



December 9, 2021

Dear President Tate,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

Principles of academic freedom and free speech include the right of professors to speak in public on matters of public concern without the threat of sanctions by their university employer. Unfortunately, the state Attorney General Jeff Landry is not respecting those basic principles, and we call upon Louisiana State University to hold firm to its stated principles and constitutional obligations.

Professor Robert Mann posted on twitter that Attorney General Landry was “[sending some flunkie](#) to the LSU Faculty Senate meeting” to discuss vaccines. The next day, the attorney general used his official twitter account to criticize Professor Mann’s tweet for making “[disparaging remarks](#)” about his assistant attorney general. More disturbing, Attorney General Landry announced that he had spoken to you and “expressed my disdain and expectation for accountability” and asserted that “this type of disrespect and dishonesty has no place in our society” and that he hopes “LSU takes appropriate action soon.”

I write on behalf of the Academic Freedom Alliance to express our firm view that Professor Mann should suffer no formal consequences as the result of this social media post. Regardless of what one thinks about Professor Mann’s tweet, the only appropriate action that LSU should take in this situation is to publicly reaffirm the free speech rights of the members of its faculty.

This call for the university to take formal action against Professor Mann is a clear threat to his academic freedom. Social media posts are a form of what the [American Association of University Professors](#) calls “extramural speech.” Extramural speech is a protected form of freedom of expression. When professors “speak or write as citizens, they should be free from institutional censorship or discipline.” As the AAUP has emphasized, “The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness for the position.” Louisiana State University has explicitly embraced those principles in [Policy Statement 15](#). The university has stated clearly that faculty members have the right to express their personal opinions as citizens and have a full “freedom to express their views on matters within their institution and its policies.” Professor Mann was acting well within those rights in commenting on the appearance of a government official at a university meeting to discuss university activities and policies.



Admittedly, Policy Statement 15 is not as full-throated in its expression of the principles of academic freedom as it should be. It acknowledges the First Amendment rights of members of the faculty, but is disturbingly vague in suggesting that this right to express personal opinions on matters of public concern “does not decrease the responsibility and accountability that a faculty member bears to the governing board, the system, the state, and the nation.” Even so, the policy statement indicates that such “accountability” might properly follow only if public expressions by professors are not “defensible by discipline, scientific, and ethical standards.” In this case, it is clear that Professor Mann is expressing a personal political opinion that cannot properly call into question his professional fitness as a scholar in a school of mass communication. If the university were to attempt to interpret the scope of its faculty’s freedom to express their political beliefs in public so narrowly, it would fly in the face of generally accepted principles of academic freedom and the requirements of the First Amendment.

It is well established that state universities like Louisiana State University are constrained by the First Amendment of the U.S. Constitution. Professors at state universities enjoy certain First Amendment protections relative to their university employer, and state universities cannot discipline or sanction members of their faculty for constitutionally protected speech. In particular, the U.S. Supreme Court observed in *Connick v. Myers*, 461 U.S. 138, 140 (1983) that “a public employee does not relinquish rights to comment on matters of public interest by virtue of government employment.” The Court has sharply limited when government employers can interfere with such speech, insisting that “so long as employees are speaking as citizens about matters of public concern, they must face only those speech restrictions that are necessary for their employers to operate efficiently and effectively.” *Garcetti v. Ceballos*, 547 U.S. 410, 419 (2006). The mere fact that the government disagrees with the content of the speech is no constitutionally valid reason for restricting the private speech of a government employee. As the Court noted in *Rankin v. McPherson*, 483 U.S. 378, 384 (1987), “vigilance is necessary to ensure that public employers do not use authority over employees to silence discourse, not because it hampers public functions but simply because superiors disagree with the content of employees’ speech.” Precisely because the speech at issue here involves the personal political opinions of a member of the faculty, the university’s constitutional authority to restrict that speech is quite limited.

For a state attorney general to call for a state university to sanction a member of its faculty because he disagrees with the views that the professor expressed on social media is a grave threat to academic freedom. The AFA calls upon the leadership of Louisiana State University to reaffirm and adhere to its academic freedom principles by making clear that Professor Mann will be not be sanctioned in any way for his constitutionally protected speech.



Sincerely,

A handwritten signature in black ink, appearing to read "KW", with a long, sweeping horizontal line extending to the right.

Keith Whittington
Chair, Academic Committee, Academic Freedom Alliance
William Nelson Cromwell Professor of Politics, Princeton University

cc. Professor Robert Mann
Winston G. DeCuir, Jr., Vice President of Legal Affairs and General Counsel
Mandi Lopez, President of Faculty Senate
Jeff Landry, Attorney General of the State of Louisiana