

# MAINE

## USM president's BLM statement and 'antiracism pledge' troubling for many reasons

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Last week, Reason covered a story about the new "Black Lives Matter Statement and Antiracism Pledge" being circulated at the University of Southern Maine. The statement, issued by President Glenn Cummings on July 10, reads in part, "We recognize that to reach our goals – to be student-focused every day, to be a great university to work for, and to uphold the principles of equity and justice – we must add our voices to the Black Lives Matter Movement."

Outside of opposing racism – which the vast majority of Americans do – the Black Lives Matter (BLM) movement includes policy stances with which the majority of Americans may actually disagree, including defunding the police, reparations for the descendents of slaves and disrupting the "Western-prescribed nuclear family structure."

To be clear, the pillar of BLM's platform that seeks to stamp out racism in our society is well-founded, and one we should all support. But the Marxist principles and tendencies that compose much of the rest of the movement should not go unquestioned by the American public. After all, the movement's founders do call themselves "trained Marxists."

In the statement, Cummings says if there is any doubt about inequality and injustice experienced by people of color, to consider these realities:

- The pandemic continues to claim Black lives at more than three-and-a-half times the rate of white mortality.
- The multiplier effects of racism and the pandemic are prompting mental health experts to warn of a looming increase in suicidal ideation among Black Americans.
- Intentionally constructed and deeply ingrained racist policies continue to deny Black, Indigenous and People of Color access to education, employment, housing, healthcare, justice and voting — and increase their chances of incarceration.
- Too many syllabi feature perspectives that reflect and reinforce white privilege.
- Too few positions of leadership and influence in government, industry, and academia are held by Black, Indigenous and People of Color.
- Too many people continue to pose defiantly with Confederate flags to frame white supremacy as tradition and heritage.

Cummings' letter gives members of the USM community an opportunity to sign the antiracism pledge and adds "We will add names as we receive them."

After the pledge was criticized by Reason, the webpage that hosts the pledge on USM's website was recently updated to read: "No administrator will see the list of people who pledge to practice antiracist behaviors. The names of those who pledge to practice antiracist behaviors are being collected so that we may provide the USM community, at a future date, an aggregate-level report of the number of people who pledge."

In other words, it appears the university intended to publish a list of those who had signed the pledge until they realized what type of backlash and retaliation members of the university community would face if they didn't sign the pledge, as well as its ability to encroach on academic freedom.

Cummings' original statement also quotes Ibram Kendi, author of "How to Be an Antiracist", saying the university believes "the only way to undo racism is to constantly identify it and describe it – and then dismantle it."

Josh Blackman, a constitutional law professor, adjunct scholar at the Cato Institute and president of the Harlan Institute, notes other sections of Kendi's book, like "The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy present discrimination is future discrimination."

***"The Antiracism pledge is especially problematic for state institutions. Kendi advances arguments in favor of affirmative action that the Supreme Court rejected three decades ago in City of Richmond v. J.A. Croson Company; past racial discrimination cannot justify rigid racial quotas. And Grutter v. Bollinger likewise held that universities cannot use affirmative action to remedy past discrimination...This pledge is calling on state actors to take positions that are in violation of Supreme Court precedent. In many regards, antiracism is unconstitutional," Blackman writes.***

Unlike a recent pledge mandated by Ohio State University, USM's pledge is optional – Cummings' letter says "please consider signing" it. Nonetheless, universities are not in the business of establishing political orthodoxies. It is also unclear if the intent is for signatories to be standing up against racism and racist behaviors in signing the pledge, or if they're adding their voice to the BLM movement.

As University of Chicago Law School professor Brian Leiter writes about Cummings and USM's pledge:

***"You can't call on members of the community to sign an 'anti-racism pledge,' just like you can't call on them to sign a loyalty oath to American capitalism. Of course, this isn't quite as bad as mandating as a condition of employment a profession of loyalty to the ideology of anti-racism (whatever that is: "I won't join the Klan," "I won't use racial epithets"?, "I won't disagree with Black Lives Matter?"), but it comes to the same thing: after all, the President has issued a public call for signatures, his staff has duly signed, so who would want to risk being branded a 'racist' for failing to be counted? But there are plenty of non-racist reasons not to sign: e.g., doubts about what will count as 'the conditions and structures' that allegedly support bigotry, doubts about who one is being asked to 'stand in solidarity' with and doubts about their conceptions of 'justice.' No one, least of all this blowhard President (who sounds more like the former politician he is), knows what it means to be an 'antiracist...in all aspects***

*of your life.’ That the President goes on to quote the totalitarian wannabe Ibram Kendi certainly does not inspire confidence.”*

The pledge also has the potential to squelch constitutionally-protected extramural speech, or professors’ private speech outside of the classroom. What professor in their right mind would engage in extramural speech that criticizes the BLM movement or in any way offends the “woke” left after refusing to sign the pledge? What impact could those statements have on their employment, particularly a professor seeking tenure? Would Cummings and the university actually stand up for their employees’ First Amendment rights, or cave to the mob?

