

Clarion

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DECEMBER 2013



ON TIME Petition begins

HEOs & CLTs
demand CUNY
amend new
time sheets.

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Stephen Nessen photo / photo illustration by Margarita Aguilar

DE BLASIO'S NEW DIRECTION NEW YORKERS CHOOSE

NYC has elected the most progressive mayor and City Council in recent memory. The PSC endorsed Mayor-elect Bill de Blasio when he still a longshot, and it backed winners in 39 of 51 City Council races. But winning elections is only part

of the battle: the PSC and its allies are organizing December protests that will turn up the heat on Wall Street, demanding enactment of the changes that New Yorkers voted for. (Above, de Blasio supporters on Election Night.)

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ADJUNCT RIGHTS

Campus Equity Week 2013

Campus Equity Week highlighted adjunct concerns with events held across the nation at the end of October. Among the top issues: job insecurity.

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FREE SPEECH

CUNY vs. right to assemble

CUNY central administration has drafted a new set of guidelines for regulating "expressive conduct." The new rules would restrict fundamental rights.

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DEBT-FREE DEGREE?

Oregon plan has many flaws

An Oregon plan would shift college costs so students pay from future earnings instead of being charged tuition. Critics say it will do more harm than good.

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DAY IN COURT

Judge hears Pathways case

Lawyers presented oral arguments Nov. 6 on CUNY's motion to dismiss PSC-UFS lawsuits against Pathways. It is not known when the judge will rule.

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Telling the new mayor what we want

By JOHN TARLETON

Bill de Blasio's overwhelming election victory was achieved by campaigning on a progressive platform, with the promise to lead a city government that will be responsive to the needs of all of New Yorkers. As the mayor-elect starts planning his new administration, an alliance of civic-minded organizations have organized "Talking Transition," a 15-day series of public discussions about New York City's future.

OPENING UP

"Typically...between Election Day and inauguration, the whole conversation about policy goes quiet, it goes inside, it becomes the domain of a very few people and the energy evaporates after Election Day. And we're trying very much to change that," Andrea Batista Schlesinger of the Open Society Foundations told NY1. The aim is to invite New Yorkers to say what they want from the city's first new mayor in a dozen years, she explained.

Talking Transition was launched

Low-wage workers air concerns



Members of Make the Road New York applaud during a Nov. 10 community assembly on how city government can help improve their pay and working conditions.

on November 9, and its nerve center was a tent-like complex set up at the corner of Canal Street and Sixth Avenue in Lower Manhattan. The space included a 500-seat meeting

room plus a smaller breakout room for conversations about everything from affordable housing to food justice to post-Sandy recovery.

Beyond its Lower Manhattan

staging ground, Talking Transition aimed to be a project for the whole city. More than 100 canvassers, speak 19 languages, gathered comments at venues like libraries and transit stops. Three passenger vans equipped with mobile kiosks also traveled the city, and the website talkingtransitionnyc.com is offering New Yorkers a place to share their thoughts online.

"Democracy doesn't end at the election booth," a Talking Transition organizer told *The New York Times*.

COMMUNITY ASSEMBLY

On the first weekend of Talking Transition, hundreds of low-wage workers gathered at the Canal Street location in a community assembly to discuss how city government can help improve their pay and working conditions. The event, titled "Building an Economy That Works for Us All," was organized by Make the Road New York. It saw a largely immigrant crowd consider policy ideas the new mayor and

City Council could adopt to transform New York's unequal economy into one with more broadly shared prosperity.

Workers shared their stories and discussed presentations by policy experts from Make the Road, the Center for Popular Democracy, and the National Employment Law Project. Proposals included seeking to enact a higher municipal minimum

wage for New York City and creating a new city agency to protect NYC's workers against wage theft.

Make the Road has played a prominent role in local union organizing campaigns by low-wage fast-food and car-wash workers (which the PSC has supported). It has a long track record of mobilizing its largely working-class and immigrant membership to fight back against wage theft. The group estimates that New York City employers stole more than \$1 billion in wages from workers in 2010 through refusal to pay minimum wage, to pay time and a half for work over 40 hours in a week, and through outright denial of wages.

A Wage Theft Prevention Act approved in Albany in 2010 increased penalties against employers who don't pay workers what they are owed, but activists on the ground say enforcement has been lacking and the problem is still out of control. In one study released this spring, 84% out of 500 fast-food workers surveyed reported that their employer had committed some form of wage theft in the previous year.

Make the Road is calling for increased funding for the New York State Department of Labor, the state agency charged with enforcing wage and hour laws, to get rid of its huge backlog of unprocessed claims, which stood at 14,000 at the end of July. The proposal for a new city agency to fight wage theft has the same goal. But the organization is not waiting for politicians to act.

PROTEST

In conjunction with the assembly at Talking Transition, Make the Road led a contingent of more than 200 community members and grocery workers in the East Village who came out in support for Eudocio Alvarado, a worker at Village Farm Grocer on Second Avenue who was fired for urging his co-workers to demand their back wages.

"Only when we stand together can we stop injustice and abuses against workers at the hand of employers who try to take advantage of us," Alvarado told the crowd.

Organizers of Talking Transition say they hope that this kind of combined mobilization, on policy and through street activism, will continue and expand with a new city government in office.



LETTERS TO THE EDITOR

WRITE TO: CLARION/PSC, 61 BROADWAY, 15TH FLOOR, NEW YORK, NY 10006. EMAIL: PHOGNESS@PSCMAIL.ORG. FAX: (212) 302-7815.

'Military science' is to science as...

● In my opinion, students should not be prevented from free association with any legal organization/entity that has the purpose of enhancing their professional development and increasing their prospects for a better career. In addition to ROTC, I hope that the federal government would also create and fund similar college programs to train students for potential careers in the Peace Corps, the Teach for America Corps, a Public Health Corps, a Social Workers Corps, etc. However, I see all these programs as strictly extracurricular activities. My endorsement for externally sponsored programs stops at the classroom door.

It is, of course, within the purview of these entities to issue their members any certification, badges, decorations they choose. However, the college has the obligation to make clear that none of these credentials are issued by nor have the endorsement of the college.

In the event that any of these externally sponsored extracurricular programs wishes to have any of its intellectually rigorous activities included in the college catalogue as a formal course, its listing under an academic department's offerings would require the same approvals as any other new course added to the curriculum. The oversight of an approved course and the selection of its instructor shall be, as per

CUNY Bylaws, the responsibility of the listing academic department chair. Enrollment in the course shall be open to all students with the appropriate prerequisites.

But an independent Military Science Department has no place on campus.

Jamal Manassah
City College

Research Associates & time sheets

● In your *Clarion* article on the new CUNY time sheets (November 2013), you neglected to state that the new time sheet system applies to CUNY Research Associates as well as HEOs and CLTs.

RAs also have to fill out these ridiculous time sheets – although as active researchers, we frequently stay late, come in on weekends, and write papers and proposals at home.

CUNY, and unfortunately sometimes the PSC, frequently forgets the existence of CUNY RAs. There are about 35 of us at CCNY, and a few dozen on other campuses.

Al Katz
City College

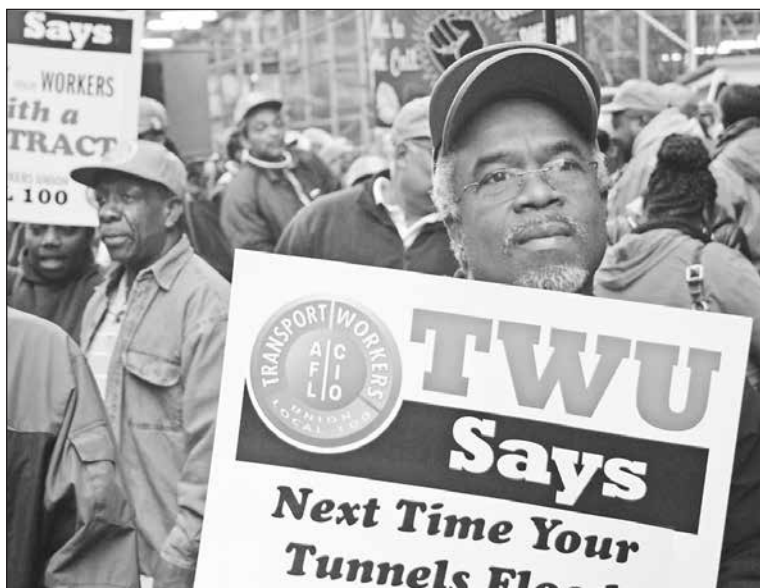
Clarion Editor Peter Hogness responds: *While we aim for Clarion's coverage to be as inclusive as possible for the more than 20,000 members of the PSC bargaining unit, sometimes – as in this case – we fall*

short. Thanks for taking the time to write and raise awareness.

Research Associates who would like to get involved in the union peti-

tion campaign on the new time-sheet system (see page 5) can contact PSC Organizing Director Deirdre Brill (dbrill@pscmail.org or 212-354-1252).

'No zeroes for heroes'



Chanting "No zeroes for heroes!" a couple of thousand members of Transport Workers Union Local 100 rallied outside MTA headquarters in Lower Manhattan October 29, marking the first anniversary of Hurricane Sandy. Transit workers' efforts revived most of the city's subway system within days of the storm. But the MTA is currently offering Local 100 a new contract with three years of zero percent wage hikes plus increased health care costs and changes to work rules. The union has rejected the offer. (The sign in the photo above says, "Next Time Your Tunnels Flood, Call Your Accountant.")

PSCers say: 'It feels great to win!'

By PETER HOGNESS

"It feels great to win!" said Eileen Moran of the PSC Legislative Committee. And in this year's city elections, the PSC won big.

Bill de Blasio, the first Democrat elected mayor of New York City in 20 years, was considered a long shot when the PSC endorsed him in June. On November 5, he won by a historic 3-to-1 margin. In races for City Council, the union backed several insurgent candidates who scored upsets, and in the end, 39 of the Council's 51 members were elected with PSC support.

The PSC also won in another, perhaps deeper way. For the first time in many years, CUNY became a significant election issue – and the focus of that discussion was the need to increase CUNY funding.

COMMITMENT TO CUNY

De Blasio staked out a clear position early, with a call for "\$150 million worth of corporate tax breaks [to] be ended and the money invested instead in CUNY," *The New York Times* reported. PSC President Barbara Bowen told the *Times* that this was a key element in the union's decision to back de Blasio, along with his proposal to boost taxes on income earners above \$500,000 to pay for expanding early childhood education and after-school programs in middle schools.

"We decided that de Blasio offered a real plan for overturning the austerity politics of the city and offered a cogent strategy for increasing funding and restoring funding at all levels," Bowen told the *Times*.

Union's candidates sweep 2013 elections



Above, at center, PSC President Barbara Bowen speaking at a rally for Bill de Blasio on September 8 at Brooklyn Borough Hall. The PSC was the first public-sector union to endorse de Blasio, and Bowen spoke at every labor rally throughout the campaign.

Bowen emphasized throughout the campaign that the candidate's plans for CUNY are based on the central role he believes it can play in moving New York City's economy in a better direction. "De Blasio's com-

mitment to CUNY is part of larger vision of opportunity and economic justice," she said in October, just before the CUNY Graduate Center hosted the second televised debate of the general election campaign.

"We believe that New York City will thrive when every New Yorker has a chance to make the dream of college education a reality."

"I'm proud that we stuck with our principles and helped propel

the city in a new direction," PSC First Vice President Steve London told *Clarion*. The PSC combined its principles with careful organization, he said, and that proved an effective combination.

"We took a very systematic and detailed approach to this election, starting a year and a half ago," London said. The union worked closely with its coalition partners – the City Council's Progressive Caucus, the Working Families Party, the Central Labor Council – and involved a wider section of the membership than ever before. And it paid off. "It catapulted the PSC into a new level, in terms of the work we were able to do and also the results," London said.

