Cronon's e-mails is outweighed by other public interests favoring protection of such communications.

In her message, Chancellor Biddy Martin explained the importance of privacy to academic freedom.

We are also excluding what we consider to be the private email exchanges among scholars that fall within the orbit of academic freedom and all that is entailed by it. Academic freedom is the freedom to pursue knowledge and develop lines of argument without fear of reprisal for controversial findings and without the premature disclosure of those ideas. Scholars and scientists pursue knowledge by way of open intellectual exchange. Without a zone of privacy within which to conduct and protect their work, scholars would not be able to produce new knowledge or make life-enhancing discoveries. Lively, even heated and acrimonious debates over policy, campus and otherwise, as well as more narrowly defined disciplinary matters are essential elements of an intellectual environment and such debates are the very definition of the Wisconsin Idea.

When faculty members use email or any other medium to develop and share their thoughts with one another, they must be able to assume a right to the privacy of those exchanges, barring violations of

state law or university policy. Having every exchange of ideas subject to public exposure puts academic freedom in peril and threatens the processes by which knowledge is created. The consequence for our state will be the loss of the most talented and creative faculty who will choose to leave for universities where collegial exchange and the development of ideas can be undertaken without fear of premature exposure or reprisal for unpopular positions.

As I have suggested, emails of Michigan professors FOIAed in similar fashion will almost certainly be exempted under personal exemptions under MI law (I've spoken to a bunch of people in MI since I wrote the post, and most people, particularly the lawyers, agree).

Of course, this won't end it. It's this concept of freedom that the Republicans are trying to assault, not to mention the autonomy of universities.

But I'm glad UW made such a statement in support of academic freedom.

“PRO LIFE” REPUBLICANS TRYING TO KILL 70,000 CHILDREN

At the same time as Republicans are trying to force the IRS to audit abortions (even while forbidding use of the word “uterus”), they are trying to cut Obama's request for international aid by 16%. Doing so, USAID Rajiv Shah testified yesterday, would kill 70,000 children.

"We estimate, and I believe these are very conservative estimates, that H.R. 1 would lead to 70,000 kids dying," USAID Administrator **Rajiv Shah** testified before the House Appropriations State and Foreign Ops subcommittee.

"Of that 70,000, 30,000 would come from malaria control programs that would have to be scaled back specifically. The other 40,000 is broken out as 24,000 would die because of a lack of support for immunizations and other investments and 16,000 would be because of a lack of skilled attendants at birth," he said.

Check out that last one: the Republicans want to kill 16,000 children by cutting the money for childbirth attendants.

I guess according to the GOP moral code, it's okay to cause the death of children at childbirth, but letting a woman terminate a pregnancy before that point is a mortal sin.

UTERUS: (YEW-TUR-US), N, A CURSE WORD MEANING "NOT A CORPORATION."

Apparently, the children in the GOP party in Florida are offended that a Democratic state Representative uttered the word "uterus" on the House floor:

During last week's discussion about a bill that would prohibit governments from deducting union dues from a worker's paycheck, state Rep. **Scott Randolph**, D-Orlando, used his time

during floor debate to argue that Republicans are against regulations – except when it comes to the little guys, or serves their specific interests.

At one point Randolph suggested that his wife “incorporate her uterus” to stop Republicans from pushing measures that would restrict abortions. Republicans, after all, wouldn’t want to further regulate a Florida business.

Apparently the GOP leadership of the House didn’t like the one-liner.

They told Democrats that Randolph is not to discuss body parts on the House floor.

Hell, how do these men propose to regulate women’s uteri (because they’re happy to do that) if they forbid even speaking about them?

Now, I’m not sure if the Republicans made this stink because Randolph’s truth-telling about their fondness for corporations made them uncomfortable, or they simply think men should not listen to their wives (Randolph got the line from his wife).

But I’m guessing I wouldn’t last long in Florida’s House without censure.

CELEBRATING 10 YEARS OF THE RIGHTS ASSOCIATED WITH MARRIAGE



The Third Way thinks it learned something worthwhile by offering a bunch of apparently straight people who have full civil

rights a chance to judge the motivations of those who don't.

At Third Way, for example, we went beyond traditional polling and conducted a series of innovative and intensive one-on-one interviews – akin to the sort of market research tool used by the Fortune 500. Those interviews proved revelatory and have profound implications for extending marriage to lesbian and gay couples.

We started with a simple question: “What does marriage mean to you?” People spoke of the kinds of things you hear in a wedding ceremony: lifetime commitment, responsibility and fidelity. They called marriage “a big step” and “the most important decision of one’s life.” Nobody talked about legal rights or taxes.

