



## CSU AAUP NEWSLETTER

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### IN THIS ISSUE

- Trump's Assault on Universities (and the Faculty), p. 1
- Hello, Trump, Goodbye, Labor Unions, p. 2
- CSU Chapter of the AAUP, p. 4
- How to Join AAUP and Our Local Chapter, p. 4

### TRUMP'S ASSAULT ON UNIVERSITIES (AND THE FACULTY)

By Steve Mumme,  
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Two weeks into Trump's presidency it is clear that the new administration intends the harshest attack on American universities since the McCarthy Era. Enamored of Alt-Facts and an unhealthy skepticism of science itself, the new administration has unleashed a barrage of policy measures that, fully implemented as given, could hobble higher education for years to come. And professors are right in the bullseye.

The attack on science centered federal agencies—think Environmental Protection Agency, the Department of Energy, and Health and Human Services—has thus far received the lion's share of attention from the press. In addition to the agency-hating politicians designated to run these agencies, an immediate muzzling of agency communications and efforts to witch hunt and target expertise on climate change, reproductive health, and other specialties within these offices presages what is likely to be a thoroughgoing review and retrenchment in federal support for university research programs in these fields.

The attack on science is paralleled by a broadside volley on public support for the arts and humanities. The Corporation for Public Broadcasting and public journalism is on the line. So are the National Endowment for the Arts and the National Endowment for the Humanities both of which are slated for elimination. If Congress goes along we are sure to see political co-religionists at the state level target state arts programs, leaving universities and faculty solely reliant on the vagaries of private philanthropy for research funding and support.

The Trump administration's draconian restrictions on immigration, targeting Muslims, Mexicans, and other presumptive human threats to American society (in Trump-speak) has already raised alarms in countries across the globe. At a time that America's public universities are more dependent than ever on international students as a revenue stream, the intemperate language issuing from the White House is a sure to dissuade many potential students from considering an American institution as they weigh their global options.

This same rhetoric and policy puts in jeopardy longstanding efforts at the national, state, and university level to provide opportunities to students who, through no fault of their own, lack citizenship or permanent residence in this country.



The collateral damage issuing from these immediate attacks on university research and scholarship is just as worrisome. Critics of contemporary innovations in teaching and pedagogy have emerged from the woodwork. A case in point is the *National Association of Scholars'* report in early January blasting service learning in all its forms and savaging service learning and other means of student engagement as a dangerous undercutting of American civics education at the college level, targeting specific programs, courses, and faculty in the process.<sup>1</sup>

Moreover, the defamatory, anti-diversity, America-First rhetoric seen in the campaign has not abated. It has validated and given cover to bigotry and intolerance on campus and off. Much of this is directed at minority students already suffering precarious circumstances and struggling to get their degrees. But faculty are by no means immune. As the recent Professors Watchlist has shown, efforts to blacklist faculty are back, targeting faculty for their professional and political views.

The new administration has also taken aim at organized labor, which in many parts of the country puts not only faculty unions in the cross-hairs but efforts to organize adjunct faculty and graduate students as well. Longstanding efforts to raise administrative and public awareness of the need for greater investment in the New Faculty Majority are sure to suffer.

I can think of no time in my 43 years employed in higher education at some level where so many daggers have been hurled at the work that universities do and the professionals that do them. This is no time to be complacent and THE TIME TO JOIN THE AAUP. Faculty advocacy has never been more important to safeguard academic freedom, shared governance, and the programs that are critical to a vibrant life of the mind and the improvement and protection of a diverse society.

## HELLO, TRUMP, GOODBYE, LABOR UNIONS

By Ray Hogler

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When Senator Robert Wagner drafted the National Labor Relations Act of 1935, he divided the world of employment into the public and private sectors. His statute, the NLRA, covered the private sector and protected rights of employees to join and form unions and engage in collective activities. Because Wagner excluded government work, authorities at the state, municipal, and federal levels had the choice to adopt their own collective bargaining laws. Many government entities did so, and public union membership density now exceeds that of the private sector. The differentiation continues to the present, with the result that schools like Yale are subject to the jurisdiction of the

National Labor Relations Board (NLRB), while faculty in the California State University system, for example, bargain under that state's laws.