Those results include helping to elect the most progressive City Council and mayor in recent memory. "We have built important relationships that will translate into real influence in the struggles of the next few years," London said.

PSC POWER

When the *Times* covered the PSC's endorsement of de Blasio, it noted that the union's "highly educated membership" is considered among the "best informed in Democratic circles." The PSC's endorsement "is also prized because the union's members have a track record of actually voting on Election Day," the paper reported.

PSC members heavily supported de Blasio in the primary election. Of the thousands of members reached through the PSC's phone banking, 60% said they were voting for de Blasio, while just 13% said they were not (27% were undecided). Phone bank volunteers reported that many members said coverage of the mayor's race in *Clarion* had been helpful in figuring out whom to support.

PSC phone banks were also active in the runoff election for the Democratic nomination for public advocate, in which the candidate the PSC had endorsed, Letitia James, won with 60% of the vote, and again in the general election.

OUR TIME HAS COME

In addition to the phone banks and other member-to-member outreach, PSC members also handed out election flyers on 15 CUNY campuses and distributed palm cards at polling sites near CUNY campuses on Election Day.

PSC leaders agree and activists say they do not expect to agree with Mayor de Blasio on every issue, and that progressives on the City Council – though now a stronger force than they have been in decades – will not win every vote. But they are excited that New York City is moving in a new political direction and proud that the PSC's efforts helped to make that possible.

And after 12 years of a billionaire as mayor, said the Legislative Committee's Moran, "It's about time!"

Coalition prepares week of Wall St. protests

By JOHN TARLETON

Bill de Blasio will not take office as mayor of New York City until January 1. But a coalition of labor, community and Occupy groups is not waiting for the inauguration to press for the progressive change that swept de Blasio into office.

Organizing under the slogan, "A New York for the 99%," the coalition is planning a "Wall Street Week of Action" for the first week of December that will culminate in a rally on December 5. Organizers say the "Towards Victory" mass gathering will be a public celebration of common struggles.

SHARED CONCERNS

Shared concerns include defending public education, low-wage worker organizing, fighting against home foreclosures, and action against student debt.

Leading groups in the "New Day New York" coalition include progressive unions such as the PSC, TWU Local 100, the UFT, the Retail Wholesale and Department Store Union (RWDSU) and community-based

Pushing for change from below

organizations like Make the Road New York, New York Communities for Change (NYCC), the Coalition for Educational Justice, New York Students Rising, and Strong Economy for All. Some of the core organizers of Occupy Wall Street are also involved.

"There has to be movement in the streets to capitalize on the moment, so that it's not only a moment," said Jonathan Westin, executive director of NYCC, a group that has been involved in fast-food worker organizing and opposing home foreclosures.

Westin spoke at a coalition meeting held at the PSC Union Hall on October 30. Participants discussed the wide array of campaigns they are currently working on and the kinds of actions they have in the planned. A major topic was how groups can unite their forces instead of solely working in their single-issue "silos."

"The forces we are up against are

mammoth in their wealth and influence," said PSC Treasurer Mike Fabricant. "It will require the full, united effort of working people for us to set a new direction that invests in workers through higher wages and provides the services they need like education and health care."

Organizers are considering a wide variety of activities, including conferences, roving street protests, training workshops and direct action, all culminating in a large protest on December 5. Each day may also have a theme, such as housing, health care, or public education from pre-K to college.

Some younger organizers emphasized the importance of finding new and imaginative ways to express dissent. "Get the artists involved as soon as possible," said an organizer from Beautiful Trouble, an organizing project that promotes creative activism.

Many of the groups involved in

Early actions underscore the demands of the 99%.

New Day New York have been involved in economic justice mobilizations in the city over the past several years, including the May 12 Coalition, which organized the mass protest of more than 10,000 people in the spring of 2011, that set the stage for Occupy Wall Street.

SPRINGBOARD TO 2014

Organizers are looking for the Wall Street Week of Action to provide a springboard into 2014 as they push a progressive legislative agenda in City Hall and Albany, escalate low-wage worker organizing campaigns and move forward with large private and public sector union negotiations.

For Jim Perlstein, co-chair of the PSC Solidarity Committee and a participant in the New Day New York coalition, this kind of proactive organizing makes perfect sense.

"The fact that we elected a good guy as mayor, that's not good enough," Perlstein said. "What the mayor and the City Council's Progressive Caucus accomplish will depend to a significant degree on mass pressure."

A focus on adjunct concerns

By JOHN TARLETON

The PSC marked Campus Equity Week (CEW) across CUNY with activities that aimed to highlight the damage to individual lives, and the life of the University, caused by the lack of job security for adjuncts.

Campus Equity Week is an annual event that was launched in 2001 by the Coalition of Contingent Academic Labor (COCAL) to call attention to the hardships faced by adjunct faculty. This year it ran from October 28 to November 2, and events were staged on scores of campuses across the United States. Participating organizations include the AFT, AAUP, National Education Association, and the Campaign for the Future of Higher Education, with overall coordination from the New Faculty Majority.

RAISING VISIBILITY

"It puts adjuncts at the forefront," said Marcia Newfield, PSC Vice President Part-Time Personnel. "We are a majority of today's faculty, and Campus Equity Week is a way to speak out about our concerns."

PSC members organized events at a total of 13 CUNY colleges. For the union, a central focus this year was gathering first-person stories from part-timers about how the contingent nature of their employ-

Campus Equity Week events across US



During Campus Equity Week, Queens College adjunct organizer Abe Walker (second from right) focused on disseminating information about the QC administration's failure to pay more than 340 adjuncts on time in the first pay period of the new semester.

ment affects them, their students and CUNY as a whole. One of the union's priorities in the upcoming contract negotiations is the creation of a system that provides stable and continuous employment for adjuncts who have a continuing commitment to CUNY. That can be achieved without cost and is one of several union priorities, along with raises, a more reason-

able teaching load and a structure for HEO advancement.

'Seniority and job security are big issues.'

At many campuses, adjuncts and full-time faculty collaborated and set up union tables in high-visibility locations to gather adjuncts' job insecurity stories and to raise awareness about the issues.

Besides staffing the table at John Jay, Arlene Geiger, an ad-

junct lecturer in economics, visited several departments and met with adjuncts individually.

CHANCE TO BE HEARD

"Seniority and job security are big issues," said Geiger, who has taught continuously at John Jay since 1992. "Not knowing what you're going to do next semester and whether you're going to have to scurry for oth-

er sources of income is quite stressful." (For more than 40 firsthand accounts of adjunct job insecurity, see psc-cuny.org/adjuncts-stories-job-insecurity.)

At Queensborough Community College, part-timers tabled on October 30 and 31. Linda Hart, a Continuing Education Teacher at QCC, also contacted adjuncts individually and said many welcomed the chance to speak out. "They were excited that the union wanted their input and that somebody was thinking of them," Hart said.

PART-TIMER PAY

Queens College adjunct organizer Abe Walker focused on disseminating information about the QC administration's failure to pay more than 340 adjuncts on time in the first pay period of the new semester. (See report in the November *Clarion*.) Besides two days of tabling, Walker visited about a dozen departments and spoke with adjuncts one-on-one. The goal, he said, is to create a structure of department representatives for adjuncts that will allow part-timers to know quickly if there is another situation in which significant numbers are not getting paid.

"If this happens again, we will be prepared to mount a major offensive," said Walker. If CUNY did not constantly treat long-serving adjuncts as brand-new employees, he added, missed paychecks would not be such a common problem.

"There's no reason every week shouldn't be equity week," Walker said.

CUNY adjuncts speak out on job insecurity

During Campus Equity Week (see above), the PSC asked CUNY adjuncts to describe how they've been personally affected by the lack of job security for part-time faculty. Given the topic, it is perhaps no surprise that nearly all who responded asked to remain anonymous. Some of the responses are excerpted below; full statements and more stories are online at psc-cuny.org/adjuncts-stories-job-insecurity.

It's a horrible feeling

I think the better question is how hasn't job insecurity affected me as an adjunct? Working semester-to-semester, praying that I can pull together enough classes to support myself and keep my health insurance....

Recently, a friend and I figured out how much I, as an adjunct, would make if everything I do at my rate of pay translated into a 40-hour workweek. It was less than minimum wage....

More and more, classes are being canceled or taken away at the very last minute, one to two days before a course is supposed to begin. In those cases, it leaves the adjunct with zero options to find replacement work on other campuses. Before a new semester, I check enrollments on CUNYfirst religiously and wait it out. It's a hor-

'Enough is enough,' they say

rible feeling. And the worst part is there is nothing I can do to circumvent losing work this way except quit and find a job outside of academia. An employee at Starbucks has more job security.

This summer, I was assigned to teach a class that was cancelled. I was notified after business hours on the Friday of the Memorial Day holiday weekend. The class was supposed to start the following Tuesday. What do I do with that?

'How can a college instructor need food stamps?'

With no income, I went on food stamps. The way I was treated by the Department of Social Services [was humiliating, dehumanizing]. My case was badly mishandled. Every day for a week in July, I received a call from some-

one demanding a new document. I'd hang up and cry. I spent money on faxes that I could have been using to buy food. When I was told that I needed to go to my local social services office to sort things out, I waited for two hours to talk to someone only to have that woman roll her eyes at me and tell me to leave. The situation was only rectified once I involved my local councilmember's office. It took six weeks. I don't know, but I think at least some of the prob-

lem was because the people I dealt with didn't believe that a college instructor would need food stamps. I can't believe a college instructor would need food stamps. I only told the closest people in my life. Regardless of the circumstances, shame is shame when you're paying for your groceries with an EBT card.

I've always been a hard worker, but since this happened, I feel myself withdrawing.... After my experience this summer, I feel like something broke in me.

At the 11th hour

I have been an adjunct in the City University system for 12 years.... I never know until a few weeks before school begins if I have classes or not. It doesn't give me enough time to try to locate another class elsewhere. I depend on my income from these classes and it is terribly stressful to try to cobble together work at the "11th hour."...I have a good relationship with my department chair and colleagues, but when given a class I have never taught before, it makes it difficult to prepare my syllabus quickly and feel comfortable teaching new material.

Taken advantage of

My evaluations are always high. I have been told that prospective graduate students say they want to go on because of my course. I've attended department meetings, helped out on all sorts of things, never complained about weird schedules, and this is how I'm treated...exploited.

[One] Fall semester, I was asked in late September to teach two courses in the Spring and I agreed. After Thanksgiving, one was taken away. No other course was available for me. This meant that I had to pay my own health insurance - nearly \$750 per month that I hadn't budgeted for, from February through August. I was also told there was only one course for me in that coming fall semester. So, in August, I sent emails to every branch of CUNY asking for another course and I was very fortunate to find one. I spent that Fall semester rushing between two campuses for the health insurance....

I have worked very hard to separate my feelings toward the situation from my classroom work. I've coped as best as I can, but it makes life very difficult....

Your survey couldn't have come at a more significant time. I have stayed and worked so many weird

schedules for the health insurance, but I have hit a major milestone - I have Medicare now and can afford to be a little bit more independent.

I have never felt this way until this semester. But the aggregate of being so taken advantage of has really gotten to me. It will be a loss to my students who keep in touch for years and who said I've made a major impact on their lives. That and the health insurance made the whole thing worth it for several years. But enough is enough. I think this will be my last semester at CUNY. I am sorry about this whole thing. I enjoy teaching and I enjoy my students, but I don't enjoy the way I'm being treated.

Academia has become corporate America

Living paycheck to paycheck is taking its toll. I love my students, respect my colleagues and believe in teaching, but I'm being driven out of the profession by a system that divides faculty into princes and paupers.

