

Memorandum



September 17, 1990

TO: Gordon DiRenzo, Chair
Faculty Welfare and Privileges Committee
Faculty Senate

FROM: Linda S. Gottfredson *lg*
Educational Studies

RE: Complaint regarding the Ban on Pioneer Monies

I hereby bring a complaint against the members of the Faculty Senate Research Committee,¹ President E. A. Trabant, President David Roselle, the members of the Executive Committee of the Board of Trustees,² Thomas White (Assistant Treasurer), and Victor Martuza (Chair, Department of Educational Studies) for violating my academic freedom and for showing a callous disregard for the harm their impermissible actions would inflict on me.

The Research Committee violated my academic freedom by investigating my scholarly activities under the guise of investigating the Pioneer Fund, by recommending that a faculty privilege (seeking grant monies from a particular source through University auspices) be withheld on purely ideological or political grounds, and by justifying its recommended ban partly on objections to my own work. Moreover, it impermissibly burdened my scholarly activities and callously disregarded threats to my academic freedom and the irreparable harm that the ban would inflict on my program of scholarship.

President Trabant violated my academic freedom by instituting a political investigation of my funding source and then banning its monies, President Roselle and the Board of Trustees by endorsing the ban, and administrators White and Martuza by enforcing it. These respondents all failed to inquire into the threats their actions might pose to my academic freedom, and all invoked statements explicitly justifying the ban on impermissible (ideological) grounds.

¹Lawrence Nees (chair), Jack Gelb, Michael Klein, Fadil Santosa, Barbara Settles, Jonathan Sharp, Richard Sylves, and Robert Varrin.

²Members attending the June 26 special meeting included Andrew Kirkpatrick (chair), David Bolen, J. Bruce Bredin, Werner C. Brown, John E. Burris, Catherine B. Flickinger, Edward G. Jefferson, James F. Kearnes, G. Burton Pearson, Jr., and Robert F. Rider.

Both the Research Committee and the Board of Trustees showed a flagrant disregard for the truth and the harm that that disregard might cause me, the former by writing a report seriously misrepresenting the Pioneer Fund and the latter by stating that (erroneous) public perceptions by certain groups on campus take precedence over the truth when that serves the University's objectives (specifically, "of increasing minority presence at the University").

The respondents have also created a climate hostile to open inquiry by ruling, in effect, that certain legitimate approaches to policy issues (affirmative action) and certain legitimate scientific questions (possible genetic differences by race) are illegitimate at the University of Delaware.

This complaint supersedes my May 17/June 22 complaint. It differs from my earlier one by citing additional violations of my academic freedom (principally, the University's July 18 refusal to process my grant application to the Pioneer Fund), by naming more respondents (the Executive Committee of the Board of Trustees and the two administrators who have refused to process Pioneer applications), and by providing additional documentation for my charges.

Your committee may, if it wishes, join this complaint with Jan Blits' parallel September 17 complaint about the University's ban on Pioneer monies and its refusal to process his June 4 grant proposal to the Fund. This complaint may also be joined with two other highly related complaints: my September 17 complaint regarding the Sociology Department's recent decision to withdraw its cross-listing of a course I teach, and my September 17 complaint regarding prejudice and unfairness in my department's decision to deny me promotion last fall.

All documents cited in the footnotes are attached (in chronological order).

Chronology of Major Events

The ban on Pioneer monies can be traced to a history of objections on campus to the content of my scholarship, specifically that part of my research which examines the societal dilemmas created by individual and group differences in mental ability (for example, in personnel selection). These objections, which I had occasionally heard second-hand since arriving at the University in 1986, erupted publicly in the form of the highly-publicized controversy over the source of my grant monies. That controversy was initiated by a long letter on October 31 to the University President by another faculty member, William Frawley, in which he (falsely) accused the Pioneer Fund of having "a long and continuous history of supporting racism, anti-Semitism, and

other discriminatory practices" and in which he suggested that the University consider banning Pioneer monies.

In response, President Trabant asked his assistant, Ron Whittington, to investigate the history of the Pioneer Fund. Local and national media attention to the controversy began when the student newspaper reported the charges on November 9 and called for the return of grants I had already received. (With one minor exception, I have been the only recipient of Pioneer monies at the University of Delaware.) On November 22, the President turned the official investigation of the Pioneer Fund over to the Faculty Senate Committee on Research when he asked it to consider the issues and formulate recommendations.

During the ensuing months, with the help of Blits (the other Pioneer recipient), I investigated the specific charges leveled against the Pioneer Fund, documenting my conclusions in a series of memos.³ As summarized in my March 18 memo to the Research Committee,⁴ the mass of accusations against the Pioneer Fund proved to consist only of outright falsehoods, innuendo, and guilt-by-association.

Prior to the public controversy, there had existed only an ineffectual subterranean campaign against my work. For example, a complaint by the Affirmative Action officer to my dean in 1987 led nowhere.⁵ With the publicity over the Pioneer Fund, however, the pre-existing objections were mobilized. Condemnations of my work and my character, together with suggestions that my tenure be broken, quickly appeared in the news media and reports to the University's Research Committee. Indeed, those condemnations were used to support and augment the criticisms of my funding source. The private complaints about the content of my own work, which the dean could earlier brush aside for being either

³November 14, 1989 memo ("The Pioneer Fund") from me to President Trabant. November 22, 1989 memo ("More Information on the Pioneer Fund") from me to Ron Whittington, Assistant to the President, with four addenda. November 30, 1989 memo ("Four More Items Concerning the Pioneer Fund") from me to EDS faculty, staff, and graduate students. December 15, 1989 memo ("Dick Venezky's December 6 Memo on the Pioneer Fund") from me to Ron Whittington, Assistant to the President.

