Resolution on NYC Department of Education’s Infringement of Academic Freedom

Whereas, the NYC Department of Education is investigating Jill Bloomberg, Principal of Park Slope Collegiate School, alleging in public statements that she is a “communist”; and

Whereas, Ms. Bloomberg is one of the most outspoken and visible critics of segregation in New York City’s public schools, and of “actions that she says perpetuate a segregated and unequal educational system that penalized black and Latino students”; and

Whereas, the Department of Education’s Office of Special Investigation launched its investigation of Ms. Bloomberg for “communist organizing” for the Progressive Labor Party, an investigation that has since been expanded to include two teachers and a paraprofessional at the school, all known for taking part in Black Lives Matter and other anti-racist protests; and

Whereas, the investigators have reportedly interrogated without their parents consent or presence seven Park Slope Collegiate students, “all young women of color active in the school community, on a range of topics including their political beliefs, and those of their parents and teachers”; and

Whereas, it has now been 50 years since the Supreme Court struck down New York State’s Feinberg Law, forbidding the hiring or retention of teachers who refused to sign an oath affirming that they were not members of the Communist Party or other “subversive organization” in any of its public schools and colleges; and

Whereas, Justice Brennan, writing for the Court’s majority in that case, raised the rhetorical question, “Does the teacher who carries a copy of the Communist Manifesto on a public street thereby advocate criminal anarchy?” He further commented, citing an earlier Supreme Court decision, that “Our Nation is deeply

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2 Ibid.
3 Lindsey Christ, “City Investigating if a Brooklyn Principal is a Communist organizer,” NY1, June 1, 2017; Emma Whitford, “Park Slope Families Accuse DOE of ‘Red-Baiting As Principal Probe Escalates,” Gothamist, June 1, 2017.
committed to safeguarding academic freedom, which is of
transcendent value to all of us, and not merely to the teachers
concerned. That freedom is therefore a special concern of the
First Amendment, which does not tolerate laws that cast a pall
of orthodoxy over the classroom. ‘The vigilant protection of
constitutional freedoms is nowhere more vital than in the
community of American schools.’ Shelton v. Tucker, supra at 364
U. S. 487. The classroom is peculiarly the ‘marketplace of
ideas.’” And

Whereas, well over 100 faculty and professional staff members at
the City University colleges (called municipal colleges prior to
1962) were purged on allegations of membership in the Communist
Party beginning with the Rapp-Coudert investigation in 1940-42,
an investigation that began by subpoenaing the membership
records of the New York College Teachers Union Local 537, and
more were purged by a “special committee” of the Board of
Trustees conducting a “loyalty investigation” in the 1950s; and

Whereas, the present investigation of Jill Bloomberg, like the
earlier red scares at the city’s public schools and colleges, is
an alarming reminder of earlier red scares that damaged both the
public colleges and the public schools, the teachers unions, and
silenced voices of dissent often signaling out anti-racist
unionized teachers, and is therefore a potential threat to our
own members and their students; therefore be it

Resolved, that the Professional Staff Congress reaffirm the
importance in New York City of protecting the Constitutional
rights of Freedom of Expression and Assembly, and especially the
academic freedom of all educational employees in the City’s
public schools and colleges, and be it further

Resolved, that the PSC oppose the segregation of New York City
public schools and that the PSC call on the Department of
Education to support principals and teachers who, like Jill
Bloomberg, are working to desegregate their schools and to drop
the allegation that Jill Bloomberg has engaged in “communist
organizing.”

5 Stephen Leberstein, “Purging the Profs: the Rapp Coudert Committee in New York” in Michael
Teachers Unions” in Robert Goldstein, ed., Little ‘Red Scares’: Anti-Communism and Political
Repression in the United States, 1921-1846 (Farnham, Surrey, England: Ashgate Publishing,
2014). For more on anti-Communist purges of New York’s public schools, see Clarence Taylor,
Reds at the Blackboard: Communism, Civil Rights, and the New York City Teachers Union (New
York: Columbia University Press, 2011)