The University professes its appreciation, yet every action conveys the contempt they hold for adjuncts. The regular pay raises of chancellors and college presidents are especially insulting when courses essential to majors are being cut for "lack of funding." Academia has become corporate America.

Pathways lawsuit

By PETER HOGNESS

On November 6, oral arguments were heard in the two lawsuits against CUNY's Pathways initiative brought by the PSC and the University Faculty Senate (UFS). At issue were motions brought by CUNY to dismiss the suits, and at the November hearing Judge Anil Singh heard arguments from both sides.

"Our lawyers did an excellent job," said UFS Chair Terrence Martell. "The case reinforces the importance of the faculty role in decisions on curriculum. The fact that the UFS and PSC are working together to defend that role is important to the academic and intellectual life of the University."

The PSC and UFS are jointly represented by the firms of Meyer Suozzi, English & Klein, and Emery, Celli, Brinckerhoff & Abady.

Pathways, a University-wide overhaul of rules on general education and transfer that took effect this Fall, has been strongly opposed by CUNY faculty. In a referendum among full-time faculty held last May, 92% voted that they had "no confidence" in the administration-imposed curriculum plan. Faculty leaders say that Pathways is watering down CUNY's curriculum in order to move students through the system more quickly without additional investment of resources. For example, schools like Brooklyn College have dropped foreign language requirements in order to comply

Judge hears oral arguments

with Pathways' limits on general education, while introductory science classes are dropping lab-based instruction. Such changes signal a decline in the quality of education that CUNY students will receive, the PSC and UFS contend, and they have opposed Pathways as a result.

The lawsuit against Pathways is not based on the program's academic quality, however, but rather the process through which it was adopted. Instead of asking elected faculty bodies to formulate policy on curriculum, CUNY administrators designed and implemented Pathways through a series of brand-new administration-appointed committees. One PSC-UFS lawsuit charges that this violates a 1997 settlement in an earlier lawsuit, *Polishook v. CUNY*. The second PSC-UFS suit alleges that Pathways was implemented in violation of the NYS Open Meetings Law.

FACULTY ROLE

As part of the *Polishook* settlement, the Board of Trustees adopted a resolution stating that the board "recognizes and reaffirms that the faculty, in accordance with CUNY Bylaws section 8.6 "shall be responsible, subject to guidelines, if any, as established by the board, for the formulation of policy relat-

ing to the admission and retention of students,...curriculum, awarding of college credit, and granting of degrees: that this responsibility is to be exercised through the college faculty senates...or the University Faculty Senate."

CUNY seeks dismissal of the PSC-UFS suits.

The PSC-UFS lawsuit asserts that the CUNY administration violated this settlement by formulating Pathways policy on its own, instead of going through the UFS and college faculty senates. The suit does not contest the board's right to ultimately make its own decision about what the policy should be, but it insists that the role of the faculty senates, as laid out in the 1997 resolution, is not optional.

Representing the PSC and UFS, attorney Hanan Kolko of Meyer, Suozzi said that the *Polishook* settlement and CUNY Bylaws "set up a two-stage process." In Stage One, the faculty senate formulates a policy; in Stage Two, the trustees decide if they like that formulation and make a decision on what the policy ultimately should be. "The board has the authority to set guidelines," Kolko added. "They can tell the faculty senate, 'these are your guidelines' – but that didn't happen in this case."

By unilaterally formulating and implementing Pathways without

faculty senate involvement, the board "essentially writes the faculty senate out of the two-step process," Kolko said. "But that's not the deal we made."

The CUNY administration was represented at the hearing by William Taylor, a New York State assistant attorney general. Also present, but not active in the oral argument, was a lawyer from the City of New York's Law Department.

Taylor argued that the Pathways suit should be thrown out because "it is an action challenging the board's authority" to set CUNY policy, and that this is "contrary to the [State] education law, and contrary to the [CUNY] Bylaws."

Kolko replied that the PSC and UFS are insisting on faculty rights "in the formulation of policy, not the right to ultimately decide the policy."

NO OBLIGATION

Taylor further contended that CUNY's Board of Trustees has no continuing obligation to the PSC or UFS as a result of the 1997 settlement in *Polishook*. That settlement, he said, was "a very simple agreement: if the board enacts a certain resolution, then the petitioners [the PSC and UFS] will withdraw their suit." Both of those steps were completed years ago, Taylor said; they are over and done with, so "there is no contract [between the parties] that has anything to do with this case."

Kolko responded that the PSC and UFS had agreed in 1997 to drop the *Polishook* lawsuit in exchange for "a consideration" – namely, the resolution adopted by the board as

part of the settlement agreement. That resolution is thus part of that settlement, he said, and the board cannot simply disregard its terms.

BEHIND CLOSED DOORS

The hearing also considered CUNY's motion to dismiss the related PSC-UFS lawsuit that charges that the Pathways process violated NY State's Open Meetings Law (OML). At many CUNY colleges, after faculty senates refused to approve Pathways-compliant curricula, college administrators discussed these curriculum decisions behind closed doors and forwarded their recommendations directly to CUNY Central administration.

Taylor insisted that "the OML simply has no application" to Pathways. But Kolko cited a previous case, *Perez v. City University*: "The guts of [the ruling in] *Perez* is that in decisions on college-level curriculum...when a college is going to make a recommendation...to the chancellor, that decision has to be made in an Open-Meetings-Law-compliant meeting."

There is no set schedule for Judge Singh's ruling on the motions to dismiss; it could come soon, or not for several months. (To receive updates, sign up for the union's weekly electronic newsletter at psc-cuny.org/this-week/latest.)

"PSC members would have been proud to hear how our lawyers argued the case," said Barbara Bowen, president of the PSC. "But the legal case is only one front in a continuing effort to defend faculty governance and protect the quality of education at CUNY. We owe it to our students to keep fighting."

Time sheet petition campaign

By JOHN TARLETON

Since this summer, CUNY management has angered professional staff by unilaterally imposing an inflexible new time-sheet system that they say does not reflect the realities of their jobs. Now employees in Higher Education Officer (HEO), College Lab Technician (CLT) and Research series titles are taking action together through a CUNY-wide petition campaign – and they are insisting that management listen.

The new system "insults our professionalism," the petition reads, with a "rigid time-sheet format [that] reveals a lack of understanding of the work we do and of the complexity of the university workplace."

DEMANDS

The petition calls on CUNY to negotiate with the PSC on the impact of implementation of the new time-sheet system. It also demands that any system for recording time worked at CUNY reflect the commitment and the professionalism of the professional staff, the complexity of their jobs and the variability of their schedules, and that it facilitate compensation for work performed beyond the contractual 35-hour workweek.

HEOs, CLTs express dissent



City Tech CLTs Jacqueline Elliott (left) and David Bartow (right) watch as their colleague Alberto Rivera (center) signs the time-sheet petition.

Once signature gathering is completed, the petition will be presented to interim Chancellor William Kelly as a part of an ongoing campaign. The PSC website will soon provide a way for CUNY faculty to express support for their professional staff colleagues.

Professional staff say the new

time sheets assume that they are 9-to-5 employees, when, in fact, they often work at night or on weekends, and that its one-size-fits-all approach doesn't allow them to accurately record the time they work. Many also report that supervisors don't permit recording time worked beyond 35

hours, even when the job requires it.

"We're demanding respect and professional consideration, and we want this time-sheet system to reflect the reality of how we work," said Iris DeLutro, PSC Vice President for Cross Campus Units and HEO Chapter Chair. "The CLT Chapter is very receptive to this petition drive," said CLT Chapter Chair Albert Sherman, who has visited his colleagues at five campuses to date.

HEOs and CLTs at BMCC and City Tech began circulating the petition among their colleagues in early November. Union members at other CUNY campuses officially launched their petition drives on November 13, at a joint meeting of the HEO and CLT chapters.

At City Tech, HEOs formed a steering committee for the petition campaign with about a dozen members. "With a steering committee, it makes it easier to take petitions around," said HEO Associate Cindy Bink, one of the committee's lead organizers.

"There are even top administrators at the college that are sympathetic," Bink, added, noting that many administrators are unhappy about having to deal with thousands of pieces of extra paperwork every month.

City Tech CLTs also established a steering committee of about a dozen people, which met for the first time on October 30. Steering committee members left that meeting with petitions in hand. When they met again a week later, all 39 full-time CLTs at City Tech had signed.

LUNCHTIME MEETING

"People are tired of doing the time sheets," said Jacqueline Elliott, a Senior CLT in the Biology Department. "We already have a lot of work piled on us."

The petition campaign has also been well received at BMCC. Forty-five HEOs turned out for a lunchtime meeting on Nov. 1, at which plans for the petition drive were discussed. John Gallagher, a HEO Delegate, has started gathering signatures and says he has yet to be

'People feel they are being professionally disrespected.'

turned down. "Everyone is mad," Gallagher said. "People feel they are being professionally disrespected."

BMCC Senior CLT Luis-Alfredo Cartagena has gathered 17 signatures from CLTs located in seven departments. He calls the time sheet "another attack on the union" that, like Pathways, must be resisted.

"If you're not going to fight for yourself and your brothers and sisters, who's going to do it?" Cartagena asked.

CUNY's proposed protest policy panned

By PETER HOGNESS

A "Policy on Expressive Activity" draft developed by CUNY's central administration in June drew sharp criticism when it became public in October. A newly revised version drops some provisions that had sparked objections, but it leaves the central elements in place.

The proposal would impose "severe restrictions on how the fundamental and distinct freedoms of speech and assembly may be exercised at City University," said PSC President Barbara Bowen in an October letter to union members, responding to the original draft. "The policy reads as an attempt to silence dissent and to stifle protest before it starts."

ZONING FREE SPEECH

The Doctoral Student Council warned that that adoption of the proposed rules would "threaten the free expression of ideas" at CUNY, and an online petition against the measure said it "has no business being part of the governing structure of any university." Outside of CUNY, the head of the University of Chicago's Center for Law, Philosophy and Human Values dubbed it "constitutionally dubious."

As currently worded, the policy states that "Members of the University community may not demonstrate...[in] places that have not been designated for demonstrations." With this rule in place, protest would be prohibited everywhere on campus except in certain designated zones.

Establishment of such "free speech zones" is fiercely opposed by civil libertarians. "As far as I'm

Fundamental rights limited

concerned, the whole country is a free speech zone," commented retired steelworker Bill Neel, after he was arrested in 2003 for protesting against President George W. Bush outside of a designated area.

Such restrictions by public universities have often been withdrawn in the face of political opposition or struck down when challenged in court. In 2012, for example, the conservative Foundation for Individual Rights in Education (FIRE) won a permanent injunction against a "free speech zone" policy at the University of Cincinnati.

"Federal case law regarding freedom of expression simply does not support the transformation of public institutions of higher education into places where constitutional protections are the exception rather than the rule," FIRE wrote in 2008 to UC's then-President, Nancy Zimpher (now chancellor of SUNY).

The original draft of the policy required advance notice to a college's director of public safety if a protest was expected to involve more than 25 people, or take place within 25 feet of a building entrance, or if organizers want to use amplified sound. The current draft, now titled "Policy on Expressive Conduct," requires such advance notice only for amplified sound requests.

Demonstrations—of any kind—inside university buildings were completely banned under the proposal's original terms; it now says simply that "areas designated for demonstrations need not include...areas within the interior of buildings." A blanket ban on indoor protest can

thus still be imposed, but this is now left to the discretion of campus administrators. Faculty or student representatives are given no role in this or other decisions that the policy describes; administration authority on these questions would be absolute.

On distribution of literature, the current draft policy says, "The educational units of CUNY may designate areas in which members of the University community may not distribute materials on campus, such as classrooms that are in use." Administrators could thus ban handing out leaflets in any class, even when done with the instructor's consent.