⁴March 18, 1990 memo ("The Pioneer Fund") from me to Lawrence Nees, chair of the Research Committee.

⁵Dean Frank Murray's July 27, 1987 memo to Muhammad Ahmed ("The Reception of Dr. Gottfredson's Research"). See also my personal notes, dated May 22, 1988, in which I log conversations with Dean Frank Murray, Chair Victor Martuza, and a member of the U. S. Commission on Civil Rights about other such complaints on campus.

unsubstantiated or irrelevant, had, with the lurid attacks on my funding source, become transformed into potent political pressure on the University to publicly denounce work like mine.

For example, the University of Delaware African American Coalition (UDAAC) stridently denounced my work over a several-month period. In doing so, it spoke of the Fund and me indistinguishably. The first three paragraphs of its widely publicized January 30 report to the University Research Committee,⁶ for instance, begins as follows:

"The charter of the Pioneer Fund, many of the foundations it supports and much of the research it funds, including the work of Professor Gottfredson...stand in direct opposition to University of Delaware goals..."

"Gottfredson's and The Pioneer Fund's arguments are based on the naive assumption..."

"Gottfredson and the Pioneer Fund on the other hand see ..."

The Coalition's report (endorsed by the regional NAACP) also imputed erroneous motives and beliefs to me, summarized my work as "dangerous, irresponsible and unethical," and concluded its examination of my research by "sincerely hop[ing] that the faculty of the University of Delaware will not allow this type of research to represent them in the larger academic community" (p. 13).

An "Open Letter to the University Community," paid for by the Coalition and published on December 1 in the student newspaper,⁷ had earlier suggested that my research created an unacceptable climate on campus and that the University "must begin to look at long term practices which work against [the] goal" of a diverse educational community. Similarly, the Coalition's spokesman had announced on January 3, in a letter to the Philadelphia Inquirer,⁸ that his organization "has begun the task of digging through the mountain of so-called research by

⁶January 30, 1990 report from the University of Delaware African-American Coalition to Lawrence Nees, chair of the Research Committee ("Statement Filed by UDAAC: The University of Delaware African-American Coalition").

⁷"An Open Letter to the University Community from UDAAC, The University of Delaware African-American Coalition," The Review, December 1, 1989, p. 9.

⁸January 3, 1990 letter to the editor of The Philadelphia Inquirer ("Racial research at U. of Delaware") by Chuck Tarver, p. 6-A.

Prof. Gottfredson and her cronies and has sounded the alarm," concluding that "[i]t is our hope that the University of Delaware quickly comes to the conclusion that it is dangerous to be associated with people who preach hatred, call it research and then claim academic freedom."

Less than two weeks after receiving the Coalition's report, which dealt at length with my research, the chair of the Research Committee, Lawrence Nees, telephoned me to request my Pioneer-related publications and other materials. On February 20 he followed-up with a written request,⁹ claiming that the Committee's examination of my work would be merely for understanding "the relationship of the Pioneer Fund with the University of Delaware." On February 26, he wrote to Jan Blits, who had notified the Committee that he too was a recipient of Pioneer funds (through my grant), to request his Pioneer-related materials.¹⁰

On March 16 the Research Committee held closed-door hearings with members of UDAAC, other critics, and several University administrators. The president of the Pioneer Fund, the co-investigator on some of my early Pioneer grants, and I gave testimony in hearings held on March 20.

On April 23 the Research Committee transmitted its April 19 report to the President.¹¹ The Committee tacitly rejected the original accusations against the Pioneer Fund, virtually ignoring them. At the same time, it recommended (p. 1) that the University "neither seek nor accept further financial support from the Pioneer Fund." Stating first (and erroneously) that "[a] preponderant portion of the activities supported by the Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds" (p. 1), the committee then leapt to the conclusion that "[a]ccording to this view, which the activities supported by the Fund propagate, affirmative action plans are unjust and doomed to failure, and should be abandoned" (p. 11). This presumed view, the committee concluded,

⁹February 20, 1990 letter from Lawrence Nees, chair of the Research Committee, to me.

¹⁰February 26, 1990 letter from Lawrence Nees, chair of the Research Committee, to Professor Jan Blits.

¹¹April 19, 1990 report from the Research Committee to President Trabant ("Report of the Faculty Senate Committee on Research on the Issue of the University of Delaware's Relationship with the Pioneer Fund").

April 23, 1990 letter of transmittal from Lawrence Nees, chair of the Research Committee, to President Trabant.

was in sharp conflict with the University's commitment to racial and cultural diversity.

President Trabant accepted the reasoning and recommendations the following day in a letter to the chair of the Research Committee.¹² The President's decision to ban Pioneer monies was announced in a press release on April 30,¹³ the President's last day in office. The ban was accepted shortly thereafter in public remarks by the new University President.¹⁴

On May 21 Harry Weyher, President of the Pioneer Fund, wrote to all members of the Board of Trustees requesting a review by the full Board of President Trabant's decision. In that letter and his accompanying May 5 analysis of the Research Committee's report, he detailed errors and misrepresentations in the Research Committee's report. On July 2 Andrew Kirkpatrick, Chair of the Board, wrote to Mr. Weyher that the Executive Committee of the Board (which is authorized to act for the Board between meetings) had met (on June 26), and that it "is not disposed to override the conclusion of the Faculty Senate Committee and the University administration."¹⁵ Chair Kirkpatrick's letter explicitly accepted the Committee's and President Trabant's rationale (that association with the Pioneer Fund conflicted with the University's commitment to diversity and affirmative action), but it also went beyond that rationale by acknowledging, in effect, that the beliefs of certain groups on campus, even if mistaken, dictated the University's ban on Pioneer monies. The truth or falsity of the Committee's report was irrelevant:

An important finding of the Faculty Senate Committee's Report is that "[a] preponderant portion of the activities supported by the [Pioneer] Fund either seek

¹²April 24, 1990 letter from President Trabant to Lawrence Nees, chair of the Research Committee.