Overall, the number of union members has declined for the past six decades. Private sector union density in 2016 has fallen to its lowest level since the 1910s, and now stands at just 6.4 percent of the workforce. Public sector density remains relatively higher, at 34.4 percent, but it has also declined from a peak of around 40 percent. According to a Bureau of

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<sup>1</sup> *National Association of Scholars, Making Citizens: How American Universities Teach Civics (January 10, 2017).*

Labor statistics report in January 2017, “The number of wage and salary workers belonging to unions, at 14.6 million in 2016, declined by 240,000 from 2015. In 1983, the first year for which comparable union data are available, the union membership rate was 20.1 percent, and there were 17.7 million union workers.” Expect things to get much, much worse under the reign of Trump.

During his term, both private and public sector unions in educational institutions will suffer severe blows to their organizations. The injury inflicted on labor arises from choices made by the Trump administration about appointments to the Board and to the U.S. Supreme Court. In both cases, the decisions that he and his advisors make will bring about substantial policy changes enduring much longer than whatever time he survives in office.

With Antonin Scalia’s unexpected demise in February 13, 2016, the Supreme Court was left with a vacancy to be filled by presidential appointment. Mitch McConnell, the Senate Majority Leader, refused to hold hearings on any Justice nominated by President Barack Obama. The Court functioned for nearly a year without Scalia’s replacement, and Trump now has the opportunity to fill that seat. The odds are he will appoint Neil Gorsuch, a judge on the Tenth Circuit, and, according to news reports, an imitation of Scalia.

The Court earlier split 4-4 in the case of *Friedrichs v. California Teachers Association*, which involved the issue of whether teachers in California covered by collective bargaining agreements could be required to pay union dues. The lower courts held that mandatory dues were constitutional and ordered the teachers to fulfill their obligation. The tie vote on the Supreme Court upheld the lower court ruling. Alito, who is openly hostile to unions, wrote an earlier opinion in *SEIU v. Knox* hinting that future cases would declare compulsory dues to violate the U.S. Constitution. To achieve that result, Alito needed to overrule several decades of precedent to the contrary, and he couldn’t get it done in *Knox*. *Friedrichs* was poised to be Alito’s victory lap until Scalia’s crucial fifth vote went missing.

Antiunion forces have another case lined up to gut public unions. The National Right to Work Committee, founded by the Koch family in Wichita, Kansas in the 1950s, is litigating the case of *Janus v. AFSCME*. Before the Seventh Circuit, the plaintiffs stated in their brief, “This case seeks to have the United States Supreme Court overrule *Aboud v. Detroit Bd. of Educ.*, 431 U.S. 209 (1977) and hold ‘agency fee’ requirements for government employees invalid under the First Amendment to the United States Constitution.” Alito is drooling at the prospect of the necessary fifth vote showing up in a matter of weeks. He can then rule that it is unconstitutional for unions to make employees “opt out” of union dues, and unless they “opt in,” there will be no dues requirement.

The news for private sector educational institutions under the NLRA is equally dismal. Presently, the NLRB consists of three members appointed by former president Obama. Two are Democrats and one is a Republican, and there are two current vacancies. Trump can immediately appoint two more Republicans and give them a majority on the Board. That accomplished, the Trump Board can begin to undo the actions of its predecessor. Among other matters, the Trump Board will likely undo rules put in place by the Obama Board to facilitate union organizing, reverse the Board’s position on joint employer status, and eliminate any workplace protections for employees promulgated by the Obama Board. These may seem like arcane legal regulations, but they lie at the heart of the matter of collective action.

The final, and fatal, blow to private sector unions will come as more states adopt right to work laws outlawing mandatory union dues. Right to work was implemented through Section 14(b) of the 1947 Taft-Hartley Act, which gave states the authority to prohibit union security. Right to work developed sporadically between 1943 and 2001, eventually reaching a total of 23 states. The movement accelerated from 2012 to January 2017, with the states of Indiana, Michigan, Wisconsin, West Virginia, and Kentucky enacting right to work laws. Bills are currently pending in Missouri, Ohio, and New Hampshire. A federal right to work bill is pending in Congress, and, given the current political environment, there is a strong possibility it will pass.

The Bureau of Labor Statistics 2016 report found that workers in education, training, and library services are the most unionized sector of the economy with density levels at 34.4 percent. The ongoing attack on collective bargaining will reshape the balance of power in educational institutions, with enhanced authority flowing to administrative officials. The

nomination of the vacuous, inexperienced Betsy de Vos for Secretary of Education demonstrates Trump's indifference to the profession of teaching and the activity of learning. His presidential legacy for education will likely be viewed as one of the most destructive in our history.

## CSU CHAPTER OF THE AAUP

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## HOW TO JOIN AAUP AND OUR CSU CHAPTER

To join AAUP and our CSU chapter, sign up at the national AAUP site: <http://aaup.org>. They will notify our chapter and we will be in touch.