Then we asked them why gay people might want to get married. The overwhelming answer? “I don’t know.” But when we probed deeper, we found that they did have some idea – they had heard the messages from LGBT advocates. They would talk about how gay couples want rights, benefits, equality and fairness. Not surprisingly, that led them to the idea of civil unions, because they told us that if you want legal rights, you should have a legal contract. But that (in their minds) had nothing to do with marriage.

To them, all the talk about rights indicated that gay couples “just don’t get it” – that they couldn’t really understand the true purpose of marriage.

Of course, the problem with their little project is that most people with full civil rights have a difficult time seeing the benefit of those rights because they’ve never had to think about

doing without them. The Third Way's little project would have far more validity if they actually talked to people who had married for the rights it grants couples.

Like me.

You see, described at a very crass level, Mr. EW and I have a Green Card marriage.

That's not how we thought of it. Rather, after having lived together for about a year or so, we were facing career choices that might have forced one of us to move to a remote city. We knew we wanted to stay together as we embarked upon the career changes we were considering. But we also recognized that that would be far easier to do if we were married, not least because Mr. EW's visa was at that time tied to his job (and, of course, also because if we moved we could share health benefits). So on a Thursday, we decided to do it. And the following Monday, we got married. Our reception was a night with friends and our brothers at the local Irish pub.

(The picture above isn't actually from the wedding; it's from the celebration we had in Sedona the following year. The best picture of from the wedding day—of Mr. EW carrying me over the threshold of the Irish pub—is in some box somewhere.)

And that Monday—the day we swore our lifetime commitment before a judge for the legal benefits such an oath would give us—was 10 years ago today.

Now, don't get me wrong. There has been plenty of that stuff that straight people who don't have to think about these rights cite when they think about marriage: commitment, responsibility, fidelity, the whole in sickness and in health bit. And we've been pretty schmaltzy in recent days as we think about how great the last decade has been together. But we are also aware—acutely so, when we see friends who for no rational reason aren't granted the same rights we have enjoyed—how much easier those rights have made it for us to sustain our

commitment to each other.

So while it's very easy for the Third Way to congratulate itself that it got a bunch of people "from Middle America" to complain that gay men and women deprived of civil rights "don't get it," it's a fundamentally dishonest project. The people who "don't get it" are those who pretend they can separate the institution of marriage from society's full recognition of that institution, legally, through the rights it conveys.

REAL REASON FOR US DEFICIT: GE GREED- \$14.2B PROFIT, \$0 TAX

For all the caterwauling from the right, and stupifyingly from the Obama Administration and Blue Dog left as well, the real reason the United States has the sizable deficit issues it does is due in large part to the fact corporations like GE make billions in profit and pay no taxes.

THE NEW OBAMA POLICY ON CONSTITUTIONALITY OF DOMA & BOIES/OLSON REACTION

The Obama Administration this morning made an abrupt and seismic shift in its legal policy and position on DOMA (Defense of Marriage Act). It is a change that will have far reaching and

important ramifications, and already has in the Perry v. Schwarzenegger Prop 8 case.

THE SHIRLEY SHERROD COMPLAINT AGAINST ANDREW BREITBART

Shirley Sherrod is quite a woman, and now she has followed through on her promise and filed a lawsuit against Andrew Breitbart. Ms. Sherrod has come to the dance locked and loaded and with a very compelling story. Andrew Breitbart better strap in, it could be a bumpy ride.

EGYPTIAN TRASH TALK

Time to get the lead out and get America's youth into an American Tahrir Square because the United States needs a revolution as much as anywhere in the world right now. Time for some real hope and change instead of the disingenuous drivel we were conned with in 2008.

ARIZONA'S NEW WHITE PANTHER PARTY: MONEY & (ANCHOR) BABY HATE



Three weeks ago I woke up and started organizing my thoughts to write this post.

I had no more than written the title when news started coming in hot, first on Twitter and then local news channels, that Congresswoman Gabrielle Giffords had been shot in Tucson. In a strange dichotomy, it was both an event which brought the ugly underbelly of hate in my state into even better focus than it had been before, which is the subject of this post, as well as an event which put the desire to write it, and the moment for it, on the back burner. With the filing in the Arizona legislature of twin bills at the end of this week attacking the automatic citizenship granted to U.S.-born children of illegal immigrants under the 14th Amendment, it seemed like time to return to the matter.

