

J. Christopher Maloney
Professor Emeritus of
Philosophy and Cognitive Science
University of Arizona
maloney@arizona.edu

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Professor Leila Hudson
Chair of the Faculty
University of Arizona Faculty Senate

Dear Professor Hudson and All Members of the Faculty Senate:

A poet penning a play once wrote, “The evil that men do lives after them; the good is oft interred with their bones.”

Too true too often. But not today too, I hope.

This serves as my individual response to “Initial Report by General Faculty Committee on Donor Influence, University of Arizona April 11, 2023” as submitted to the Faculty Senate. The copy of this report that I have in hand was conveyed in redacted form by the Faculty Senate to the Center for the Philosophy of Freedom. The Center provided my redacted copy.

My words should not be confused with, and do not pretend to supersede, forthcoming responses from others whether administrators, faculty, or persons named the report. Except where indicated or obvious my remarks apply only to the period of time during which I was Head of Philosophy.

I speak simply for myself but with unapologetic outrage at the vigilantism represented in the Committee’s inexcusably flawed report. I hope here to defend academic freedom against the assault on this fundamental value launched by the Committee’s unconscionable document. I write not only to defend the characters of those whose careers this pseudo-investigation aims to savage but also to deflect the resultant harm that would otherwise befall the families of those maligned. How is it possible that the Faculty Senate could have initiated an attack on the ideal of intellectual liberty that underlies the achievements of all great universities? And why would the Senate accept a committee recommendation that relies on character assassination and fails any reasonable test of evidential adequacy? Why has the Senate pulled the trigger on this self-inflicted gaping wound? I thought that universities were home to the highest standards of objective inquiry. Perhaps I was wrong, wrong about this one, anyway.

I am emeritus, having retired in 2021 after 33 years on Arizona’s tenured faculty and a professorial career begun in 1978. I was Head of the Department of Philosophy for eighteen wonderful years and, thus, during much of the period covered by the Committee’s rant. Before my headship I was Associate Dean of the College of Social and Behavioral Sciences for two years. Hence, I am knowledgeable of the matters of concern to the Committee, matters about

which the Committee is sorely mistaken. Having seen many academic moons and felt the capricious winds that seasonally sweep a large campus, I do know, actually know, of what I speak. Would that even one of the vigilantes could say the same. But a mob wants the rope, not justice.

I am largely responsible for many of the situations and events in the Committee's clouded gaze. And I assert that its report is fundamentally flawed. It feeds upon willful ignorance and is culpably blind to the innocence of those it would censure. If there were failings of the sort that the Committee alleges – and I deny that there were – then since I was the relevant department head at the time, it is only I who should be in the crosshairs of this sniper's scope. Harry Truman was right about where the buck better stop.

The Committee's document is a blindside blow, a sucker punch to the face of each it would censure. This sorry report appears to have emerged from a star chamber that operated in a fashion only the infamous Senator Joseph McCarthy would applaud. Oblivious to cautions against collective punishment, the report proposes to censure entire units and, thus their members collectively regardless of their individual culpability. And although the Committee is keen to convict, it cravenly failed to inform the accused of its formation or the nature and schedule of its secret proceedings. None of those whose careers the Committee aims to hobble were invited to testify before the Committee or otherwise to offer evidence in their defense. Perhaps that is why the Committee relies on innuendo, turns a deaf ear to logic, and presumes guilt until innocence is proven by the unwary parties persecuted. This is a shameful ambush. The Committee need not fear accusation of either fairness or procedural justice.