Like demonstrations, literature tables are to be allowed in designated areas only. After thus restricting the space available for tabling, the policy says requests for tabling may be rejected "based on availability of space." The available spaces are to be given out on a first-come, first-served basis.

The proposed policy no longer includes a blanket prohibition on

"overnight camping on University property," as did the original. But it still gives college presidents or their designees unilateral power to decide if a demonstration is "disruptive"—and if it is, they have an absolute right "to terminate the demonstration" and may call police on campus to do so. Overall, the current version of the draft policy offers fewer specific examples of the kinds of protests that are prohibited. But most of those types of actions—overnight camping, indoor protests, etc.—could still be banned by a college president who was inclined to do so.

Alex Vitale, a sociologist at Brooklyn College who studies the policing of protest, says that the draft policy reflects "a basic misunderstanding of the nature of the right to assembly as distinct from the right to freedom of speech."

"There are many possible outlets for ideas, including interpersonal speech, published writing and social media," Vitale noted in a post on the Brooklyn College PSC chapter's blog. "The right to assemble, however, involves the physical manifestation of people in space as both an exercise in communication and an expression of power. As such, it is

inherently disruptive [and] disorderly," he wrote. "It is understood that public assemblies involve an inconvenience to others."

"The establishment of restrictive protest zones, and the intent to forcibly terminate protests that threaten to disrupt any aspect of life at the University, are an unreasonable abridgment of the right to assemble," argues Vitale (see tinyurl.com/Expressive-Conduct-BC-PSC).

HISTORY OF PROTEST

The proposed rules are not expected to come before the trustees until sometime after January 1. So far the administration has not commented on the growing opposition to the proposed regulations, which have not yet been posted on the CUNY website.

"CUNY was founded in 1847 as the result of disruption and dissent; several of its colleges have been saved from closing during fiscal crises because of protest and assembly," noted Bowen in her letter to union members. "If CUNY is to be an intellectually vibrant university, it must recognize that 'expressive activity' is a vital part of campus life, not a danger to be confined to narrow limits."

Excerpts from proposed protest policy

Below are excerpts from the current draft of CUNY central administration's "Policy on Expressive Conduct." Full text is at psc-cuny.org/Draft-Policy-On-Expressive-Conduct-10.11.2013.

DRAFT—10/11/13
The City University of New York
Policy on Expressive Conduct

2. Guidelines for Conducting Demonstrations

2.1 Students and/or employees of CUNY, including officially-recognized student and/or employee organizations, as well as persons invited and sponsored by such student and/or employee organizations, may have access to areas designated by the educational units of CUNY for demonstrations. Sponsors of a planned demonstration must give notice of the location, date and time to the Director of Public Safety or designee at least 24 hours in advance of the demonstration if they are requesting sound amplification.

2.2 Members of the University community may not demonstrate in a manner that impedes the University's educational activities and business operations or interferes with the rights of others, takes place on premises where members of the University community are not authorized to be, or takes place at times when members of the University community are not authorized to be present or places that have not been designated for

demonstrations. In addition, employees, including both faculty and staff, may not participate in demonstrations at times when they are scheduled to perform instructional or other assigned work responsibilities. Demonstrations may be limited to areas designated by the University or its educational units for that use by members of the University community. Such designations shall be made with appropriate recognition of past practices as to areas in which demonstrations have been permitted. The areas designated for demonstrations need not include, among other locations, areas within the interior of buildings.

3. Prohibited Conduct

3.3 Examples of prohibited conduct that disrupts University functions or operations include:

- preventing the performance of educational or other institutional duties by any member of the University community
- occupying or remaining on any property or facility owned or operated by the University after receiving due notice to depart
- using amplified sound without prior notice, or otherwise making loud noise that interferes or seriously threatens to interfere with classes, meetings, or other scheduled or routine University functions or activities

3.4 Students who engage in prohibited conduct are subject to discipline under Article XV of the

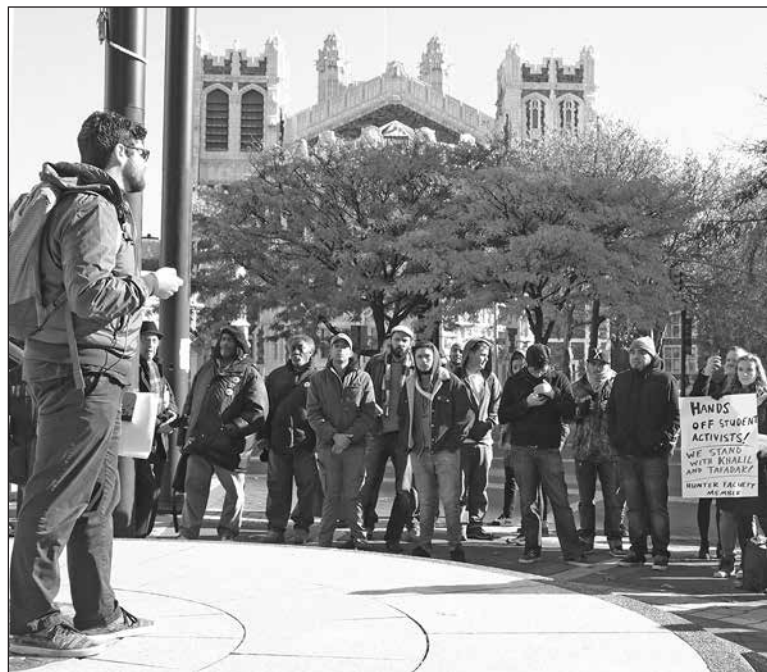
CUNY Bylaws. Employees who engage in prohibited conduct are also subject to disciplinary action as prescribed under the governing collective bargaining agreement and/or University policy. In addition, in cases in which the conduct at issue may violate criminal law, the University may refer the matter to external law enforcement authorities.

4. Procedure for Handling Disruptive Demonstrations

4.1 At each educational unit of CUNY, the President or his or her designee, in consultation with the Director of Public Safety or designee, will determine the point at which a demonstration becomes disruptive based upon the criteria set forth in Section 3 of this Policy.

4.2 If the circumstances permit, the President or his or her designee or the Director of Public Safety or his or her designee will direct the demonstrators to discontinue their disruptive activities, explain which activities violate the Policy, and inform them how to continue their demonstration in a manner that is not disruptive. If the disruption continues, the President or his or her designee or the Director of Public Safety or his or her designee may take appropriate action to end the disturbance, including where necessary to terminate the demonstration and to seek the immediate intervention of public safety officers or external law enforcement authorities....

A voice of dissent



Alice Feng

Graduate Teaching Fellow Conor Tomás Reed of Medgar Evers College speaks at at November 8 rally at City College. He called for the reinstatement of two CCNY students barred from campus for leading protests against the closing of the Morales-Shakur Center, a student organizing space that had hosted community-focused programs and planning for student protests.

CSI debates ROTC plans

By JOHN TARLETON

An administration plan to establish a Reserve Officer Training Corps (ROTC) program at the College of Staten Island (CSI) has sparked controversy since it was announced last semester. Earlier this fall, the college hosted a town hall meeting, at which a six-member panel expressed clashing views on the ROTC. Since then, critics have been organizing against the military training program.

There were no ROTC programs on CUNY campuses for more than four decades, but the CUNY administration has started bringing them back. The process begun shortly after the right-wing American Enterprise Institute issued a report calling for ROTC's return to CUNY.

York College established an Army ROTC program in the 2012-13 academic year and City College of New York and Medgar Evers College are launching their own programs this fall. Last April, CUNY Central administration stated that "the College of Staten Island plans to offer the program in the future." But objections from CSI department chairs led to the September 24 town hall meeting.

PUBLIC MEETING

The public meeting began with introductory remarks from CSI's Interim Provost, Fred Naider, followed by five-minute presentations from panel members. Two of the panelists opposed to ROTC were recent veterans of the Iraq War, who said that military recruiters often deceive young people about the dangers they will face if they enlist.

Former Staff Sergeant Javier Ocasio, a 15-year Army veteran, told the audience that the military paints a misleading image of the risks of war, omitting the experiences of those "who followed their orders, who died, committed war crimes or other acts of unspeakable terror and now suffer from PTSD."

Jennifer Pacanowski enlisted as a medic in the Army in the spring of 2003 shortly before President George W. Bush landed on an aircraft carrier to announce an end to major combat operations in Iraq under a banner declaring "Mission Accomplished." She did not expect to go to war. By 2004, she found herself working as a combat medic with military convoys that were regularly attacked by a rapidly growing insurgency.

'I WAS A NUMBER'

"I was a number and I was property, as you would be," said Pacanowski, who served in Iraq for a year.

Panelist Colonel Scott Heintzelman said the Army wants to establish more ROTC programs in the Northeast in order to diversify its officer corps, which is heavily white and hails mainly from the South and the West. He argued that the ROTC program can benefit students in important ways.

Faculty raise several concerns



John Lawrence, chair of the CSI psychology department, says bringing ROTC to the college would be a mistake.

"As an Army officer," Heintzelman said, "you get upward career mobility, you get competitive skills for the future, and you're really equipped to succeed in life." ROTC students can receive scholarships, a monthly stipend and a book allowance. They must take one "military science" course per semester, plus participate in additional summer trainings. They graduate as second lieutenants in the US Army and are required to serve at least three years in active duty and five years in the Inactive Ready Reserve

(IRR).

Siobhan Murphy, a freshman pre-nursing major at CSI who plans to enlist in the Navy, agreed with Heintzelman in the discussion period. Murphy spent four years in Junior ROTC in high school and said the experience gave her confidence and structure in her life that she did not have before. "The leadership traits I learned, I can take them anywhere," Murphy said.

Heintzelman's fellow panelist Donna Chirico, a professor of psychology and acting dean at York Col-

lege's School of Arts and Sciences, said the proposal to bring ROTC to her college sparked a heated debate among faculty. However, the program was eventually approved by the College Curriculum Committee and the Faculty Senate. She said she initially had been skeptical about the "leadership training" that is central to the ROTC program, but eventually changed her mind. "Now that we've seen the first year of students go through the program [at York], I have to say that I'm very impressed," Chirico said.

Chirico said that York's College Senate had a heated debate over the proposed ROTC program, but that in the end, the senate approved it by a wide margin.

CSI faculty members at the Sept. 24 town hall were overwhelmingly opposed to having a ROTC program on campus, citing a number of reasons for their opposition.

"There is a tension between what we do here, which is educate," said Ruth Powers Silverberg, and the training to follow orders that the military requires. "Education is broad preparation for thinking about how to participate in a democracy," Powers Silverberg, an associate professor of education, told *Clarion*. "Military training is fundamentally different."

"Keep militarism and education apart because they have different goals," agreed Harry Cason, a retired adjunct who taught at CSI for 26 years.

WAR CRIMES

John Lawrence, chair of the psychology department at CSI, interned for a year as a clinical psychologist at a VA hospital in Miami in 1994. He says he saw that the military often does not treat its veterans well.

"The US military has committed war crime after war crime," Lawrence told the town hall meeting, citing US invasions of Vietnam, Panama and Iraq. "When CSI in-

vites the US military to be on our campus, we are basically endorsing what the US military does."

Ellen Goldner, an associate professor of English and coordinator of CSI's Bertha Harris Women's Center, noted that female service members in the Army suffer from high rates of sexual assault. Goldner questioned whether CSI should encourage female students to join an institution with this kind of problem.

SEXUAL ASSAULT

Heintzelman replied that the Army ROTC provides sexual assault training for new cadets and is committed to addressing the problem. But Pacanowski panned the Army's sexual assault training programs as "a PowerPoint joke," and said that a culture of "victim blaming" held sway in the military. During her time in Iraq, she said, female soldiers felt constantly at risk of being raped. Some slept with knives at hand,

"because they were more afraid of the people they were there with than the actual insurgents."