¹³April 30, 1990 University of Delaware press release ("U.D. Takes Action on Pioneer fund").

¹⁴For example, a May 2, 1990 Delaware State News article ("New University of Delaware president is confident," pp. 1, 7) and a June 6 letter from President Roselle to Professor Michael Levin, City University of New York. Dean Murray reported in a June 7, 1990 memo to me ("Grievance on the Pioneer Fund") that "President Roselle made his view on the Pioneer Fund matter [that he supports the ban] quite clear at his first meeting of the Trustees," although the minutes of that May 16 meeting do not record that fact.

¹⁵July 2, 1990 letter from Andrew Kirkpatrick, chair of the Board of Trustees, to Harry Weyher, President of the Pioneer Fund.

to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds,..." (e.g., pp. 1 & 6). No matter whether that is in fact the orientation of Pioneer Fund or not, that is perceived as the orientation of the Fund by at least a material number of our faculty, staff, and students.

Without judging the merits of this perception, the Board's objective of increasing minority presence at the University could in the view of our Executive Committee be hampered if the University chose to seek funds from the Pioneer Fund at this time. This decision simply signifies that the University does not at present find its participation consistent with the University's overall interests.

On July 11 I submitted a proposal to the Pioneer Fund to complete work in progress, specifically to edit a book based on a 1988-1989 colloquium series which I had organized and which the College of Education had sponsored.¹⁶ On July 18 my department chair returned the proposal to me, stating that seeking Pioneer monies "is not in accordance with University policy" and attaching as policy President Trabant's April 24 letter accepting the Research Committee's April 19 report.¹⁷ In doing so, he followed exactly the lead of the Assistant Treasurer, who had on July 3 rejected Professor Blits' June 4 grant proposal to the Pioneer Fund.¹⁸

Because President Trabant's April 24 letter, which constitutes "University policy," invokes the Research Committee's report as its basis, I also cite that report in documenting my complaints against all the respondents.

¹⁶July 11, 1990 grant proposal by me ("Project for the Study of Intelligence and Society") in the form of a letter to Harry Weyher, president of the Pioneer Fund, with the relevant University Contracts and Grants Proposal cover sheet.

¹⁷July 18, 1990 memo ("Your Grant Proposal 'Project for the Study of Intelligence and Society'") from Victor Martuza, chair of the Department of Educational Studies, to me with President Trabant's April 24 letter to Lawrence Nees attached as the "University policy."

¹⁸July 9, 1990 memo ("Your Pioneer Fund Proposal") from Victor Martuza, chair of Educational Studies, to Professor Jan Blits. Attachments included a July 3, 1990 memo ("J. Blits Proposal to Pioneer Fund") from Thomas White, Assistant Treasurer, to Victor Martuza and President Trabant's April 24 letter to Lawrence Nees, chair of the Research Committee.

I. The Respondents' Actions Violate My Academic Freedom¹⁹

A. The respondents have violated my academic freedom by denying me a faculty privilege on purely ideological grounds.

The Research Committee denies that it is forbidding anyone from carrying out research or speaking his or her mind on any question. All the University is doing, it says, is preventing faculty members from receiving funds through the University from a particular source. As proof that this prohibition does not violate a faculty member's rights, it points to the fact that there already are restrictions on the receipt of funding for classified research and for research involving conflicts of interest, and it argues that the University has the right to set other limits and conditions on funding it will accept.²⁰

This argument, however, fails to meet the issue of academic freedom. Academic freedom prevents the University from treating different faculty members differently--in this case, withholding or granting a faculty privilege--on the basis of their (or someone else's) political beliefs. And this is so even when the faculty members harmed or benefitted have no absolute right to the benefit withheld or offered.

The University has clearly violated this prohibition by refusing to process my application for research funding for political reasons. First, the Research Committee specifically refers to differences in belief about affirmative action as a basis for its recommendation.

According to this view [about racial differences] which the activities supported by the Fund propagate, affirmative action plans are unjust and doomed to failure, and should be abandoned. The University of Delaware's express commitment to equal treatment and ... affirmative action policies, is in sharp conflict with the position embraced and supported by the Pioneer Fund...

The University of Delaware should neither seek nor accept

¹⁹These violations are analogous to the University's violations of my constitutional rights (under the First and Fourteenth Amendments). This complaint does not invoke my constitutional rights or address their violation, for I wish to reserve these and other rights.

²⁰April 19, 1990 report of the Research Committee, p. 3.

any further financial support from the Pioneer Fund as long as the Fund remains committed to the intent of its original charter and to a pattern of activities incompatible with the University's mission (p. 11).

Next, in his April 24 letter, President Trabant adopts the report as University policy, specifically repeating the latter statement about the incompatibility of the Fund's "intent" and "pattern of activities" with "the University's mission."

Then, on July 2, the chair of the Board of Trustees, speaking for the Executive Committee of the Board, cites perceptions of the "orientation" of the Fund which might "hamper" the "Board's objective of increasing minority presence at the University."

What the University has done here is the same as what it would have done had it banned funding from groups because they support research that was insufficiently anti-communist or because it violated the Republican Party platform. It is quite irrelevant that the University has committed itself to affirmative action and multi-cultural policies. The University is free to pursue its "mission," no matter how laudable, only in ways that remain consistent with academic freedom. In this case, the University has stepped outside that boundary.