Apparently, the Committee was covertly created by the Faculty Senate, an elected body I once confusedly supposed to represent all faculty rather than some select disgruntled whispering few bent on destroying the achievements of others. While the Senate's website currently enumerates the various committees that report to it, the Committee on Donor Influence is not among those enumerated. Why this concealment if not to hide what, if justice were to be served, ought to be public? What written charge did the Senate provide to the Committee? And what process did the Senate follow in constituting the Committee in order to ensure that its members be objective, unbiased, and committed to attending analytically to all the facts relevant to its investigation? It is, after all, common practice in reviewing and assessing the performance of a member of the faculty that the evaluators themselves be eminently qualified, individually accomplished in the area of the reviewed, and unencumbered by histories of conflict with the person to be assessed. Did the Senate trouble determining whether those it appointed to conduct the inquiry were antecedently positioned fairly and objectively to assess the assessed? No doubt, the Senate will someday make plain why it adopted stealth rather than transparency while en route to ruining careers and inflicting irreparable harm. But wait, that would require a teaspoon of integrity and a dash of fairness.

Since the Committee is committed to character assassination, let me remark on the character of my colleague it would bury first. As Head of Philosophy, I recruited and hired Professor David Schmitz with tenure. I am proud to say that Professor Schmitz was hired after a standard faculty search involving a careful and complete review conducted by the Philosophy Department faculty, which strongly recommended his appointment. As Head, I approved and secured his appointment in accordance with standard University procedures. In due course I enthusiastically recommended his promotion to full professor. My recommendation to promote was predicated on a thorough review of Professor Schmitz's career then to date conducted by the Department's

faculty in the light of the confidential assessment and advice of distinguished objective external evaluators. His promotion was recommended at every level of standard painstaking University review and implemented by the decision of the Provost acting on behalf of the President. In light of the prominence and influence of his published original research, Professor Schmitz was recruited by top tier research universities several times during my time as Head. None of this would be possible within my profession were Professor Schmitz's published research not to manifest the integrity and logical rigor that philosophy demands of its best. We were fortunate to have retained him for as long as we did. For years, I have believed that his outstanding research program in political philosophy merited designation as Regent's Professor. But what we deserve and what we get rarely coincide. So said Antony to friends, Romans and countrymen.

I draw attention to Professor Schmitz's academic profile as evidence that his scholarly trajectory has always been, and remains, properly self-directed. It unquestionably deserves the informed respect of his professional peers that his pen earned long ago – including the grudging respect of those who publish insightful criticism of his work. His work is dedicated to the objective search for elusive truth hidden in the hollows of the rugged topology of normative political theory. This philosopher scans that jagged conceptual landscape to see how we might best live peacefully together in mutually advantageous voluntary cooperation. Glance at the news of the day or stare at the blood of our neighbors splattered on the schoolyard. The mess we are apt to make of our social lives demonstrates how difficult it is rationally to deliberate about how we *ought* to construct and abide by the social contracts we might reasonably make within democratic constitutions. Can we do better than we too often do? That's the question Professor Schmitz seeks to answer.

Over time, Professor Schmitz was duly designated as the founding Director of the Center for the Philosophy of Freedom. He retained tenure in the Philosophy Department. The Center was established as a unit distinct from the Department of Philosophy. It has subsequently undergone the periodic sunset reviews required of centers by the University.

Unsurprisingly, leaders of distinct units are apt occasionally to cross swords. In a university chronically short on resources under unrelenting demand for reallocation across units, conflict is virtually inevitable over time. Such conflicts along one dimension are compatible with cooperation along another when the competitors are capable of mutual trust and respect. Collegiality demands nothing less. Although as unit leaders we had our fair share of conflicts, Professor Schmitz and I consistently found ways to cooperate consistent with the intersecting interests of our units. I acknowledge our conflicts but have nothing further to say of them here. They are irrelevant to matters in the temporal scope of the Committee's report and privy to ourselves anyway. So, let it be known that what I say here testifies to the character of a colleague with a heart and mind big enough to shake hands with me despite rivalry. Jupiter and Mars ring the same sun without colliding most days of the week. Each has its own proper orbit.