Specifically, we are talking about the following Arizona Legislative measures:


- House Bill 2561 and Senate Bill 1309 would define children as citizens of Arizona and the U.S. if at least one of their parents was either a U.S. citizen or a legal permanent U.S. resident and therefore subject to the jurisdiction of the United States.
- House Bill 2562 and Senate Bill 1308 would seek permission from Congress to set up a system so states can create separate birth certificates for children who meet the new definition of a citizen and those who do not.

These are the provisions engendered by the hateful right wing “anti-anchor baby” effort. Arizona is, as it was with the previous “immigration papers please” law enacted in SB 1070, on the cutting edge of the national anti-immigrant and hatred of brown movement. While Arizona may be the test lab, it is certainly not necessarily the originator for these discriminatory and bigoted efforts. The “father” of the measures, leader and vocal mouthpiece for them in the Arizona legislature is State Senator Russell Pearce, newly crowned President of the state senate. Pearce worked off the template

written by national movement conservative Kris Kobach for SB 1070, and the attempt to blow up the 14th Amendment birth citizenship guarantee is also being pushed by national extreme right wing movement conservatives such as Rand Paul and David Vitter.

But the point man and patron saint of anti-immigration hate in Arizona is indeed President of the Arizona Senate Russell Pearce, a former top deputy and confidant of the pernicious Maricopa County Sheriff, Joe Arpaio. When Pearce first arrived in the Arizona state legislature in 2001, it was as a state representative from the heavily Mormon (Pearce's religion) area of Mesa, and he was known for little more than being a

...loudmouthed backbencher, unhealthily obsessed with illegal immigration.

So how did this two bit back bencher, who  only came to the legislature because he was terminated as the state director of the Motor Vehicle Department for malfeasance in tampering with department records, come to be the most powerful man in the Arizona legislature? The old fashioned way, money, lobbyists and a push from the movement conservative national political machine. In short, the craziness of the ever more extreme and immigrant fear mongering national Republican party caught up to Russell Pearce's local innate bigotry. And the big money and high powered lobbyists now backing and fueling Pearce is the story of this post.

On Friday night, January 7, a high dollar fundraiser was held for this front man for divisive hate and bigotry in Arizona, Russell Pearce. But the fundraiser was not in the middle and lower class neighborhood Pearce represents, but instead in the tony Camelback Mountain/Biltmore area of East Phoenix (picture of the estate above). As fundraising is prohibited during the legislative session that was set to start the following Monday, it was a last chance for big business and the moneyed

elite to pump up Pearce and give a push to the “anti-anchor baby” legislation he had stated would be a priority as he began his new position as President of the State Senate three days later. The money for hate fest for Pearce ended less than twelve hours before Gabby Giffords, Chief Judge John Roll and approximately twenty other souls were shot down by Jared Loughner, in an act that would instantly come to symbolize the divisive brand of hatred sown by Russell Pearce and his right wing supporters.

Who were these people bankrolling and gleefully toasting Pearce and his in your face brand of bigotry? It is all too easy to pin this movement on the supposedly grass roots “Tea Party” movement. Except the truth is the “Tea Party” is not particularly grass roots in the first place and instead is an outgrowth of mainstream GOP lobbyists, and this group of luminaries comprise the monied elite of the traditional Republican party in Arizona, not to mention more than a few national interests. The hate is quite mainstream and is the work product of big money and big political lobbying operations.

Stephen Lemons, who pens the excellent and biting Phoenix New Times political blog and column *Feathered Bastard* clues us in on the names behind Russell Pearce:

There are some familiar ones:
Corrections Corporation of America shill
and Governor Jan Brewer’s Svengali Chuck
Coughlin; Mark Spencer, President of the
Phoenix Law Enforcement Association; Bas
Aja of the Arizona Cattlemen’s
Association; Pinal County Sheriff Paul
Babeu; and former Arizona Congressman
Matt Salmon, of the Washington, D.C.-
based Upstream Consulting.

But Lemons did not stop there; working off of an official invitation to the uptown fundraiser soiree obtained by Tucson political blogger extraordinaire Three Sonorans (pictured above; [click for larger size](#)), Lemons provided a true

service to one and all and did the research to provide the affiliations for all the power players hosting the Pearce event. As it is such a roster of the who's who of mainstream Republican political elite in Arizona, I am going to include the entire stunning list:

Barbara Meaney, Triadvocates LLC

Barry Aarons, Aarons Company

Bas Aja, Arizona Cattleman's Association

Brian Livingston, Arizona Police Association

Brian Tassinari, Upstream Consulting

Charles Bassett, Blue Cross Blue Shield

Chris Herstam, Lewis & Roca

Chuck Coughlin, HighGround Public Affairs (clients include Corrections Corporation of America)