Days after the pledge was released to the university community, Cummings released another statement introducing the Faculty and Staff of Color Association (FSOCA), a new group of USM employees that will “help guide the President’s Cabinet and the University community to greater levels of equity and anti-racism,” Cummings said.

FSOCA wrote a letter to President Cummings calling on the university to address the following issues:

- Support and endorse a USM faculty-and-staff-of-color advocacy group, such as FSOCA, and recognize the expertise and recommendations of this group as more than merely advisory.
- Compensate and encourage time in regular working hours for staff to participate in anti-racist activism, advocacy, and engagement; as well as support and reward this work in annual reviews, remuneration, and promotion.
- Develop and fund student fellowships dedicated to affirmatively combating racism. These fellowships would include both financial and mentor/scholarly support to integrate their academic work to the application of fighting racism in our institution and community.
- Recognize, support, and reward in faculty promotion, tenure, and remuneration anti-racist activism, community engagement, applied practica, and action research.
- Take active steps to not only recruit, but retain faculty, staff, and students of color.
- Systematically measure recruitment, retention, and support of faculty, staff, administration, and students of color; and make this data available to the community.
- Support an independent and accessible USM committee/collaborative body (not just singular positions beholden to the Office of the President and disconnected from institutional systems) to accompany the newly created AVP of Equity and Inclusion position. This committee may be the IDAC group, but empowered to effectively advocate for faculty, staff, and students of color; as well as measure the impact of policy changes to promote equity; and hold USM leadership accountable for proposed changes.
- As we organize for remote learning in fall 2020, concertedly address the barriers that may be disproportionately borne in this medium by students of color and particularly by immigrant students, first-gen, and low-income students; and take constructive proactive steps to ameliorate these barriers.”

It appears FSOCA wants faculty, staff and students to be financially rewarded for pursuing antiracism, along with an authoritative role in determining what actions in the community qualify as racist behavior. What could go wrong with that? In addition, some of their suggestions and Cummings' recent public statements raise concerns under Title VI of the Civil Rights Act and equal opportunity employment laws.

A distinguished former USM professor, speaking to The Maine Wire on the condition of anonymity, criticized Cummings and the university's recent actions.

"I vigorously object to the whole idea that [USM] endorse an ideology, which is exactly what this BLM pledge does. You know as well as I do that the ideology behind it is Marxist. Ultimately, these people reject the Enlightenment and the idea of Western culture. I thought that Glenn [Cummings] might have been more resistant to this due to the Feiner affair," the professor said, referencing retired USM professor Susan Feiner, who offered a one-credit "pop-up" course to USM students to travel to Washington D.C. and protest Brett Kavanaugh's appointment to the Supreme Court. Feiner created the course using a \$500,000 grant from the National Education Association that covered the costs of social justice-related pop-up classes and was ultimately banned from teaching at USM after the incident.

"These episodes have vast implications on the integrity of our educational disciplines, especially if faculty members are required to incorporate in their syllabi material that is basically a political program. It hurts the integrity of academic freedom," the professor said.

It should also be noted that encouraging people to sign a pledge to practice antiracist behavior doesn't actually do anything to prevent or end racism, particularly since it stands to reason that those who already consider themselves to be antiracist would be most likely to sign the pledge.

Similarly, publishing aggregate-level figures on the number of people who signed the pledge is pointless. As Blackman noted on Thursday, "There is no way to verify that people who submit their names are in fact students or employed by USM. (Signatories do not need to authenticate their attendance). And let's assume we can narrow down the submissions to those who actually attend, or work for, the university. What is the denominator? I am struggling to think of a way these numbers will be useful."

They're not, and that's how we know that USM is not serious about ending racism in its community. The pledge and Cummings' statements are nothing more than hollow virtue signaling, and further exemplify why it is improper for an institution of higher learning to be distributing political pledges, establishing political orthodoxies or compelling speech from its faculty and students.