The Research Committee tries to avoid the appearance of denying me a faculty benefit on the basis on my political beliefs, by claiming, in effect, that it is doing so on the basis of other people's political beliefs, namely, other recipients of Pioneer Fund grants and the Fund itself. This sleight-of-hand, far from helping the University, however, seriously hurts its case. If it would violate my rights for the University to deny me benefits on the basis of my own beliefs, it surely would be a greater violation of my rights to deny me those benefits on the basis of what other people may believe.

B. The respondents have violated my academic freedom by impermissibly burdening my scholarly activities.

The University has violated my academic freedom not only by treating my on-going funding source differently from other funding sources on the basis of political disagreement, but also by impermissibly burdening my research activities.

In an attempt to get around the charge that its ban directly infringes my right to do research, the Committee suggests (p. 10) that "a faculty member may seek permission to establish a center or program independently of the University, subject to the restriction that University commitments to research, teaching, and service continue to be met, and could seek financial support

from the Pioneer Fund through that program without directly involving the University." In an effort to clarify what the Committee's suggestion would mean in practice, I spoke with Robert Varrin, Associate Provost for Research (and a member of the Research Committee), who confirmed in writing my understanding of the suggestion.²¹

In practice, the Committee's suggestion would mean that all my Pioneer-supported activities would be banned from campus. I could not use any of the University's usual facilities for my funded research, including duplication, computing, and mailing services as well as personnel and accounting services. I could not use even my office, telephone, or university address or continue to employ a secretary and research assistant on campus.

That is not all. Besides unfairly burdening my research by withholding usual resources, the Committee's suggestion would force me to change my area of research and to give up the possibility of normal academic consulting, and it would face me with a serious threat of losing my tenure at the University. The University strictly limits the amount of time a faculty member may use for "outside employment" (20% of the workweek, or one day a week, noncumulative). At the same time, I am required to spend 25% of my time on research. Now, under the Committee's suggestion, my funded-research ("research in a field of [my] choice") would be reclassified as "outside employment" (research for "pecuniary return") and therefore limited to only 20% of my time. On the other hand, because that work would no longer be counted as research, I would have to develop a new line of research, clearly segregated--separated by a clear "wall," in Varrin's words--in time, place and resources from my Pioneer-funded research, to account for at least 25% of my university time--and do all this without impairing any of my teaching or service obligations. This would not only force me to choose between normal consulting and Pioneer-funded research; it would also confront me with the serious problem that if I spent either more than 20% of my time on my chosen field of research or less than 25% of my time on a demonstrably new field of research, I would be subject to the charge of having violated my University obligations--a charge which can result in the breaking of tenure.

The Research Committee tries to make much of the distinction, it claims, between a faculty member's right to pursue research and a faculty member's "privilege to seek funding for that research through the University." However, by denying

²¹June 6, 1990 memo ("Outside Employment as an Alternative to On-Campus Pioneer-Funded Research") from me to Robert Varrin, Associate Provost for Research. June 15, 1990 memo ("Outside Employment by University of Delaware Employees") from Robert Varrin to me.

that so-called privilege, the University is in fact destroying that right. The power to tax is the power to destroy, and the University has placed a prohibitive tax on my doing "research in a field of [my] choice" (p. 2).²²

The University's ban on Pioneer monies is thus entirely different from the other kinds of limitations it has set on outside funding. So long as the University does not use forbidden criteria, it is of course free to set conditions (for the sake of allocating its own resources, administrative convenience, and so on) on the acceptance of outside funding. But it may not set political acceptability as a criterion. If the argument made by the Research Committee were legitimate, the University would be able to do by the backdoor what the Committee itself denies the University could do by the frontdoor--abridge a faculty member's right to pursue research in a field of his or her choice.²³

C. In addition, the Research Committee violated academic freedom by investigating my scholarly activities and those of Professor Blits (the two Pioneer grantees on campus) under the guise of investigating the Pioneer Fund.

The Committee report states repeatedly (p. 2) that the Committee did not and would not direct its attention to a faculty member's work, clearly acknowledging the abridgement of academic freedom such attention would represent.

[T]he Committee wishes to make clear that Professor Linda Gottfredson...has not been the focus of this investigation.

[T]his Committee would reject any charge to conduct an ad hoc inquiry into a faculty member's work. That work enjoys the full protection of academic freedom...

The work performed under [Gottfredson's] grant...is not at issue.

[T]he Committee has never directed its attention to the content or method of any faculty member's research or teaching...

In fact, however, the Committee did inquire into my work as well

²²See also Section III.B, below.

²³See Professor Chris Boorse's August 7, 1990 analysis of the Research Committee's April 19 report ("Abolishing Academic Freedom in Funded University Research") for additional discussion.

as that of a fellow Pioneer grantee at this University.

Specifically, the chair of the Research Committee telephoned me on February 15 and then wrote on February 20 to request not only my grant proposals to the Pioneer Fund but also my Pioneer-supported publications, together with cover letters, which I had distributed with Pioneer support.²⁴ The stated reason for the request was obscure but expansive (that "[the Committee might] have the fullest possible record") and was applied not only to "the relationship between the Pioneer Fund and the University of Delaware" but also (and more ominously) to "the [faculty] activities carried out as a result of that relationship."

On February 26, the chair of the Research Committee also wrote to Professor Blits (who had received some summer salary from one of my grants for work on a Pioneer-supported paper) for materials documenting his involvement with the Fund.²⁵

Professor Blits and I complied with the requests for materials about our scholarship, but we both wrote the chair of the Research Committee to express our uneasiness, soon substantiated by the Committee's report, that the focus of the investigation had shifted improperly.²⁶

D. The Research Committee violated my academic freedom by relying in part on criticisms of my own scholarly activities to justify its recommended ban.