I was instrumental in the creation of the Philosophy Department's *Program* for the Philosophy of Freedom, although all credit for many of the successes of the Program and its successor is entirely owed to Professor Schmitz. He supervised the Program. Under his leadership it evolved — with full University review and approval — into the *Center* for the Philosophy of Freedom, initially a research unit separate from the Department and originally within the College of Social and Behavior Sciences. Since that time, the Center migrated from SBS to the domain of the Senior Vice President for Research and Innovation, where it presently manages a portfolio of activities under the able direction of Professor Mary Rigdon and resides within the Office for

Research, Innovation & Impact.

The evolution of the Program into the Center was properly enabled by the support of various private donors including individuals and foundations. In recent years, the Center has benefited from State budget line funding. As head of a department that was administratively distinct from the Center when the Center was initially assigned its State line, I am uninformed about the process that resulted in that funding. Except where indicated, I restrict my comments that follow to the Center's private gifts and grants which involved cooperation with the Philosophy Department while the Department and Center both reported to successive deans of SBS.

The private gifts and grants received by the Center resulted from the grantors' recognition of, and admiration for, Professor Schmidt's *antecedent* career-long research record. As Head of Philosophy during that period I was, and today remain grateful to, and respectful of, these honorable and generous supporters of social and political philosophy in its rigorous and always objective examination of the norms that do, or should, shape our societies. These donors provided support for what they recognized to be the excellence in political philosophy then already entrenched in Arizona's Department of Philosophy. They saw what the Department's international peer departments saw: a group of outstanding political philosophers that was poised soon to become the world's best.

Let me trumpet this this point even if to ears that are tone deaf to truth. For the Committee contends that donors inappropriately influenced the direction of research and teaching of the political philosophers associated with the Center, particularly Professor Schmidt. The Committee refuses to recognize what is plain to the unblinkered eye. Donors supported what they discovered by reading his research, work that predated both their awareness of him and their donations in support of his work. So far as I can tell from reading the Committee's report, it did not bother to ask donors why they supported the scholarly trajectory of Professor Schmidt or whether they attempted to influence his research and teaching. Neither did the Committee trouble to ask Professor Schmidt the same. None of its members ever rang my telephone. Did Committee members consult with administrators at the decanal level and above who were alert to the donations to the Center, oversaw annual peer reviews across the College, and were painfully aware of the efforts of other universities to raid Arizona's philosophy faculty? And did the Committee interview development officers or executives in the University of Arizona Foundation about whether the Center conformed to best fundraising practices throughout the period under the Committee's crooked microscope? No? Hmm, I wonder why.

I find no indication in the report that any member of the Committee is competent to evaluate Professor Schmidt's numerous refereed publications with the objective of detecting ways in which improper influences may have warped his research. Neither do I find the least evidence that the Committee ever considered soliciting the advice of objective external experts as to whether his research or teaching may ever have been tuned to the will and wishes of donors. Did the Committee consult any of his students, undergraduate or graduate, to gauge the degree to which he may have corrupted them, failed as a teacher or mentor, or simply ignored them? Did the Committee ask even a single one of Professor Schmidt's many doctoral students who have gone on to careers of their own whether he enriched or diminished their education and professional development? Or was the Committee content simply to assume the worst without fretting over any actual evidence of corroded research or soiled teaching? Did any Committee member read any of his lucid books? Which of his papers did they peruse on their way to condemnation? What words that he wrote convince the Committee that his work was unfit for

the consistently respectful peer reviews it has long merited? How many of his public lectures to either professional or popular audiences here and abroad did the Committee attend in which he opened himself – and replied – to frank questions and criticism? If the Committee’s ignorance on these matters is not willful – perhaps malicious – ignorance at work, then what is?

I would think—wouldn’t you—that a reasonably leveled charge of academic impropriety would be coincident with an opportunity of the indicted to plead and reply. But no such luck is likely when Joe McCarthy’s model is employed: Guilty until proven innocent; conviction by innuendo.

