
Summer Research Seminar at Stanford Law School June 26-July 2, 2011

The Institute for Constitutional History is pleased to announce its twelfth annual residential summer research seminar for advanced graduate students and junior faculty, which will be co-sponsored by the Stanford Constitutional Law Center. This year's seminar is entitled:

ACADEMIC FREEDOM, FREE SPEECH, AND THE FIRST AMENDMENT



INSTRUCTORS:

David A. Hollinger is Preston Hotchkis Professor of History at the University of California, Berkeley. The 2010-11 President of the Organization of American Historians, he is an elected Fellow of the American Academy of Arts and Sciences and was formerly Harmsworth Professor of American History at the University of Oxford. His books include *Postethnic America: Beyond Multiculturalism* (3rd edition, expanded, 2006) and *Cosmopolitanism and Solidarity* (2006). He is a former Chair of the AAUP's Committee A on Academic Freedom and Tenure.

David Rabban is Dahr Jamail, Randall Hage Jamail & Robert Lee Jamail Regents Chair in Law and University Distinguished Teaching Professor, University of Texas School of Law. He is the author of *Free Speech in its Forgotten Years* (Cambridge University Press 1997), which was co-winner of the Morris D. Forkosch Prize presented by the Journal of the History of Ideas for "the best book in intellectual history published in 1997." He has also written widely on academic freedom. A former staff counsel of the American Association of University Professors (AAUP), he served as General Counsel of the AAUP from 1998 to 2006 and has been Chair of the AAUP's Committee A on Academic Freedom and Tenure since 2006.

PROGRAM CONTENT:

This workshop will address the foundations of academic freedom within and beyond the First Amendment to the Constitution of the United States. Although some discussants have sought to defend academic freedom and freedom of speech on the same grounds, others have sharply distinguished between the two and have sought to vindicate academic freedom in the distinctive institutional role of teachers and researchers.

Participants will be encouraged to explore a great range of historical, theoretical, and practical issues in this commodious domain. Possibilities for study include the following: What are the implications of changing conceptions of “truth,” “neutrality,” and “expertise” for the traditional defense of academic freedom? Do constructions and defenses of academic freedom need to change when the threats to academic freedom are understood to come from corporate donors and private interests rather than administrators and trustees? Where does the First Amendment fall short as a defense of academic freedom? How might a more imaginative use of First Amendment doctrine actually strengthen the defense of academic freedom? To what extent do academic freedom claims by universities and professors reinforce or conflict with each other? To what extent, and on what basis, might we conclude that the principles of academic freedom can be applied differently when a college or university has a religious mission? Does the religious freedom clause of the First Amendment have implications for academic freedom doctrine? What do we learn from a close, detailed study of specific academic freedom disputes, either recent or in earlier periods? Why did so many defenders of academic freedom disagree over whether the termination of Ward Churchill’s employment at the University of Colorado constituted a violation of academic freedom? Can a viable case for the tenure system be developed except on the basis of the need for teachers and researchers to have the academic freedom that tenure is understood to protect? Do students have a claim to academic freedom as opposed to simply freedom of speech? What is the relationship between intellectual property law, including as embodied in the Bayh-Dole Act, and academic freedom? Does the substance of academic freedom change when faculties engage in collective bargaining?

We will conduct this seminar as a workshop; we welcome early career scholars and graduate students. We ask that participants identify their topics in advance and provide a short bibliography of suggested shared readings. Our regular meetings will be devoted to discussion of significant texts identified by the conveners and the presentation by participants of early work in progress for comment and refinement. Special presentations will be made by Professor Michael McConnell of Stanford Law School on academic freedom in religious universities and by Ninth Circuit Judge Raymond Fisher and president emeritus of Stanford University Donald Kennedy on the dismissal of Professor Bruce Franklin from the Stanford English Department following his involvement with campus protests against American involvement in Vietnam. Some time outside the scheduled meetings will be reserved for individual consultation with the seminar leaders.

LOGISTICS:

The seminar will meet at Stanford Law School, from June 26-July 2, 2011. The Institute for Constitutional History will reimburse participants for their travel expenses (up to \$350), provide accommodation at the Munger Graduate Residence on the Stanford campus, and offer a modest stipend to cover food and additional expenses. Seminar enrollment is limited to fifteen participants.

APPLICATION PROCESS:

Applicants for the seminar should send a copy of their *curriculum vitae*, a brief description (three to five pages) of the research project to be pursued during the seminar, and a short statement on how this seminar will be useful to them in their research, teaching, or professional development. Materials will be accepted until April 15, 2011, and only by email at MMarcus@nyhistory.org. Successful applicants will be notified soon thereafter.

FURTHER INFORMATION:

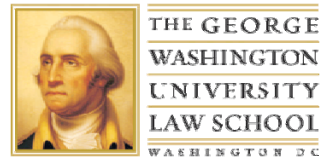
For further information, please contact Maeva Marcus at (202) 994-6562 or send an email to MMarcus@nyhistory.org.

ABOUT ICH:

The Institute for Constitutional History (ICH) is the nation's premier institute dedicated to ensuring that future generations of Americans understand the substance and historical development of the U.S. Constitution. Located at the New York Historical Society and the George Washington University Law School, the Institute is co-sponsored by the American Historical Association, the Organization of American Historians, and the American Political Science Association. The Association of American Law Schools is a cooperating entity. ICH prepares junior scholars and college instructors to convey to their readers and students the important role the Constitution has played in shaping American society. ICH also provides a national forum for the preparation and dissemination of humanistic, interdisciplinary scholarship on American constitutional history.

ABOUT THE STANFORD CONSTITUTIONAL LAW CENTER:

The Stanford Constitutional Law Center grows out of the long and distinguished tradition of constitutional law scholarship at Stanford Law School. The Center seeks to carry on that tradition by directing attention to the most fundamental questions of constitutional order, especially the allocation and control of governmental power through law. The Center advances this mission through events and activities that foster scholarship, generate public discussion, attempt to transcend ideological divides, and provide opportunities for students to engage in analysis of the Constitution.



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