Despite the Committee's claim (p. 2) that it "would oppose any attempt to restrict a colleague's rights in these protected areas [research and teaching]," its April 19 description of the Fund's purportedly unacceptable "pattern of activities" includes three unidentified references to my own Pioneer-funded activities (one in a list of eight grants to institutions, and two in a list of six other Pioneer-funded activities or grantees). Thus, without naming me, the Committee used my own work to impugn the motives of the Fund, and then cited those presumed motives as justification for banning Pioneer monies--a ban which obviously would have its harshest effects on me--and all the while insisting that it "has never directed its attention to the

²⁴February 20, 1990 letter from Lawrence Nees, chair of the Research Committee, to me.

²⁵February 26, 1990 letter from Lawrence Nees, chair of the Research Committee, to Professor Jan Blits.

²⁶February 26, 1990 letter from me to Lawrence Nees and February 27, 1990 letter from Jan Blits to Lawrence Nees, both transmitting the requested materials.

content...of any faculty member's research."

- (1) In describing the Fund's pattern of activities, the Committee's report (p. 7) cites grants to the Johns Hopkins University. I was co-principal investigator with Robert Gordon on all those grants. The Committee was well aware of this, for it had questioned me about the grants during the hearings.
- (2) The report (p. 8) then quotes a statement attributed to Robert Gordon ("the consequences of differences in g can be quite pervasive...") which was actually contained in a one-page flyer²⁷ bearing my name as well as Gordon's. That flyer, which was supplied to the Committee,²⁸ was an enclosure with one of Gordon's Pioneer-funded research papers that Pioneer had funded me to distribute under the aegis of our joint Delaware-Johns Hopkins Project for the Study of Intelligence and Society.
- (3) The Committee's report (p. 7) also refers in this context to the publication and distribution of Arthur Jensen's research on the g factor ("Research, publication and distribution of materials supported by the Pioneer Fund include the work of Arthur Jensen, who has argued repeatedly for the existence of what he calls a 'g factor'"). Once again, the Committee is referring to one of my grant activities, namely, to the special issue of the Journal for Vocational Behavior ("The g Factor in Employment") which I guest-edited and distributed with a grant from the Pioneer Fund, and to which Jensen contributed an article ("g: Artifact or Reality?"). It should be noted that the term "g factor" is not Jensen's but mine. Contrary to what the Committee claims, it is not a term that Jensen uses, but rather is one that was coined for the conference on which the JVB issue was based. This volume was part of the material I had supplied the Committee at its request.

II. The Respondents Showed a Disregard for Academic Freedom

The Committee professed its respect for "full freedom in

²⁷Flyer with the heading "Compliments of Project for the Study of Intelligence and Society."

²⁸By another member of my department.

research" but, as shown above, the Committee itself abridged my academic freedom directly and through various sleights of hand. Both its actions and its recommendation evince only a disingenuous concern for academic freedom. By accepting the Research Committee's recommendation without question, the other respondents illustrated their own disregard for that freedom.

A. The Committee failed to consider academic freedom with due seriousness.

First, the Research Committee failed to ask Pioneer grantees whether its deliberations and potential recommendations might abridge their academic freedom, and it ignored statements volunteered by those grantees that the Committee's investigation and any ban on Pioneer monies would seriously and unfairly burden their research.

Although the Committee questioned me closely in its hearing about my previous grant proposals, not once did it ask me what effects a ban on Pioneer monies might have on my ability to continue my scholarly activities. The Committee chair expressed no interest in my judgment, except to question its truth, that my research was mainstream but nonetheless virtually unfundable except by the Pioneer Fund.²⁹

The Committee asked the president of the Pioneer Fund during its hearings whether the Fund could give money to individuals, but it never asked me whether this alternative to receiving monies through the University would in fact be workable for me, and, if so, when it could become available to me. Moreover, the Committee completely ignored Professor Gordon's statement, volunteered the hour before I met with the Committee, that having to incorporate as a non-profit organization in order to take grants from the Pioneer Fund would be "the kind of intellectual tax that has the power to destroy."³⁰

Second, the Committee instead raised the issue of academic freedom in its report primarily to dismiss it as a serious concern. In its brief discussion of academic freedom (pp. 2-3), the Committee devoted more space to merely professing its allegiance to the principle and to claiming that it would never inquire into faculty work than it did to answering specific faculty arguments that a Pioneer ban would violate academic freedom. Even then, the Committee exaggerated one compelling argument in order to dispense with it. It transmuted the claim

²⁹March 29, 1990 memo ("The Committee's Request for Documents") from me to Lawrence Nees, chair of the Research Committee.

³⁰Page 41 of the March 20 transcript with Harry Weyher and Robert Gordon.

that faculty may not be denied funding on impermissible grounds ("ideological tests")³¹ into the easily rebutted "assert[ion of] an absolute right to seek funding" (pp. 2-3, emphasis added). A right need not be absolute to be protected against ideological tests.

Third, the Research Committee suggested an alternative for receiving Pioneer monies (discussed in Section I.B. above) without ever investigating whether its suggestion would be workable or would impose intolerable burdens on prospective recipients.

B. The Board of Trustees showed a reckless disregard for academic freedom.

The Board of Trustees removed all pretense of concern for academic freedom (as well as for truth) when its chair wrote,³² in supporting the ban on Pioneer monies:

An important finding of the Faculty Senate Committee's Report is that "[a] preponderant portion of the activities supported by the [Pioneer] Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds, ... (e.g., pp. 1 & 6). No matter whether that is in fact the orientation of the Pioneer Fund or not, that is perceived as the orientation of the Fund by at least a material number of our faculty, staff, and students.