Courtney LeVinus, Capitol Consulting LLC

Dave Childers, (lawyer)

Dave Kopp, President, Arizona Citizens Defense League

David Landrith, Arizona Medical Association

Richard Foreman, Southwest Gas

Donald Hughes, Kutak Rock LLP

Donald Isaacson, Isaacson & Moore

Doug Cole, HighGround

Ellen Poole, United Services Auto Association

Farrell Quinlan, National Federation of Independent Business – Arizona

Genevra Richardson, Ziemba Waid Public Affairs (clients include Democratic candidates)

Gretchen Jacobs, AZ Governmental Affairs

Gretchen Kitchel, Pinnacle West Capital Corp.

Gibson McKay, Veridus, LLC

Jaime Molera, Molera Alvarez Group

Jake Logan, former aide to Jake Flake,
not sure who he works for

Janna Day, Fennemore Craig

Jason Bezozo, Banner Health

Jason Isaak, Policy Development Group
(clients include CCA)

Jay Kaprosy, Veridius, LLC (clients
include ATT, American Express)

Jeffery Hill, Hill and Hill Accounting

Jeff Sandquist, Veridius LLC

Jim Norton, R&R Partners

Joseph Abate, of counsel, Curtis Goodwin
Sullivan Udall

John Kaites, Public Policy Partners
(clients include EDS)

John MacDonald, Husk Partners, Inc
(clients include CCA, Hopi Tribe)

John Mangum, Law Offices of John Mangum

John Wentling, VP, Arizona Citizens
Defense League

Joseph Sigg, Arizona Farm Bureau

Ken Quartermain, Public Policy Partners

Kevin DeMenna, DeMenna & Associates
(clients include City of Phoenix,
Pickens Fuel Corp)

Kristen Boilini, KRB Consulting,

Kurt Davis, FirstStrategic
Communications and Public Affairs

(clients include AZ Cardinals, American Traffic Solutions)

Laura Knaperek, former legislator

Lee Miller, Mario E. Diaz and Associates

Lyn Harry White,
FreeportMcMoranCopperandGold

Marc Osborn, R&R Partners

Marcus Dell'Artino, FirstStrategic
Communications and Public Affairs

Mark Barnes, Barnes and Associates

Mark Spencer, PLEA

Matt Salmon, Upstream Consulting

Michael Racy, Racy and Associates

Michelle Ahlmer, Arizona Retailers
Association

Mike Gardner, Triadvocates, LLC

Mike Williams, Williams and Associates
Public Relations

Nick Simonetta, KRB Consulting

Norm Moore, Isaacson & Moore

Penny Allee Taylor, Southwest Gas

Rip Wilson, SRW Consulting

Rob Dalager, Galagher and Kennedy

Robert Shuler, The Shuler Law Firm

Russell Smoldon, SRP

Sheriff Paul Babeu

Stan Barnes, Copper State Consulting
Group (clients include Covance, Blue
Cross)

Spencer Kamps, Home Builders Association
of Southern Arizona

Stuart Goodman, GoodmanSchwartz

Susan Anable, Cox Communications

Susie Stevens, Stevens and Stevens Law

Sydney Hay, Southwest Policy Group

Thomas Dorn, Dorn Policy Group

Suzanne Gilstrap, Capitol Consulting,
LLC

Tim Lawless, NAIOP-AZ, trade association
representing the commercial real estate
industry in Arizona

Tom Farley, Arizona Association of
Realtors

Wendy Briggs, Veridius LLC

These names may not all ring a bell with the national readership of this blog, but it is pretty easy to see their status and positions of power from Stephen Lemons' fine work in ferreting out the affiliations and, as a native Arizonan, I can assure you these are the highest levels of movers and shakers in the business and legal world here. They are NOT the "grass roots", and do NOT represent the "power of the people". No, they are, quite instead, the people with the power. They would surely not want it, but should be known far and wide for the bigotry, hate and disrepute they have encouraged and bankrolled for the state of Arizona. It is their handiwork Russell Pearce fronts for.