Faculty voiced concern about the impact an ROTC program would have on classroom space, which is scarce at CSI. John Verzani, the math department's chair, said he currently does not have enough classrooms for all the sections offered by his department. "I don't know how adding significantly more classes helps with that," he said.

Since the town hall meeting, ROTC critics have organized a film screening, gathered in a "Circle of Peace," and laid plans to commemorate the 40th anniversary of the college's now defunct program in War and Peace Studies.

Whether ROTC will come to CSI remains unclear. "All curriculum is supposed to be in the purview of the faculty," notes Lawrence. Other faculty leaders agreed that any proposal to establish a "military science" program at the college would have to come before the Faculty Senate. But "the administration has been kind of vague about what the next steps would be," Lawrence told *Clarion*. "The provost has said they will make a decision and inform us."

ACADEMIA IN BRIEF

West Coast accreditor hit

The accrediting agency that moved this summer to shut down the 80,000-student City College of San Francisco (CCSF) now finds its own practices coming under increased scrutiny.

The Accrediting Commission for Community and Junior Colleges (ACCJC) of the Western Association of Schools and Colleges faces lawsuits both from San Francisco's city attorney and from the California Federation of Teachers on behalf of 1,650 faculty members and staff at City College, seeking to bar the termination of the college's

accreditation. The city's lawsuit details the financial and political relationships the ACCJC has with private student loan lenders, and alleges that these relationships have made the accreditation commission politically biased.

In addition, the US Department of Education (DOE) has concluded that the ACCJC has violated federal regulations on conflicts of interest – a determination it reached after a union complaint. The ACCJC's recognition by the DOE comes up for review in December.

The ACCJC's July announcement that it would revoke CCSF's accreditation in 12 months shocked many observers. Data from the state's community college system shows that CCSF almost uniformly scores better than most other community colleges in the state on common

metrics, and the commission had no complaints about the quality of CCSF's classroom instruction. Instead, ACCJC faulted CCSF for having too few administrators, an unusually strong system of faculty governance and insufficient financial reserves after enduring more than \$50 million in budget cuts in recent years.

British university strike

Public university lecturers and administrative staff in Britain staged a one-day national strike on Halloween, their first in seven years, causing classes to be cancelled at several universities and colleges. Protesting the 1% pay raise offered to them in contract negotiations, the strikers and their unions said their pay has fallen behind the

rising cost of living in the UK, amounting to a pay reduction in real terms.

The strike was organized by a coalition of three unions, the University and College Union (UCU), UNISON, and Unite. "Staff around the UK are taking strike action to try and reverse some of the most sustained pay cuts since the Second World War," said Sally Hunt, general secretary of the UCU. "Staff are furious at what has happened to their pay and that is why they feel they've been forced into this action."

Educators and staff were joined on the picket lines by various student organizations. A statement from the National Campaign against Fees and Cuts said, "These strikes could be a pivotal moment for the fight for education and the fight to save the welfare state."

Health plan change period thru Nov. 30

For faculty and staff on the active CUNY payroll, the annual period for making changes in your choice of health insurance ends November 30. See your HR office for the necessary forms. Full-timers can find more details online and download printable forms at tinyurl.com/NYC-HBP-transfer-2013. Part-timers who currently have health insurance coverage through the PSC-CUNY Welfare Fund can find more details and printable forms at tinyurl.com/CU-NY-adj-health-trf. (CUNY retirees covered through the City health plan can make changes in even-numbered years; therefore there is no transfer period this year for CUNY retirees.)

CSI chapter elections

Votes in the election for PSC chapter positions at the College of Staten Island (CSI) were counted by the American Arbitration Association on November 1. The results were certified by the PSC Elections Committee on November 12 and are available online at tinyurl.com/PSC-elections-cte. No challenges were filed and the Elections Committee was scheduled to submit its report on the vote to the November 14 PSC Delegate Assembly. For more on the 2013 CSI chapter elections, see tinyurl.com/Clarion-CSI-2013-vote.

Pay it forward

Continued from page 10

education altogether.”

It is worth noting, in this connection, that the Oregon bill on Pay It Forward won unanimous support in the state legislature: conservatives said they liked its emphasis on individual repayment rather than tax-based funding. Both supporters and critics of PIF have pointed out that the conservative economist Milton Friedman backed a plan that was similar in many ways.

But those who are organizing for Pay It Forward in Oregon are not Friedmanites. As Goldrick-Rab acknowledges, they include longtime progressive activists and student organizers “intimately acquainted with the near-impossibility of financing college today.” They are, she writes, “remarkable people who should be thanked for trying to change the status quo.”

The lead sponsor of the Oregon bill says that the explosion of interest in PIF is “a sign of people’s desperation” – and that’s something that both supporters and opponents of PIF agree on. The status quo is imposing a crushing burden on college students – and if Pay It Forward won’t provide a solution, other answers must be found.

In the mail: PSC political action

By **STEVE LONDON**
PSC First Vice President

This November, PSC members voted overwhelmingly to elect the candidate we endorsed for mayor, Bill de Blasio, and to elect the most progressive City Council candidates in many years. Thanks to PSC members like you, we’ll have a mayor and council who understand the importance of investing in CUNY. But if we’re going to turn progressive goals into reality, we have to continue the fight and carry it to Albany and City Hall. That’s why we’re asking you to re-

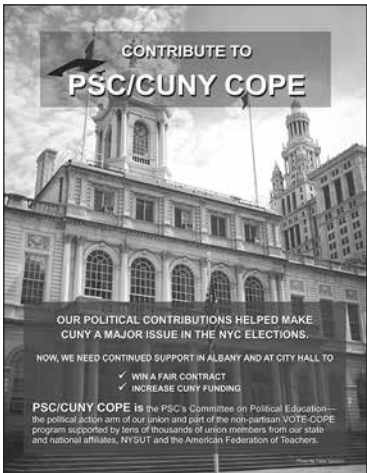
PSC/CUNY COPE: the political action arm of our union.

spond to the mailing you recently received from the PSC’s political action committee, PSC/CUNY COPE. PSC/CUNY COPE – the PSC’s Committee on Political Education – is the political action arm of our union. It is part of the non-partisan VOTE-COPE program supported by tens of thousands of union members from our state and national affiliates, NY State United Teachers, and the American Federation of Teachers. Your voluntary contributions to PSC/CUNY COPE help elect candidates who are pro-CUNY and pro-labor. Your donations also sup-

port advocacy related to PSC legislative priorities, part of a broad progressive agenda on education policy, labor rights and social justice advanced by NYSUT and AFT. PSC/CUNY COPE contributions are separate from your union dues and are collected via payroll deduction or personal check.

SIGN UP

Please sign up to support PSC/CUNY COPE: it’s your voluntary contributions that give us the power we need to win. This year’s election has opened up new possibilities – and your support will make sure we can take advantage of them. For a



digital version of the brochure and to see why your colleagues contribute visit psc-cuny.org/cope.

PROFESSIONAL STAFF CONGRESS/CUNY NOTICE OF NOMINATIONS AND ELECTIONS – SPRING 2014

**Chapter Officers, Delegates and Alternates to
the PSC Delegate Assembly and
PSC-CUNY Welfare Fund Advisory Council**

Term of Office: 3 Years

Election Schedule

1. Candidate Declaration forms will be available from the PSC office on December 3, 2013 or on the PSC website.
2. Deadline for filling the Candidate Declaration form will be January 6, 2014.
3. Pre-printed nominating petitions will be available upon request from chapter chairpersons or the PSC office on January 31, 2014.
4. Properly completed nominating petitions must be received at the PSC office, 61 Broadway – Ste. 1500, New York, NY 10006, by 5:00 pm, March 3, 2014.
5. Ballots will be mailed to members’ home addresses on April 1, 2014.
6. Ballots in uncontested elections must be received at the PSC office by 5:00 pm on April 29, 2014.
7. **Ballots in contested elections must be received at the office of the designated ballot-counting organization by 5:00 pm on April 29, 2014.**
8. Ballots will be counted at 10:00 am on April 30, 2014.

Officers to Be Elected

In each of the Chapters listed below, voters will elect the Chapter Chairperson, Vice Chairperson, Secretary, four Officers-at-Large, Delegates to the Delegate Assembly (in addition to the Chapter Chairperson, who shall automatically be the initial delegate to the Delegate Assembly) and Alternates to the Delegate Assembly according to the following listing:

Chapter	Members	Delegates	Alternates	Petition Signatures Required
Baruch	683	Chair + 6	5	25
Bronx Community College	515	Chair + 4	4	25
Brooklyn	730	Chair + 6	5	25
City College	828	Chair + 7	5	25
College Lab Technicians	607	Chair + 5	4	25
CUNY Central Office	243	Chair + 1	2	25
Graduate School	373	Chair + 3	4	25
Guttman Community College	28	Chair	1	7
Hostos Community College	314	Chair + 2	3	25
Hunter	1044	Chair + 9	6	25
John Jay	912	Chair + 8	5	25
LaGuardia	693	Chair + 6	5	25
Queens	1004	Chair + 9	6	25
York	383	Chair + 3	4	25

Relevant portions of the ELECTION RULES are summarized below. The complete rules may be obtained

from Barbara Gabriel at the PSC office, or viewed on the PSC website.

Declaration of Candidacy: Candidates must submit a signed declaration of candidacy no later than January 6, 2014, to Barbara Gabriel at the PSC office. The declaration must specify the office(s) being sought, the candidate’s name, college and department and, if the candidate intends to run as part of a slate or caucus, the name of the slate or caucus. Slate or caucus declarations should be submitted through the slate or caucus designee. A sample declaration form is available on the PSC website: psc-cuny.org/declarationofcandidacy or from Barbara Gabriel at the PSC office.

Eligibility for Holding Office: Members shall be permitted to hold chapter-level office who have been members in good standing of the appropriate chapter for at least one (1) year prior to the close of nominations, March 3, 2014.

Voting Eligibility: Members shall be permitted to participate in the nomination process and to vote who have been members in good standing of the appropriate chapter for at least four (4) months prior to the mailing of the ballots on April 1, 2014 (i.e., they must have been a member as of December 1, 2013).

Nominating Procedures: Nominations of an individual or of a slate *must* be by official nominating petition signed by no fewer than twenty-five (25) members of the chapter in good standing, or by no fewer than twenty-five percent (25%) of the members of the chapter in good standing, whichever is less. For *all* candidates, petitions shall include: (a) the printed name, signature, department and college of each petitioner; and (b) the printed name, signature, department and college of the nominee, as well as the office being sought by the nominee. For chapter elections, members may only sign nominating petitions of the chapter to which they belong. **A candidate’s signature on a Declaration of Candidacy shall constitute that candidate’s acceptance of the slate designation.**

Slate Regulations: A slate of candidates will be recognized if it consists of candidates for twenty-five percent (25%) or more of the officers to be elected, and if it submits, prior to the close of nominations: (1) a listing of caucus officers, all of whom must be members in good standing, including the person designated to authorize nominees for that caucus’ slate; and (2) a nominating petition including the printed name, signature, department and college of each petitioner, and the signature for each candidate running on the slate. The candidate’s signature on the slate petition shall constitute that candidate’s acceptance of the slate designation.

Balloting: All voting must be on the official PSC ballot. Write-in votes are permitted. A write-in vote shall be valid if the intent of the voter is clear; written, printed and typed names are acceptable. A write-in candidate must meet the same eligibility requirements as a regular candidate. In chapter elections, any nominated or write-in candidate must receive at least ten (10) votes or ten percent (10%) of the votes cast for that office, whichever is less, in order to be elected. Write-in candidates who

are elected must submit written acceptance of office to the Elections Committee within ten calendar days of notification that their election has been certified.