Without judging the merits of this perception, the Board's objective of increasing minority presence at the University could in the view of our Executive Committee be hampered if the University chose to seek funds from the Pioneer Fund at this time. This decision simply signifies that the University does not at present find its participation consistent with the University's overall interests.

Some critics of academic freedom over the years have argued that such freedom may be properly abridged in the name of truth. The Board of Trustees, new to the cause, argues that such freedom

³¹The January 21, 1990 letter from Professor Chris to Lawrence Nees, chair of the Research Committee, is the most detailed letter to the Committee on this point.

³²July 2, 1990 letter from Board of Trustees Chair Andrew Kirkpatrick to Harry Weyher, President of the Pioneer Fund.

may be properly abridged in the name of mere (mis)perception.

C. None of the other respondents showed any regard for academic freedom.

All of the respondents were well aware that the ban would directly affect my research program, for both the media and the Committee's own report explicitly identified me as a recipient of Pioneer grants (totalling \$174,000 at the University of Delaware since 1988). Many of them knew how dependent my program was on those grants. Yet none of them asked me (or Blits) what effect their actions might have on our ability to continue to pursue our scholarship freely.

III. The respondents' violations
have harmed and will continue to harm my ability
to carry out my scholarly activities.

A. The University's official investigation of my funding source forced me to abandon my scholarly activities during the last year (1989-90).

The enormous amount of time demanded by the University's investigation and the related controversy made it impossible for me to continue my research last year.³³ In particular, I had to forego both new research and two writing obligations (a book chapter³⁴ and a journal article³⁵). Unable to devote time to my

³³The investigation and associated controversy it legitimated demanded an enormous amount of my time and attention during the last ten months--investigating and working with others to investigate the multiple charges against the Pioneer Fund and its grantees, documenting the results of those investigations, consulting with the AAUP, lawyers, and others to determine and defend my rights, preparing timely grievances and complaints in order to maintain those rights, and answering endless inquiries by mail, telephone, and face-to-face discussion from, among others, University colleagues and administrators, the Research Committee, faculty at other institutions, journalists and authors of all kinds, and members of the public.

³⁴"Differences in intelligence as a basis of the occupational hierarchy." To have been a chapter in L. Ellis (Ed.), Stratology: Inquiries into the biosocial basis of social stratification. Praeger.

usual scholarly activities, I also had to drop plans for a national conference, "Ability Differences in a Democracy: Challenges to Educational Policy," tentatively scheduled for Spring 1991 at the University. Even if I had had the time, however, the criticisms of my research inflamed by the University's investigation would probably have turned my search for a new source of funding and for conference participants into a fruitless exercise. When the Pioneer Fund controversy erupted, one potential source of funding quickly terminated its discussions with me, explicitly citing fear of becoming entangled in controversy as its reason for doing so.

I also had to discontinue all other work connected with the Project for the Study of Intelligence and Society. The Project was established in 1986 by Professor Robert Gordon and me to support and extend our research programs. Under the aegis of the Project, we conduct original research, we organize symposia, edited volumes, and other collaborative national activities, and we disseminate Project publications to interested audiences, including the 1,200 members of our mailing list.

Owing to the University investigation's and related controversy's demands on my time, I had to indefinitely postpone the four mailings which I had scheduled for the year and to suspend preparations for two more. This loss is not merely short-term. Because we have been unable to retain contact with the mailing-list members, the Project is losing the visibility and effectiveness that Professor Gordon and I had built up over the last four years--visibility which we had hoped would help us develop additional sources of funding. Because of the Postal Service's one-year limit on the forwarding of mail to new addresses, we are losing our ability to continue to contact some existing mailing list members because a substantial number of them move in any given year.

B. The University's ban on Pioneer monies will cripple the program of scholarly activities I have built up since coming to the University.

The University's ban on Pioneer funding will also continue to cripple my program of scholarship, which is crucially dependent on outside funding. For example, the research depends heavily on a research assistant (I have had research assistance approximately half time for the ten years before and the four after coming to the University of Delaware). It is also dependent on computing resources and the purchase of secondary data (both on computer and in print) and related publications and

³⁵"The relative importance of g as a job aptitude requirement." To have been published in the Journal of Vocational Behavior.

reports. My periodic theoretical syntheses of the empirical literature on particular multidisciplinary questions also require considerable support, both for assistance with library research and for the purchase of technical reports (much of the literature in my field consists of unpublished government technical reports for sale through various clearing houses).

My collaborative scholarly activities, such as organizing symposia and editing volumes, and my efforts at research dissemination have both played a crucial role in Professor Gordon's and my joint Project. These activities, too, are expensive (e.g., honoraria, travel, accommodations, and substantial postage) and cannot be continued without the sort of financial support I had regularly received from the Pioneer Fund.

Nor would it be possible to do my work with Pioneer funding but without the benefits of doing it on campus. There would be little advantage, for example, to have a research assistant who could not use the library. Likewise, the restrictions put on the amount of time I would be permitted to spend on outside employment, the prohibitions on the use of my office, telephone, mailing address, etc., and the supporting services the University routinely makes available to other researchers (duplication, accounting, conference services and facilities, and the like), would clearly cripple my research as a whole and my collaborative and dissemination activities in particular.

Furthermore, even if other funding were to be available, the search for it would be very time-consuming. And even if the funding were found--a prospect only diminished by the University's action against my previous source of funding--considerable time would be lost before the funds were actually obtained. Thus, even under the best (if the least likely) of conditions, the University's ban would cripple my scholarship, jeopardizing future work while destroying much of my past four years' painstaking efforts.