The Committee faults the manner in which donations flowed into the Center. It irresponsibly ignores the fact the agreements that enabled the donations were reviewed by the University Attorney and undertaken with the approval of the Dean, Provost and President, not to mention the University of Arizona Foundation. Are we to believe that the Committee in its rush to conviction is better informed than were the seasoned officers that carefully and responsibly attended to the various donor agreements before signing? If the Committee were not privy to the pertinent documents for reasons known to the University Attorney, how could it *reasonably* reach its condemning conclusion? Well, I guess that where reason fails, prejudice-fueled fallacy suffices to convict. It must if the Committee’s recommendation is to be sustained.

The manner in which donations flowed to the Center exemplifies the way university fund raising ideally occurs: Achievement first merits attention and admiration; thereafter, it deservedly attracts investment. Let me be absolutely clear lest there ever be any doubt about this fundamentally important fact regarding the flow of causation: First came Professor Schmidtz’s autonomous research program; then came the donations. Cause before effect. If you doubt this, and I dare you to, then scan his public *curriculum vitae*. Note the dates of his publications; then check the dates of gifts to the University aimed at the Center for the Philosophy of Freedom. While you are at it, test to determine whether the direction of his research *changed* subsequent to donations in its support. But what? The Committee did not do that? Oh well, not to worry. It is only the career and reputation of the pre-convicted culprit that is at stake. Why fret about that? We already know he’s a villain. Shoot first. Feign regret at the funeral, but only if the gun is registered to you.

Donors funded the University in recognition of Professor Schmidtz’s achievements dated prior to their gifts. His scholarly and pedagogical work has only and always been guided by a critically reasoned search for the elusive ethical truths pertinent to politics. The trajectory of his autonomous research program has not varied throughout his career. His early work up through his most recent book represents a cohesive presentation and rational defense of the themes central to classical liberalism. If you don’t believe that because you don’t believe in the prospect of truth objectively discovered, then I pity your self-refuting skepticism and wonder whether you trust anyone ever to do the right thing or any science to discover the laws of nature. Leave all tasty types of pop-tart relativism at the door, remember that as a matter of invariant fact $2+2 = 4$, and try to reason seriously if you want to be taken seriously. I seem to remember that critical thinking once was central to general education. But maybe that’s not fashionable in today’s whimsical winds.

The story of the Freedom Center’s external funding is much the same as the correct account of the great success of the University’s outstanding programs in astronomy, optics, anthropology and dance to name only too few by way of example. These rightly prominent programs merit their considerable private support because of their big dog achievements. And by the way, should the wonderful dance program be scolded and scorned were it to offer a brilliant performance

suggested by, or in appreciation of, one of its donors? Certainly, *that* would not be an instance of nefarious donor influence. Achievement, genuine achievement, as expressed by a superb performance can be at once both an original achievement of the performers and, as such, an expression of gratitude that honors a donor. Some University colleges, buildings and endowed chairs are perpetually named in honor of donors. Does the Committee on Donor Influence cry “Foul!” in all such cases? If so, I’ve not heard it howl. Perhaps the Committee is not worried by the prospect of inconsistency because it presumes that impropriety regarding donors is the sole province of the Center for the Philosophy of Freedom. For it is there where we find rational reflection on the idea and ideals of classical liberalism. Might it be that some on the Committee are simply intolerant of the tolerance liberalism promotes? Should we ask whether the Committee presumes that liberalism, as an idealization of social arrangements, is the deep evil to be uprooted?

Professor Schmidt’s original contributions to philosophy are squarely in the tradition of classical liberalism. Those who are *philosophically* well informed will recognize that liberalism, so conceived, spans a heterogeneous range of contested ideas. And if they should also be *politically* well informed, they will notice John Locke, David Hume, Adam Smith, Jeremy Bentham, and John Stuart Mill among classical liberals whose ideas have helped to shape modern democracies. More recently Isaiah Berlin and Joel Feinberg as well as Robert Nozick and John Rawls figure among philosophical liberals who have influenced the development of democracy as we fortunately enjoy it. Are they all rogues?

