



Open Letter from North Carolina Scholars

December 14, 2013

To Governor McCrory and State Budget Director Art Pope,

As scholars from institutions of higher education throughout North Carolina and citizens committed to the constitutional right of free speech, we call on you to condemn the Civitas Institute's demand for six weeks' worth of personal email correspondence, phone logs, text messages, and calendar entries from Gene Nichol, Boyd Tinsley Distinguished Professor and Director of the Center on Poverty, Work and Opportunity at the UNC School of Law.

This request is clearly in retribution for Professor Nichol's public commentary critical of your administration. We write to both of you because it is public knowledge that, in the words of the Institute for Southern Studies, "Civitas gets over 90 percent of its funding from the Pope family foundation -- so much so that the IRS classifies it as a 'private foundation,' a designation reserved for nonprofits that depend on a single benefactor." Thus, citizens may reasonably infer that a sitting administration is using a private tax-exempt nonprofit organization funded by one of its leading officials to retaliate for criticism of its policies and intimidate future dissent. To our knowledge this action is unprecedented in our state's political history.

Such an attempt at punishing speech ill befits an organization that purports in its mission statement to advance "liberty" and to "empower citizens to become better civic leaders." Imagine if a nonprofit institution affiliated with an administration of the other party demanded the email of a conservative faculty critic. The Civitas Institute would be outraged; so would we.

Mr. Pope's foundations are well aware that Professor Nichol is one of many North Carolina scholars who have begun publicly expressing concern about the direction of state policy since your administration took office. We believe the purpose of this action is not simply to retaliate against Professor Nichol but also to discourage future dissent from faculty in higher education. Such abuse of power to suppress critics should be condemned by all people of good will.

Scholars are citizens. Like all Americans, we have the right of free speech, freedom of assembly, and indeed the positive obligation to participate in public life "to form a more perfect Union." Sometimes, our research expertise also bears directly on policy matters. To support smart policy and draw attention to misconceived or destructive policy is part of our responsibility as trained researchers and writers in a democratic nation.

We, the undersigned, from 61 departments and 24 institutions of higher education, call you to speak out publicly on this matter and to meet with a small delegation of faculty concerned about the future of free speech for employees of our public institutions.

Sincerely,

Nancy MacLean, William H. Chafe Professor of History and Public Policy, Duke University;*
Co-Chair, Scholars for North Carolina's Future (SNCF), and **primary contact: (919) 995-2432**