The grant proposal which the University recently refused to process represents an immediate loss and illustrates the general problem. I proposed to continue scholarly activities of the past two years which were initiated in 1988-89 with financial support (\$14,000) from the College of Education and then supported by (University-approved) grants from the Pioneer Fund during 1989-90, with the expectation of continuation of the work (a national conference and edited book) supported in part by the Pioneer Fund.³⁶ Without the Pioneer Fund's support (and with the related controversy), I have had now to cancel the conference and will

³⁶A description of the colloquium series, which also discusses the follow-up activities, is attached to my July 11, 1990 grant proposal to the Pioneer Fund.

probably have to cancel the book as well.³⁷ Even if other funding were now to become available, much time would already have been lost and the project would no longer be timely. In my area of research, as in other areas of social science, a project that has lost its timeliness has also lost its scholarly value.

It should be stressed that the University's action, which forces me to find new sources of funding, also makes it more difficult than ever for me to find them. Funding for my research has always been difficult for ideological reasons. Now, however, any foundations that might otherwise have considered funding me could rightly fear the same kind of inquisition to which the University subjected the Pioneer Fund--an inquisition, indeed, in which truth is no defense against misperception. As already noted, a foundation with which I was exploring possible funding ended its discussions just for this reason.

When I was hired by the University in 1986, I came with the understanding that I would continue and expand my program of Pioneer-supported scholarship. In refusing to process my proposals to the Pioneer Fund, the University violates this understanding and augments and makes permanent the unfair burdens it imposed on me during the last year. As a result of its actions, I will likely have to abandon the program of scholarship I have painstakingly built since arriving here.

IV. The respondents' disregard for the truth and for free inquiry in the search for truth has damaged and will continue to damage my scholarly activities.

A. The respondents have essentially banned certain legitimate scientific questions (genetic differences by race) and unfairly burdened me as a result.

The Research Committee recommended banning Pioneer funds in large part because it found unacceptable that the Pioneer Fund might be supporting studies on genetic differences by race. The question of whether such differences exist is a matter to be settled, not by administrative fiat or political pressure, but by the scientific inquiry being conducted in various disciplines. In trying to do the former, the Research Committee has denied the legitimacy of seeking the truth on this question and has impugned the integrity of all scholars who entertain (or are thought to entertain) the question.

³⁷Several University administrators have suggested that I use my remaining funds to finance the book. Not only are those funds insufficient for the purpose, but they are also obligated for other activities.

The Executive Committee of the Board of Trustees removed all doubt that truth was secondary to ideology or political pressure in the recommendation, acceptance, and implementation of the ban when its chair indicated that (a) certain beliefs in this scientific area are sufficient to justify the ban on Pioneer monies and (b) only a "material number of faculty, staff, and students" need to believe, correctly or not, that an organization promulgates the views in question before the University may act to institute such a ban. A clearer illustration of the ideological suppression that academic freedom is designed to prevent would be hard to find.

By chilling open inquiry into topics which are related to (but not actually a part of) my own work, the respondents have also damaged me. My reputation is tainted and potential colleagues intimidated by this official stamp of opprobrium, for the controversy and the Research Committee itself effectively labelled me one of a group of grantees who engage in what the University has now treated as ideologically proscribed work. Persons who would still associate with me rightly fear being tainted themselves by the association. Among other problems, including the poisoning of my collegial life on campus, I can now expect fewer colleagues, both on campus and off, to be willing to participate in future symposia, conferences, and other collaborative activities that I organize.

B. The Research Committee's report misrepresented the truth about the Pioneer Fund and thereby burdened my own work even further.

The stigma imposed by the University's investigation and its subsequent ban is compounded by the Research Committee's failure to acknowledge that the major charges against the Pioneer Fund were wild and false, and therefore largely disregarded in its report. It tacitly rejected nearly all the original charges without ever acknowledging that it did so.

This misrepresentation by omission is eclipsed, however, by the Committee's own misrepresentation by commission. To mention only one of its most serious distortions,³⁸ the Research

³⁸See Professor Chris Boorse's August 7 analysis (pp. 4-8, 18-19) of the Committee's report for others, including the Committee's misrepresentation of the Fund's grant procedures and the activities it supports. For example, contrary to the Committee's claim (p. 1) that "[a] preponderant portion of the activities supported by the Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds," very few of the

Committee claimed that the Pioneer Fund's original charter "was explicitly a 'for whites only' document" (p. 5) and that "the Pioneer Fund has not repudiated the original [discriminatory] intent of its charter" (p. 5). This charge of illegal discrimination is simply false. The Pioneer Fund never had a "for whites only" charter. In its original charter, a provision for the awarding of scholarships contained a racial preference (not a racial exclusion), but the Fund never implemented that provision and has never employed a racial preference in any of its affairs. The Committee, however, misrepresents the truth when it claims the Pioneer Fund had, not merely a racial preference in a never-used scholarship provision, but a "for whites-only charter." And it compounds this distortion when, quoting the Fund's president selectively and out of context, it twists his testimony during the Committee's hearings that (1) the Fund's disuse of the provision constitutes a repudiation of the racial preference, and (2) the scholarship provision (which no longer contains the racial preference) has been retained simply "for the historical record,"³⁹ to confirm its allegation that the Pioneer Fund not only was a "for whites only" organization, but remains one to this day.⁴⁰

Not only has the Committee shown a disregard for the pursuit of truth through scholarly inquiry, but also a disregard for the truth itself in its own inquiry. Not only has it proscribed certain beliefs, but it has also misrepresented crucial facts concerning the Pioneer Fund, imputing to it an illegal and immoral "intent." In misrepresenting and distorting the truth about my funding source and its intentions, the Committee has further damaged my reputation and, consequently, my professional opportunities and working conditions, including my chances of ever finding other academic jobs or sources of funding.

research studies supported by the Fund (and none of the other activities) have addressed genetic differences by race.