The tent that covers liberalism of the classical kind tolerantly extends over a range of sophisticated but hotly contested concepts including those who some, with ignorance salted with disdain, label ‘libertarian’. But the central theme of classical liberalism in all of its representations is a defense of the societal importance of liberty wed to toleration, toleration for alternative ideas and aspirations, even those not under the liberals’ large tent. Liberalism trumpets toleration suffused with consideration of individuals who fly alternative flags. It looks for answers to the question of how, though we may fundamentally disagree among ourselves about what is most important, we while might nevertheless reason our way to peaceful cooperation rather than fire our guns until only one of us remains standing. Liberals all prize liberty, though they dispute what liberty demands. But in any case, it is not for nothing that Lady Liberty’s statue stands atop the dome of our Capitol. I bet she looks down upon our doings in the hope our collisions do not topple her. Classical liberalism contends that we ought to do our best to preserve her pedestal. If that is a crime to be punished, I plead guilty along with the gang of classical liberals I have hired even if I am no one’s blood brother.

To my regret and our university’s great loss Professor Schmidt has recently taken up a position elsewhere. I regret his departure because, although I may not myself encamp under the same philosophical tent as does he, I so much admire his scholarship and teaching. I appreciate, admittedly with envy, his unwavering dedication to logic, objectivity and reason that has yielded such extraordinary philosophical work. While he was on our faculty, he – along with several others in our department, including some recruited to the Freedom Center – secured the Department’s then undisputed international prominence in political philosophy. I draw attention to this fact to indicate that although his professional peers may, and typically do, strongly disagree with Professor Schmidt about the conclusions for which he analytically argues, they recognize that he is a thinker and theorist of the first order. That would not be true were Professor Schmidt not an entirely autonomous thinker dedicated to the unflinchingly rigorous pursuit of moral truth hidden among the thick weeds of the social landscape. Indeed, not long

ago our international peers ranked Arizona's doctoral program in political philosophy as unsurpassed while they also placed the Department overall among the ivies. Not bad, not bad for a public university when virtually every major university offers a Ph.D. in philosophy. Perhaps then, it need not "...be forgot that once there was a spot for one brief shining moment that was known as Camelot."

I've said enough in defense of Professor Schmidt's professional character and now turn to refuting specific claims made by the Committee. Would that logic instead of prejudice had pulled their wobbly inferential cart!

As an overview of its report the Committee writes:

The Center for the Philosophy of Freedom, also known as the Freedom Center, was established at the University of Arizona in 2008. The Freedom Center was then instrumental in creating the Department of Political Economy and Moral Science (PEMS) in 2017. Both units have been well funded, with heavy contributions from the Charles Koch Foundation, Thomas W. Smith Foundation, and John Templeton Foundation, among many other sources. The Koch Foundation alone has contributed at least \$1.8 million to the Freedom Center. In addition, the Arizona legislature has made available additional funds, with especially strong backing from the Arizona Republican Party. These public funds are presented as a dedicated line item for the Freedom Center, as part of the Arizona state budget. The person who has played the most important role in both organizations is Professor of Philosophy David Schmidt, who was instrumental in creating both the Freedom Center and PEMS.

In this report, we would like to present to the Faculty Senate an analysis of questionable activity by both the Freedom Center and PEMS. First, we note concerns about the role of external donors in influencing the operation of the Freedom Center, in ways that go against widely accepted principles of academic autonomy. Second, we note concerns about the role of external donors in influencing the academic curriculum and teaching. Third, we note a lack of transparency and the use of deceptive practices.

The Committee here expresses three concerns. I address them in turn.

First, it worries about the role of external donors in influencing the operation of the Freedom Center in ways, the Committee claims, which go against widely accepted principles of academic autonomy.

The Committee does not state the principles of academic autonomy it maintains to have been violated by donor influence. Thus, it fails to demonstrate the violations it asserts. To convict: first, cite the law violated; then prove the violation. No citation; then no violation. Otherwise, no justice.

