

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

1 Whereas, the NYC Department of Education is investigating Jill
2 Bloomberg, Principal of Park Slope Collegiate School, alleging
3 in public statements that she is a "communist"¹; and
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5 Whereas, Ms. Bloomberg is one of the most outspoken and visible
6 critics of segregation in New York City's public schools, and of
7 "actions that she says perpetuate a segregated and unequal
8 educational system that penalized black and Latino students"²;
9 and
10

11 Whereas, the Department of Education's Office of Special
12 Investigation launched its investigation of Ms. Bloomberg for
13 "communist organizing" for the Progressive Labor Party, an
14 investigation that has since been expanded to include two
15 teachers and a paraprofessional at the school, all known for
16 taking part in Black Lives Matter and other anti-racist
17 protests; and
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19 Whereas, the investigators have reportedly interrogated without
20 their parents consent or presence seven Park Slope Collegiate
21 students, "all young women of color active in the school
22 community, on a range of topics including their political
23 beliefs, and those of their parents and teachers"³; and
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25 Whereas, it has now been 50 years since the Supreme Court struck
26 down New York State's Feinberg Law, forbidding the hiring or
27 retention of teachers who refused to sign an oath affirming that
28 they were not members of the Communist Party or other
29 "subversive organization" in any of its public schools and
30 colleges⁴; and
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32 Whereas, Justice Brennan, writing for the Court's majority in
33 that case, raised the rhetorical question, "Does the teacher who
34 carries a copy of the Communist Manifesto on a public street
35 thereby advocate criminal anarchy?" He further commented, citing
36 an earlier Supreme Court decision, that "Our Nation is deeply

¹ "Brooklyn principal's racial segregation protest probed under 'communist activity' guise," *New York Daily News*, April 29, 2017; Nikole Hannah-Jones, "A Principal Is Accused of Being a Communist, Rattling a Brooklyn School," *New York Times*, May 4, 2017.

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.

⁴ *Keyishian v. Board of Regents*, 385 U.S. 589; Marjorie Heins, "The Keyishian Ruling 45 Years Later," <https://academeblog.org/2012/01/23/the-keyishian-ruling-45-years-later/>.

37 committed to safeguarding academic freedom, which is of
38 transcendent value to all of us, and not merely to the teachers
39 concerned. That freedom is therefore a special concern of the
40 First Amendment, which does not tolerate laws that cast a pall
41 of orthodoxy over the classroom. 'The vigilant protection of
42 constitutional freedoms is nowhere more vital than in the
43 community of American schools.' *Shelton v. Tucker, supra* at [364](#)
44 [U. S. 487](#). The classroom is peculiarly the 'marketplace of
45 ideas.'" And

46
47 Whereas, well over 100 faculty and professional staff members at
48 the City University colleges (called municipal colleges prior to
49 1962) were purged on allegations of membership in the Communist
50 Party beginning with the Rapp-Coudert investigation in 1940-42,
51 an investigation that began by subpoenaing the membership
52 records of the New York College Teachers Union Local 537, and
53 more were purged by a "special committee" of the Board of
54 Trustees conducting a "loyalty investigation" in the 1950s⁵; and
55

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

63
64 Resolved, that the Professional Staff Congress reaffirm the
65 importance in New York City of protecting the Constitutional
66 rights of Freedom of Expression and Assembly, and especially the
67 academic freedom of all educational employees in the City's
68 public schools and colleges, and be it further

69
70 Resolved, that the PSC oppose the segregation of New York City
71 public schools and that the PSC call on the Department of
72 Education to support principals and teachers who, like Jill
73 Bloomberg, are working to desegregate their schools and to drop
74 the allegation that Jill Bloomberg has engaged in "communist
75 organizing."

⁵ Stephen Leberstein, "Purging the Profs: the Rapp Coudert Committee in New York" in Michael Brown et al, eds., *New Studies in the Politics and Culture of U.S. Communism* (New York: MR Press, 1993), and Leberstein, "Shooting Rabid Dogs: New York's Rapp Coudert Attack on 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)

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