³⁹Pages 33 and 36 of the March 20, 1990 transcript of hearings before the Research Committee with Pioneer Fund President Harry Weyher and Professor Robert Gordon.

⁴⁰ Senate Research Committee report, pp. 5-6.

V. Relief Sought

Through both direct and indirect means, the University has abridged my constitutional rights and academic freedom and made my working conditions intolerable. A university which has already shown flagrant disregard for free and open inquiry and for truth itself cannot be trusted to refrain from harming me further in the future. I therefore seek from the University the following relief from future harm and compensation for damages already incurred.

1. Reversal of the ban on Pioneer monies and assurance that funding sources will not again be restricted on ideological or political grounds
2. Public apology from the President in a manner that is fair and appropriate under the circumstances
3. Release from all non-research duties for a just and reasonable period to be proven at ^{hearing} ~~arbitration~~ and to be devoted to repairing damage and delay to my research program.
4. A just and reasonable monetary award, in an amount to be proven at ~~arbitration~~, for financial expenses and damage to my reputation. ^{hearing}
5. Assurance that the administration will not again selectively punish, stigmatize, or otherwise burden any past or future Pioneer Fund applicant.

cc: Maxine Colm
Frank Murray
Vic Martuza
George Cicala

VIII. Attachments

- # 1987
- 1 July 27 Memo from Dean Murray to Muhammad Ahmed, the affirmative officer, regarding how best to proceed with the concerns Ahmed brought to him about the implications of my line of work
- 1988
- 2 May 22 My notes about ideological complaints on campus about me and my work which were relayed to me by the Dean and others
- 1989
- 3 October 31 Letter from me to President Trabant (after I learned that complaints about the Fund were impending) stating that the Pioneer Fund is a legitimate foundation that has frequently been subject to McCarthy-like attack
- 4 November 14 Memo from me to President Trabant replying to some of Frawley's charges against the Pioneer Fund
- 5 November 22 Memo from me to Ron Whittington replying to more of Frawley's charges
- 6 November 30 Memo from me to EDS faculty replying to more of Frawley's charges
- 7 December 5 Paid advertisement in The Review by the UD African-American Coalition criticizing my work and encouraging the University to disassociate itself from such work
- 8 December 6 Memo from Richard Venezky to Ron Whittington making additional charges against the Fund and me
- 9 December 15 Memo from me to Ron Whittington replying to Venezky's charges
- 1990
- 10 January 3 Letter to the editor of The Philadelphia Inquirer from UDAAC representative Chuck Tarver charging me with preaching hatred
- 11 January 9 Undated cover letter of mine and Robert Gordon's which was submitted to the Research Committee by

another faculty member (the Research Committee later quoted the last sentence, which had been highlighted in the submission)

- 12 January 21 Letter from Professor Chris Boorse to Lawrence Nees discussing specific ways in which a ban on Pioneer monies would violate academic freedom
- 13 January 30 Report from UDAAC to Lawrence Nees accusing me and the Fund of racism and encouraging the University to disassociate itself from such work
- 14 February 16 Memo from me to Lawrence Nees, chair of the Research Committee, requesting clarification of his telephone request for my Pioneer-related materials
- 15 February 20 Letter from Lawrence Nees to me requesting my materials
- 16 February 26 Letter from Lawrence Nees to Jan Blits requesting his Pioneer-related materials
- 17 February 26 Letter from me to Lawrence Nees supplying the requested materials but expressing my concern about the shift of focus in the Committee's investigation
- 18 February 27 Letter from Blits to Lawrence Nees supplying the requested materials but expressing concern about the shift of focus in the Committee's investigation
- 19 March 18 My memo to Lawrence Nees giving my general conclusions about the Pioneer Fund and the issues before the Committee
- 20 March 20 Transcript of testimony by Harry Weyher, President of the Pioneer Fund, and Robert Gordon, Professor of Sociology at the Johns Hopkins University, at the Committee's hearing
- 21 March 29 Memo from me to Lawrence Nees providing materials requested at the hearing
- 22 April 19 Research Committee's report recommending that Pioneer monies be banned from campus
- 23 April 23 Letter from Lawrence Nees to President Trabant transmitting the Committee's report to him
- 24 April 24 Letter from President Trabant to Lawrence Nees accepting the Committee's report
- 25 April 30 University's press release announcing the

President's ban of Pioneer monies

- 26 May 2 News article in the Delaware State News reporting support by President Roselle of the Pioneer ban
- 27 June 6 Memo from me to Robert Varrin, Associate Provost for Research, recording my understanding of the University's policy with regard to outside employment
- 28 June 6 Letter from President Roselle to Professor Michael Levin justifying the Pioneer ban
- 29 June 7 Memo from Dean Murray to me reporting that President Roselle told the Board of Trustees that he was in full agreement with the conclusions of the Nees Committee
- 30 June 15 Memo from Robert Varrin to me verifying my understanding
- 31 July 2 Letter from Andrew Kirkpatrick, Chair of the Board of Trustees, to Harry Weyher, President of the Pioneer Fund, stating the Board's agreement with the ban and giving a political rationale for that agreement
- 32 July 9 Memo from Chair Martuza to Jan Blits saying that the Assistant Treasurer refused to process Blits' proposal, citing President Trabant's April 24 letter to Lawrence Nees as University policy
- 33 July 11 Grant proposal from me to the Pioneer Fund, including all attachments
- 34 July 18 Memo from Chair Martuza to me refusing to process my grant proposal to the Pioneer Fund, attaching President Trabant's April 24 letter to Lawrence Nees as University policy
- 35 August 7 Analysis by Professor Boorse of the Research Committee's April 19 report