Campaigning: Declared candidates may mail literature at their own expense, either directly or through the PSC mailing house (Century Direct, 30-00 47th Avenue, Long Island City, NY 11101). At the request of the candidate and at cost, the PSC will provide Century Direct with a home-addressed electronic download of the membership, or will provide candidates with college-addressed list, labels and/or electronic download of the membership. Candidates must notify the PSC five business days in advance of the mailing to allow sufficient time for the ordering of labels. Please see Barbara Gabriel at the PSC for further information and to file the required forms.

Election Tally: Each candidate, or a representative of the candidate, is entitled to be present at the counting of the ballots.

PSC-CUNY Welfare Fund Advisory Council

At each of the colleges listed below, voters will elect the designated number of members of the PSC-CUNY Welfare Fund Advisory Council, in accordance with the above schedule and rules and the by-laws of the PSC-CUNY Welfare Fund:

Colleges	Council Members
Baruch	2
Bronx Community College	2
Brooklyn	2
City College	2
CUNY Central Office	1
Graduate School	2
Guttman Community College	1
Hostos Community College	2
Hunter	2
John Jay	2
LaGuardia Community College	2
Queens	2
York	2

Voting Eligibility: All members in good standing of the PSC at the above colleges, who have been members in good standing for at least four (4) months, including Higher Education Officers, Registrars and College Laboratory Technicians, as well as faculty, will elect the PSC-CUNY Welfare Fund Advisory Council members running at their respective colleges.

Eligibility for Holding Office: PSC-CUNY Welfare Fund Advisory Council members must be CUNY instructional staff members who have been members in good standing of the PSC for **two (2) years** prior to the close of nominations, March 3, 2014.

Nominations: Advisory Council members shall be nominated by written petition signed by no fewer than twenty-five (25) or twenty-five percent (25%) whichever is less of the CUNY instructional staff members at each unit who are also PSC members. Slate nominations will be permitted.

Charges dismissed against Iraq oil union leader

By CLARION STAFF

On November 10, all charges were dismissed against Hassan Juma'a Awad, president of the Iraq Federation of Oil Unions (IFOU). The charges, filed by the South Oil Company and the Ministry of Oil, were dismissed at a court hearing in Basra, in southern Iraq.

Hassan Juma'a was charged under section 111 of the Iraqi penal code of 1969, legislation that Saddam Hussein had used to repress organizing among government employees. The charges said that Juma'a had undermined the Iraqi economy by instigating strikes and work stoppages by oil workers – actions the workers took to protest unresolved grievances, safety violations, privatization of Iraq's oil industry and refusal to respect worker and union rights.

HARSH PENALTIES

If convicted of harming “the interests of the state,” Hassan Juma'a would have faced up to three years in prison and tens of thousands of dollars in fines.

The November dismissal was the second time that criminal charges against Hassan Juma'a had been thrown out by the court. After the same accusations were dismissed on July 1, the Ministry of Oil and the South Oil Company appealed the decision. The appellate court reinstated the charges and sent the case back to the lower court for another hearing.

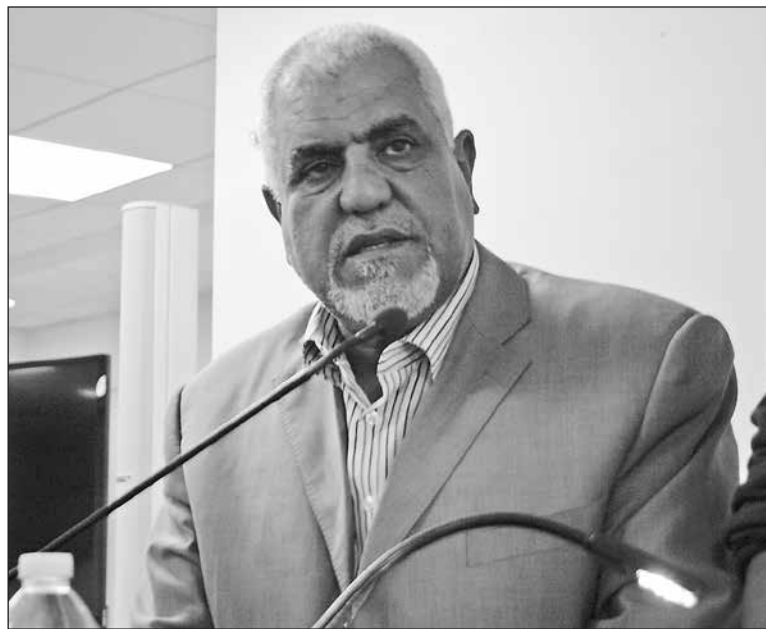
Hassan Juma'a insisted throughout that his activities and statements were part of the normal and legitimate work of his union; he noted that the IFOU had even received thank-you letters from the Ministry of Oil for its contributions to the industry.

CORPORATE EXPLOITATION

The workers' actions that sparked the charges against Hassan Juma'a happened in February.

“Hundreds of workers demonstrated on three separate occasions outside the building of the government-run South Oil Company in Basra, calling for its director and his aides to resign,” reported David Bacon in *In These Times*. “The company, managed by the national oil ministry, [had] promised to build housing for workers, an urgent necessity in a province still recovering from war. Workers said they hadn't been paid their normal bonuses for two years.... They also demanded better medical

Call for international solidarity



John Tarleton

Hassan Juma'a, president of the Iraq Federation of Oil Unions, speaking at the PSC Union Hall on September 23 at a forum organized by US Labor Against the War.

care, especially for those suffering the effects of exposure to depleted uranium. This heavy metal was used extensively in shells and other munitions by US forces, and war remnants are still piled high in neighborhoods and across the countryside,” Bacon wrote.

After the November 10 ruling, Hassan Juma'a issued a statement thanking US Labor Against the War (USLAW), the AFL-CIO's Solidarity Center, and other unions and labor

federations around the world for their support and solidarity.

“The US Occupation Authority, then Interim Governing Authority, and now the elected government of Iraq resurrected a law and decrees put in place by Saddam Hussein to prevent public workers and employees of public enterprises – 80% of the Iraqi economy – from forming or joining a union or negotiating over the terms and conditions of their labor,” said USLAW National

Coordinator Michael Eisenscher when the charges were first dismissed in July. “They shamefully kept that law on the books and have actively enforced it against workers, all while preaching about the importance of establishing a democracy in Iraq.”

Hassan Juma'a had spoken about the case against him when he visited the PSC Union Hall on September 23, for a forum organized by USLAW. He stopped in New York City on the way home to Iraq, after taking part in this year's AFL-CIO convention in Los Angeles. “There's a background to this case that you all should know,” he told the forum. “The Iraqi oil workers union has a clear position on the issue of oil in Iraq.... We opposed the licensing of foreign corporations' extraction of oil and production of oil in Iraq. We don't think anyone with half a brain would give such licenses to these corporations and think that they are reasonable. It's completely absurd to give out 20-year contracts – this is called throwing away the resources of future generations. So the government took the position that the union was trying to hinder economic activity and was making trouble.”

VICTORY

After the charges were first dismissed, said Hassan Juma'a, “Politics intervened and the government demanded an appeal.... It's as if there's going to be a lot of arm twist-

ing to make sure that Iraqi unionists remain afraid.”

“The government sought to make an example of [Hassan Juma'a] as a warning to other workers who dare to exercise their rights,” commented Eisenscher. “It failed.”

“Our victory sets an important precedent,” said Ismaeel Dawood of the Iraq Civil Society Solidarity Initiative. “International solidarity and messages addressed to the ministry and the prime minister had a significant impact on the verdict.”

INTERNATIONAL SOLIDARITY

Although Hassan Juma'a was the only oil union leader to be criminally prosecuted, he has not been the only target of government and oil company repression. Administrative fines by the Ministry of Oil totaling more the \$600,000 have been levied against 16 other union activists, including IFOU Vice President Ibrahim Rhadi, in retaliation for their role in organizing worker protests. Rhadi alone faces fines in excess of \$30,000, which if unpaid will result in the loss of his job, confiscation of his property and imprisonment.

“The need for continuing international solidarity is essential to end this escalating reign of harassment, retaliation and repression,” said a November statement from USLAW. (For information about what you can do, go to uslaboragainstwar.org.)

Marching toward a new contract



Gary Scholichet

Members of the Research Foundation Central Office chapter gather during their morning break on November 1 for an office “walk-around” to underscore their demands for a new contract. Members wore union T-shirts and carried signs calling on management to reach a fair contract settlement with the chapter. Later that day, union negotiators and management reached a tentative agreement on a five-year contract accord. The 100-member bargaining unit will hold a contract ratification vote on November 19.

CALENDAR

MONDAY, DEC 2 / 1:00-3:00 pm: The Retirees Chapter Meeting will host Ed Ott, former executive director of NYC Central Labor Council, discussing “The Political Outlook: 2013-14,” a summation of recent elections, issues, and labor mobilization looking forward to the 2014 elections. PSC Union Hall, 61 Broadway, 16th floor. For info, email bfriedheim@gmail.com.

FRIDAY, DEC 6 / 4:00-6:00 pm: “First Fridays” adjunct meeting. PSC Union Hall, 61 Broadway, 16th floor. For info, contact Marcia Newfield at mnewfield@psccmail.org.

FRIDAY, DEC 13 / 6:00-9:00 pm: Labor Goes to the Movies screens *Séraphine* (2008), on the mysteries of art-making. Based on the true story of outsider artist Séraphine Louis, aka Séraphine de Senlis (1864-1942), who began to paint at age 41 while working as a house-cleaner and laundress. PSC Union Hall, 61 Broadway, 16th floor. For info, email shughes@psccmail.org.

WEDNESDAY, DEC 18 / 3:00-5:00 pm: The PSC's Academic Freedom Committee will meet at John Jay College, New Building, 524 West 59th Street, Social Sciences Conference Room (Room 6-65.33). For info, email sleberstein@gmail.com.

Clarion DECEMBER 2013

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PUBLIC HIGHER ED

Clash over “Pay It Forward”

By PETER HOGNESS
& CLARION STAFF

Oregon’s state legislature made news this summer when it passed a measure that was dubbed a plan for “tuition-free” public higher education. Coverage by *The New York Times*, Associated Press and other news outlets was followed by an enthusiastic response in much of the progressive press. “Oregon Students Fight Back Against Debt, And Win,” read a headline on Alternet, while *The Nation* called the plan “a progressive victory and a common-sense national model.”

But the plan, popularly known as “Pay It Forward,” has drawn plenty of critics, including the American Federation of Teachers (AFT), the American Association of University Professors (AAUP), the National Education Association (NEA), and the PSC. They warn that Pay It Forward (PIF) is not really “tuition-free,” and that it does not address the basic cause of escalating student debt: the massive withdrawal of state funding from public higher education. Pay It Forward would “continue the shift of financing higher education from the state to the private individual,” contends a policy paper by the AFT, and would make it harder to reverse this trend.

The basic idea of the Pay It Forward plan is that students at the University of Oregon would no longer pay tuition while enrolled. Instead, they would commit to pay a fixed percentage of their income into a common fund for a long period after graduation. The Oregon bill contains no specific numbers, but analysis by the Seattle-based Economic Opportunity Institute, which helped inspire the Oregon plan, suggests that those who earn a bachelor’s degree in four years would pay about 4% of their income over 24 years. Oregon PIF supporters put the repayment rate at 3%; critics say both figures are underestimates.

A PLAN TO MAKE A PLAN

What is certain is that Pay It Forward is a long way from becoming reality. The bill passed in Oregon is essentially a plan for a plan for a pilot study. It directs Oregon’s higher education commission to consider developing a plan for a pilot program that the Legislature would consider in 2015. The pilot program would include “one or more public institutions of higher education,” and is described as lasting at least 15 or 20 years. “For now,” reports *The New York Times*, “only the broadest outlines of Pay It Forward are clear.”