And nothing brought the ugly face of Arizona painted by Russell Pearce and his merry band of backers to light more than the horrendous carnage of the Giffords shooting less than twelve hours after their party concluded. The picture painted of Arizona in the aftermath was a hideous one of bigotry, hate and guns run amok. Nothing, at least for me, captured this picture quite as well as an article by Will Bunch in the Huffington Post entitled "Arizona, Where the American Dream Went to Die":

Welcome to paradise. Indeed, it doesn't

take much time in the Arizona desert, or a lot of shoe-leather reporting, to see how the nation's 48th state had become the undisputed No. 1 in vitriol and bile. Just in the remarkably short time I was in the greater Phoenix area last March, the newspaper was full of stories about a bill in the Arizona legislature – that turned out to be SB 1070 – that would be so harsh toward undocumented immigrants that its sponsors openly admitted to making the streets so hostile to Mexicans that they would leave. On Saturday, I saw campaign volunteers swoon to get Sheriff Joe Arpaio to autograph a pair of the pink underwear that he makes his immigrant prisoners wear in the brutal desert heat to humiliate them. On Sunday morning, I rode past fathers and sons cheerfully walking to a spring-training game in Tempe so I could meet a Baptist minister named Steven Anderson who told me that Obama “deserves to die” because the president supports abortion rights, and over lunch a Tea Party leader calmly told me that Mexicans want to reconquest Arizona up to 16th Street in Phoenix and “kill all the white people.” While I was on my way home to Philadelphia, there was the death threats against Mitchell, and when a militia leader called for Tea Party activists to break the windows of House members who voted for health care, some responded. In Tucson, at 2 a.m. someone shattered the window of a congressional office, possibly by firing a pellet gun, belonging to Rep. Gabrielle Giffords.

It is any wonder that they call Arizona the Grand Canyon State? When news bulletins first flashed on Saturday that a congresswoman had been shot at a public event, it didn't take too much imagination to correctly surmise that it was Arizona, and that the victim was

Gabrielle Giffords. Nor were you shocked, as some clearly were, when Pima County sheriff Clarence Dupnik declared his home state to have become “a mecca for prejudice and bigotry.” The grim, blood-soaked crossover from death threats and broken windows to actual murder and mayhem seemed inevitable. But why here, in such a naturally blessed, sun-soaked corner of God’s earth?

Why Arizona?

I have long read and respected Will Bunch, and his entire piece is well done and worth a read. His words hurt deeply, and I contacted him to tell him so. But, in fact, there was more truth to his biting article about my home state than I, and probably anybody else who lives here, would like to admit. When Bunch asks “why Arizona” the Republican lilly white monied elite and politically powerful described above are exactly why. Loudmouthed ignorant bigots like Russell Pearce have always been around here and there, but nobody paid much attention to them until the mainstream GOP gravitated to the extreme right and merged with the crazy. Now they are one, as clearly evidenced by the willing and celebratory backers of Russell Pearce at the fundraiser prelude to the massacre at Congress on the Corner the following morning.

✖ Far from being limited to the random wingnuts like Pearce, Rand Paul and David Vitter, the New White Panthers of hate are led by mainstream GOP voices like John McCain, Jon Kyl, the current power center in the GOP Senate caucus Jim DeMint, Senate Minority Leader Mitch McConnell, Speaker of the House John Boehner and Majority leader Eric Cantor.

Republicans have made a cottage industry of whining about, and ginning fear of, the New Black Panther Party; all stemming from a harmless and uneventful episode where two well behaved men were present at a polling place in Philadelphia during the 2008 presidential

election. As Adam Serwer recently pointed out, the entire story is a manufactured fraud. But while the New Black Panthers scare is a hoax perpetrated *by the* Republicans, the New White Panthers constituted *of the* Republicans, their money men, lobbyists and front men like Russell Pearce are certainly no hoax and far, far from harmless.

When Pearce and his elite backers held their fundraising sunset soiree, only a dedicated but somewhat rag tag group of about 40 protesters (photo of the remnants thereof above) in the street outside stood up to object. Without a larger and stronger voice of opposition from national Democratic leaders, including Barack Obama, this pernicious brand of hatred and bigotry that has turned Arizona into a laughingstock will take hold and grow in other states. Like the security state and loss of privacy, it will become the unacceptable, yet ratified, norm.

[Editor's Note: I apologize about the too dim pictures of the event. I live rather close to where it took place and rode my bike over to check it out, and take pictures, after my wife and daughter saw it while walking the dog and reminded me about it. I had forgotten, was blithely home watching the Cotton Bowl and, by the time I got there, the fundraiser was ending and it was nearly past sunset (although a quite beautiful one)]

9TH CIRCUIT PUNTS ON PERRY PROP 8; CERTIFIES STANDING TO

CALIFORNIA

We have unexpectedly quick news out of the 9th Circuit Court of Appeals on the *Perry v. Schwarzenegger* Proposition 8 marriage equality appeal. the 9th has dismissed Imperial county's attempt to intervene, and certified the remainder of the case to the California Supreme Court for a determination of the issue of standing, which it held to be a state law issue.