Australia and some other countries have similar systems, known as income-based repayment (IBR). In the US, the Obama administration offers IBR plans for federal student loans to students with high debt relative to income. The Pay It Forward plan is different in that it involves a fixed rate of repayment into a common fund for a set number of years: the basic idea is that those who have completed a degree or worked toward one in the past would cover the educational costs of students who are currently enrolled.

That model, however, means that there is no way for PIF to be self-sustaining until the pool of graduates and former students making payments is very large. Since it would take many years to reach that point, some other source would have to cover the program’s costs in the meantime. PIF supporters estimate that Oregon’s start-up costs for

PIF could add up to \$9 billion; other analysts say the amount would be far larger. The bill passed in Oregon is mute on where those funds would come from.

Proponents of Pay It Forward insist that it can be made to work, and they tick off a list of the plan’s advantages. Most obviously, there would be no up-front costs for cash-strapped students and their families. With a fixed rate of repayment for a set number of years in place of interest-accruing loans, PIF supporters say that graduates would not have to worry about carrying a mountain of debt they can never pay off. Currently 57% of public senior college graduates leave school with significant student debt, with an average burden of about \$25,000, according to the College Board.

“DEBT-FREE”?

While headlines describing PIF as a “debt-free degree” are something of an exaggeration for a program that envisions decades of annual payments, the promise of predictability has clear appeal. Advocates say this would expand college access: “Fear of debt keeps many people out of college, particularly among low-income and minority populations,” wrote a group of students who worked to pass the Oregon bill.

PIF advocates also say their plan would make it more possible for graduates to enter socially valuable but lower-paying professions. Graduates who want to go into careers such as early childhood education, public-interest law or the arts would feel less pressure to give up such plans in order to pay off their student debt, they contend.

But critics of the Pay It Forward proposal say that it promises far more than it can deliver – that it would not actually solve the problem of student debt, and that costs would be greater and its benefits smaller than proponents project.

Sara Goldrick-Rab, a professor at the University of Wisconsin who studies educational policy, notes that the Pay It Forward plan would cover only tuition and fees – not room and board, transportation, books, etc., which make up an average of 60% of college costs. At the University of Oregon, says Goldrick-Rab, tuition and fees are currently \$9,800, but room and board average \$10,000, while books and other expenses add another \$3,000. “Students often borrow” to cover these other costs, she writes.

“Moreover, the plan is for students attending up to four years of schooling, yet barely 50% of Oregon students complete a four-year degree in six years,” Goldrick-Rab writes in a report for The Century Fund. “Thus, it is highly likely that many, if not most students, will leave college with loans in addition to this [PIF] repayment obligation.” Pay It Forward “may reduce student debt slightly,

but will not eliminate it,” she concludes. A similar Pay It Forward plan advanced by Seattle’s Economic Opportunity Institute for Washington State envisions that students who take longer than four years to graduate would pay an additional 1% per year. This model would significantly increase repayment costs for students whose life circumstances create obstacles to rapid graduation.

The figure of \$9 billion in start-up costs “is very likely a significant underestimate,” since it appears to be an estimate “an esti-



Jud Guitteau

mate based on high four-year graduation rates,” writes Goldrick-Rab, and this does not reflect Oregon’s reality.

Poor students could find that Pay It Forward makes college *more* expensive. “For many low-income students, need-based financial aid will cover the entire cost of attending a community college,” says the AFT. “Pay It Forward would replace this free education...[with an] income deduction for 25 years.” Need-based financial aid resources may also be “raided” to cover PIF’s start-up costs, the union warns. The Economic Opportunity Institute’s Pay It Forward proposal for the Washington State “explicitly turns Washington State’s Husky Promise program – which guarantees free tuition for low-income undergraduates (about 25% of the undergraduate population), into seed money for PIF,” the AFT points out.

THE RICH OPT OUT

Critics of PIF emphasize that students who can afford to pay up-front tuition costs may well “opt out” of the repayment scheme altogether. Instead of repaying more than the current cost of a four-year education over time, or using their future earnings to subsidize others, they’ll head for private colleges or out of state. Both options allow them to transfer the cost of college to their parents. Goldrick-Rab fears that PIF will further segregate public and private higher

education systems by class.

Such self-selection poses a problem for PIF’s viability, writes Eric Kelderman, a reporter at *The Chronicle of Higher Education*. Students who expect to earn higher than average salaries after graduation are less likely to participate, he says, and “without high earners paying into the system, the program would probably be unable to cover the tuition costs.”

While PIF would function much like a tax, it is a tax that would be paid only by graduates of Oregon’s public colleges and those who worked toward, but did not complete, their degrees. Oregon’s other taxpayers, who draw community benefits from the presence of public higher education institutions and from living in a better-educated state, would not contribute.

Proponents contend that because higher-earners would pay more and lower-earners less, PIF is in effect a type of social insurance. But since only those who attend college would contribute, the AFT says that PIF “more closely resembles a fee-for-service [arrangement] than a social insurance program.”

A PUBLIC GOOD?

At a practical level, a “tax” that is easily avoided by the wealthiest families will raise less of the revenue that public higher education so badly needs, the AFT points out. In addition, the union emphasizes, Pay It Forward would “exacerbate the ongoing trend of envisioning higher education as a *private transaction* that accrues benefits to the individual rather than as a *public good* that brings economic and civic benefits to communities.”

Supporters of PIF dismiss such talk as politically unrealistic. Portland State University professor Barbara Dudley, whose students worked on designing the Oregon bill, insists that PIF “is the only solution that you could implement on a state level, besides just standing their hollering, ‘You have to raise taxes.’ We’ve been trying to raise taxes for 40 years now,” she told the *American Prospect*.

“That kind of defeatism about taxes and public revenue is just inaccurate,” commented Steve London, the PSC’s first vice president, “and it’s at odds with what’s really possible. If progressives had believed this, we would never have won the extension of New York’s millionaire’s tax, or last year’s California ballot referendum, and Bill de Blasio would not have won his landslide victory to become mayor of NYC. If we fight to increase revenue, there’s no guarantee that we will win. But if we don’t wage that fight, we are guaranteed to lose.”

The AFT says that Pay It Forward not only fails to reverse the last two decades of state disinvestment from public higher education: it would, over time, accelerate it.

Goldrick-Rab agrees, and points out that the long-term trend in Oregon has been toward privatization of public higher education. “The share of general fund monies going to higher education in Oregon declined from 17% in 1997 to 5.8% in 2009,” she writes. While this can be resisted, there is nothing in PIF that challenges this trend. While Oregon PIF advocates say that their plan “assumes...that the State appropriations for higher education do not sink below their current level,” they do not spell out how this would be guaranteed.

More likely, says the AFT, is that with PIF in place, “given the ongoing pressures to cut state budgets, future state legislatures could vote to reduce the minimum state funding for higher education and raise the [repayment rate] for Pay It Forward.” In fact, the union warns, PIF “lays the institutional and bureaucratic foundation by which the state can stop using tax revenues to fund higher

Continued on page 8

Is plan a good step or a false move?

FEAR IN THE CLASSROOM

Academic freedom under fire

Priests of Our Democracy: The Supreme Court, Academic Freedom, and the Anti-Communist Purge. By Marjorie Heins. New York University Press, 2013.

By **STEPHEN LEBERSTEIN**

Chair, PSC Academic Freedom Committee

If your dog had rabies you wouldn't clap him into jail after he had bitten a number of persons," New York State Senator Frederic Coudert, Jr., declared to a Republican women's group in June 1941. "You'd put a bullet into his head, if you had that kind of iron in your blood. It is going to require brutal treatment to handle these teachers...."

Coudert was speaking about teachers in the city's municipal colleges, and especially about those active in the New York College Teachers Union, AFT Local 537. By the end of the year, the senator showed just how much iron he had in his blood, as he carried out a purge of educators that presaged the Cold War repression of the Left.

We like to think that this period, when over 50 faculty and staff at City College alone lost their jobs, and the Cold War investigating committees and loyalty oaths that followed, are over. But are teachers safe today, secure in the belief that their academic freedom protects them in their professional lives? Marjorie Heins's book, *Priests of Our Democracy*, will make you think again.

The book's title is taken from a decision by Justice Felix Frankfurter (City College Class of 1902) in a 1952 test case on an Oklahoma loyalty oath, in which he described teachers as "the priests of our democracy." Democracy, Frankfurter wrote, depends on "disciplined and responsible public opinion," which in turn demands that teachers be free "to do their jobs." The following year, Chief Justice Earl Warren wrote of "the vital role in a democracy that is played by those who guide and train our youth...."

LOYALTY OATHS

While Cold War anti-communism targeted all public workers, it was the teachers who were most often suspect. Frankfurter's comment suggested a central reason they were suspect, one that resonates with attacks on teachers in the past decade with its War on Terror.

More than a century ago, with the rise of the modern university, came the first high-profile academic freedom cases. All turned on economic and labor issues: the first to be fired in the 1890s and 1900s were labor economists whose views offended businessmen and politicians.

In New York, the search for subversive teachers began with the infamous but short-lived Lusk Laws of 1921, demanding a loyalty oath for schoolteachers. Requiring public school and college teachers to sign loyalty oaths as a condition of their employment became common across the country. In New York, the Ives Loyalty Oath Law was imposed in 1934, and at least 22 states had such laws on the books by 1936.

The country's most effective purge prior to the Cold War was that of New York's Rapp-Coudert Committee, 1940-42. Its investigators began by subpoenaing the membership lists of the New York Teachers Union, AFT Local 5, as well as the College Teachers Union, which had won its own AFT charter in 1938. The union member-

ship lists then served as the road map for the investigation.

In her detailed and well-researched book, Heins explains how that purge and subsequent investigations by federal committees led to dismissals of faculty members under the State's 1949 Feinberg Law and Section 903 of the NY City Charter, damaging first the public colleges and then the public schools.

Coudert's Red purge stemmed from a 1935 election in the Teachers Union that ousted the longtime Socialist leadership in favor of a rank-and-file coalition that included some Communists. The ousted leaders left the union, cooperated with the investigating committee and pressed the AFT to strip the Teachers and College Teachers Unions of their charters, finally succeeding in 1941. They were joined by philosophers Sidney Hook and John Dewey, liberals who saw the urgent need to rid the schools of "Red" teachers in thrall to a foreign ideology. Hook readily offered investigators the names of union members he suspected. The Teachers Union continued valiantly on for another 13 years as a CIO union.

JUDICIAL PRECEDENT

In her largely sympathetic account, Heins says she strived for a "balanced" view of the Red scare, trying to distinguish between the leftism of the victims and liberalism. The author is troubled by the Communist Party's secrecy and particularly by the ways some suspects tried to survive the hearings. If they refused to name names, subpoenaed teachers faced firing whether they confessed to party membership or not: in the Rapp-Coudert hearings, they couldn't plead the First or the Fifth Amendment. Times were tough when the purges started and most of them had families to support. As important, very few were willing to sacrifice their colleagues as the price for saving their own skins.

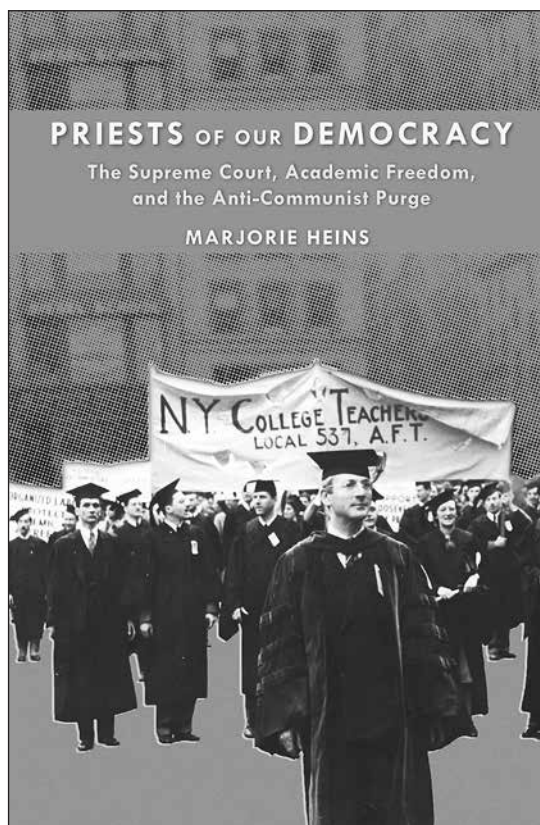
Heins is troubled by those who perjured themselves. The party's secrecy, and the evasiveness of those hauled before investigating committees, didn't win much public sympathy. Had the party taken the credit it often deserved for being in the forefront of progressive trade unionism, the struggle for civil rights, and anti-fascism, the public might have seen the subsequent purges differently. But this was not a decision many of the individuals in these sad accounts could have made.

While many academics might see academic freedom as grounded in the Bill of Rights, Heins reminds us that the Supreme Court's jurisprudence is less than reassuring on this point. The greatest significance of her book lies in her careful unraveling of the court's rulings on issues of academic freedom, most of them in postwar Red Scare cases – and many involving faculty at colleges that are part of CUNY today.

Many of the Court's early decisions in academic freedom cases relied on Justice Oliver Wendell Holmes's 1892 statement that a public employee "may have a constitutional right to talk politics, but he has no constitutional right to be a policeman." As Heins points out, this ruling ignores the vital issue of the government's power to demand the renunciation of constitutional

rights as a condition of employment. Teachers and other public employees who refused to answer questions on Fifth Amendment grounds were called "Fifth Amendment Communists," and deemed to be without a constitutional right to their jobs.

The Court began to rule differently in the 1950s, after Earl Warren's appointment as Chief Justice. The first case to undermine the anti-communist teacher purges involved Harry Slochower at Brooklyn College. Ident-



tified by the Rapp-Coudert committee in 1941, Slochower had escaped dismissal for lack of corroborating witnesses. The Senate Internal Security Subcommittee began subpoenaing teachers in this situation at its 1952 hearings in New York. Although Slochower then testified about his party membership during the previous 11 years, he refused to talk about his membership prior to that time, invoking the Fifth Amendment.

Within days, the Board of Higher Education (BHE) suspended Slochower without pay, along with Vera Shlakman of Queens College and Bernard Riess of Hunter. Under Section 903 of the City Charter, all three faculty members were summarily dismissed without a hearing or trial for refusing to answer the committee's questions.

In 1956 the Court struck down Slochower's dismissal on narrow due-process grounds. Only hours later, Brooklyn College President Harry Gideonse brought new charges of "conduct unbecoming," and Slochower resigned rather than suffer another BHE trial.

A year later, in *Sweezy v. New Hampshire*, the Court ruled against the state attorney general's attempt to make Paul Sweezy's "private life a matter of public record" in a broad investigation into what the Court saw as "such highly sensitive areas as freedom of speech or press, freedom of political association, and freedom of communication of ideas, particularly in the academic community." Once again, the Court's decision rested on due-process grounds. But Warren

added an academic freedom concern, writing that "scholarship cannot flourish in an atmosphere of suspicion and distrust."

In a concurring opinion, Justice Frankfurter tried to make academic freedom the pivot on which the case turned, referring to a group of South African scholars' plea for respecting the "four essential freedoms of a university – to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." Unfortunately, as Heins so aptly puts it, Frankfurter saw this in terms of the university as a whole, without distinguishing between the interests of the institution and those "of the scholars who do the crucial intellectual work." This has remained a point of contention, affecting issues from faculty members' union rights to the scope of academic freedom for adjuncts.

The Court's most important decision came in 1967 in the case of Harry Keyishian and others. A young English instructor at SUNY Buffalo, Keyishian refused to sign the certificate attesting that he wasn't a Communist demanded by the Board of Trustees as a condition of employment under the Feinberg Law. Keyishian had been a student at Queens College when Oscar Shaftel and Vera Shlakman were suddenly dismissed in 1952. In striking down the Feinberg Law, Justice William Brennan wrote that: "Our nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

The Keyishian case stripped public officials and education boards of the means used to root out teachers accused of subversion. Now vindicated, New York's schoolteachers and professors sought reinstatement or pension benefits. But the city and the BHE delayed for years. As one of them saw it, more important than pensions was the loss of "378 of [the city's] best teachers during a critical time when these teachers were badly needed.... [They were the ones who had] succeeded in building a bridge between the school and the community."

DAMAGE DONE

Heins readily acknowledges the tragic consequences of the purges, not only for the individuals, but for all in narrowing our political discourse, and in the demise of the New York Teachers Union in 1964, the Rapp-Coudert Committee's original target in 1940. Lamenting the destruction of "the bridge between the school and the community," she concluded that "The union's advocacy for minority children, for decent facilities, and against racism was history by the time desegregation battles tore apart the school system in the late 1960s and early '70s. ...[H]ad this remarkable union not been destroyed, the subsequent race wars in the schools of New York City might have been avoided."

This is an important and valuable book for anyone interested in the Constitutional dimension of the anti-communism that erupted in the mid-20th century, and which wreaked so much damage on US schools, colleges and unions. Marjorie Heins has done a remarkable job.

"Loyalty oaths" were later challenged.



15-MINUTE ACTIVIST

Dial for DREAM and support TAP

Every Thursday this month the NYS Dream Act Coalition is organizing a call campaign to Governor Andrew Cuomo to encourage him to extend the Tuition Assistance Program (TAP) to all college students

regardless of immigration status. Here's a simple script: "Hi, my name is _____ and I am calling to urge Governor Cuomo to include the New York Dream Act in his executive budget." Dial (518) 474-8390.

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LABOR HISTORY

Clarion | December 2013

WEIGHTLESS WORKERS

On strike in outer space

By SAMIR CHOPRA

Brooklyn College

Skylab 4, the third and final manned mission to NASA's Skylab space station, was launched on November 16, 1973 and concluded on February 8, 1974. It was the longest manned flight – 84 days – in the history of space exploration at that time. Skylab 4's crew – astronauts Gerald Carr, William Pogue and Edward Gibson – conducted dozens of experiments and demonstrations during their time in low-Earth orbit, including observations of Earth's resources and the surface of the sun. The three astronauts also performed space walks, floating high above the earth's atmosphere as they carried out inspections of the space station's exterior and performed maintenance and repair.

In addition to performing this catalogue of impressive scientific and technical work, the Skylab crew – highly trained, motivated and educated men of impressive military and scientific training – also went on strike.

NEGOTIATIONS

Shortly after their mission began, the crew refused to work for one day, and had to be persuaded to return to their duties. In other words, a good old industrial action followed by negotiations with "management" took place in outer space.

Skylab 4's status as a landmark in human space exploration is, then, not just because of its duration, but also because it has important lessons to teach us about labor relations in spaceflight. These issues have thus far only been imaginatively alluded to in fictional stories of disgruntled crew members on board the starship Enterprise, but will become germane if long-duration human space flight – to Mars, or to the Moon to establish lunar colonies – ever becomes a reality. And Skylab 4 holds some lessons for earthbound workplaces as well.

The Skylab 4 mission reminds us that while spaceflight might seem



Above, members of the Skylab 4 mission at work while orbiting more than 260 miles above Earth.

glamorous and pristine, like the gleaming white space suits astronauts wear, on closer inspection it can reveal many of the familiar human and environmental dynamics that make our workplace relationships so fascinating and challenging. It illuminates the tensions that may arise between a rigid, controlling administration and a group of workers ostensibly selected for their discipline and psychological wherewithal to resist the stress of spaceflight. It was, of course, useful for other reasons, too. By noting the Skylab 4 strike, I do not mean to diminish the crew's activities, or reduce their 12-week stint in space to merely this story.

GUINEA PIGS

From the moment the crew went into orbit, their lives were a blur of experiment and regulation, tightly and excessively controlled by a domineering set of NASA mission coordinators at Houston's Mission Control. Time was limited; a large number of scientific experiments had been planned by an enthusiastic

group of scientists on earth.

For every single second of their waking hours the crew was prodded, poked, telemetered, scanned and required to work through long, tedious checklists of activities. Every bodily function had to be recorded and regulated – this was, after all, a mission whose primary objectives included the study of the effects of long-term habitation in space. The three men were designated "astronauts," but all too often they were made to feel like highly trained and monitored guinea pigs.

This tone of panopticon-like control had been set from the very beginning, when Bill Pogue vomited – an entirely normal reaction to arrival in low-Earth orbit, one which sometimes afflicts even experienced astronauts – shortly after arriving at the station. He decided, in collusion with other members of the crew, to not report the incident to Houston. But unknown to the astronauts, they were being monitored and eavesdropped upon round

the clock, and soon they were castigated for the failure to report it. The way that early eavesdropping incident was handled destroyed much of the trust between the Skylab crew and Mission Control.

The astronauts soon realized that they were, for all practical purposes, under total surveillance; they had no privacy and there was nowhere they could "hide" from the peeping eyes and ears of NASA's Mission Control. And they were severely overworked.

Faced with this remote discipline, the crew asserted their resistance. They had the most combative, unvarnished conversations ever with Houston, a far cry from the sanitized politeness characteristic of astronaut communications with ground controllers.

They became notorious for "complaining." And they complained about everything. They complained about their towels, they complained about their toilets, they complained about the pockets on their spacesuits being too small, and they complained about their Velcro strips not working.

Matters finally came to a head when Pogue, Carr and Gibson "took a day off" and did whatever they pleased, ignoring their predetermined schedule. For instance, on this self-enforced furlough, Ed

Gibson, the resident science pilot, a solar physicist with a PhD from California Institute of Technology, retired to the solar observation station and spent the entire workday recording images at his own pace, not bothering to make any detailed entries in his lab handbooks.

"Negotiations" followed. Carr put forward the astronauts' demands: "We need more time to rest. We need a schedule that is not so packed. We don't want to exercise after a meal. We need to get things under control." Mission Control, for their part, felt the crew's "rigidity" was making it "difficult for them to

have the flexibility of scheduling needed." Finally, though, the astronauts were reassured that ground controllers were "very happy with the way you are doing business." Work schedules were altered, expectations adjusted; the astronauts were made fuller "partners" in their mission's planning, and work resumed.

The story of Skylab 4 prompted much discussion about the regulation of work in space. For instance, it was clear that workers in space, unless policed by another crew, possessed some rather straightforward advantages in their negotiations with "management." To begin with, space flight is tremendously expensive, with every minute of space flight time costing thousands of dollars, as the crew – trained at great expense – operates multi-million dollar equipment developed over years of research. Furthermore, space workers cannot be replaced easily; putting another crew in space instead of Carr, Gibson and Pogue would have required a Saturn rocket launch, not an undertaking to be carried out in a rush.

CONTENTIOUS

It has since been suggested that the so-called "revolt" or "strike" wasn't really one at all. But these revisionist accounts do not discount the contentious and irritable relationship between Houston and Skylab 4, nor do they refute the notion that even highly trained military types and scientists fully convinced of the value of their work are likely to push back when placed in an artificially controlled, too-tightly-regulated environment.

The lessons here are not just for humans in space flight, but for any workplace environment that approximates these conditions. We ignore them at our peril.

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NASA

**Astronauts
in conflict
with
scientific
management**