Oblivious to its blunder, the Committee proceeds to assert, "There have been repeated instances where external donors to the Freedom Center have been allowed to influence the hiring of faculty, thereby interfering with the academic autonomy of the academic units where they were appointed." The Committee cites only two cases although without evidence it charges repeated instances of violation of the unstated principles. One case involves a donation from the Koch Foundation enabling the appointment of an unidentified faculty member tenured in Philosophy.

The other case fingers a different faculty member whose tenured appointment also was in Philosophy but funded by the TWS Foundation.

I was Head of Philosophy when these donor funded tenured appointments were made, made under *my* authority. Let me state for the record that those appointments – like every appointment in Philosophy – were made only after a full and standard review of the credentials and accomplishments of the individuals singled-out by the Committee. All Philosophy appointments enjoy a favorable majority vote of the faculty of the Department. Voting members with knowledge of a candidate's research area read samples of the candidate's published work and provide frank comments for their colleagues' consideration. Such reviews include receipt of confidential letters of recommendation by external authorities in the candidate's research area and are illuminated by pertinent information regarding teaching. Professor Schmitz, as a tenured member of the Department, properly participated in those reviews. He responsibly informed the faculty that donor funds to the Center would be provided only if both he and a majority of the voting members of the Department concurred.

This was entirely as it should be. For recall that Professor Schmitz was at that time both a tenured member of the Philosophy Department and the Director of the Center for the Philosophy of Freedom, the unit to which the donations were to reside. As the founding director of the Center, he was then the only tenured member of the faculty with a continuing appointment in the Center. Faculty appointments in a center require its director's approval just as faculty appointments in a department require its head's approval. That is a simple fact of university procedures. I affirm that, as Head, I approved the appointments on the basis of the Department's review. As Director, Professor Schmitz approved on the same grounds. So, all the standard University procedures typical of rightly reviewed faculty appointment were followed. As Department Head, I exercised my professional judgement, just as did Professor Schmitz as Director of the Center. Ditto for our voting departmental colleagues. The anointed candidates' credentials were presented to the Dean and Provost along with information about the review process. The Dean approved the appointments, and the Provost authorized them. That is exactly how appointments ought to be made, all in conformity with the University's standard procedures.

It is certainly true that the relevant donor agreements require that the donors be notified of the pending appointments and informed of the identities of the appointees. But the donor agreements do not assign to the donors any rights of review whatsoever within the appointment process. Neither do they grant to the donors any prerogatives regarding subsequent performance evaluations or promotions.

It is a matter of best fund-raising practice to have the professional courtesy to inform a donor that the donor's gift is expended consistent with the donor's intention. We did exactly that. The donors intended to enable very strong academic appointments in the Center with tenure in a partnering department. They trusted us to do that, and we did. By dint of the way in which the appointed faculty were reviewed, we assured the donors that we had honored their intent. Universities that accept gifts and fail to abide by the donor's expressed intent are justly liable to punitive legal action. Our written donor agreements assured donors that the Center and Philosophy Department would utilize the funds donated by the Koch and TWS foundations consistent with the donors' intents. The Center and Philosophy Department shared with the donors the intention of hiring exceptionally accomplished faculty. We collectively achieved what we collectively intended. I am proud that we did.

I unequivocally state that the faculty hired through the gifts of the Koch Foundation and TWS

Foundation have research programs that display the autonomy and academic integrity that a research university should demand. This is confirmed by the review process leading to the candidates' hiring. Let me further add that one of the two appointed faculty member's research program is in an area outside of political philosophy and disjoint from topics comprehended by classical liberalism. I note that the Committee fails to cite any published research or teaching by the hired faculty in question that in any way displays submission to nefarious influence by anyone. The Committee cannot cite any such evidence because there is none. And the Committee does not represent that it bothered to survey the pertinent publications. No crime; so, no smoking gun. But no matter; the Committee presumes guilt anyway. Demonstrating guilt by presumption is called the fallacy of circular reasoning in Philosophy's first-year logic course, a General Education course I recommend to Committee members.

The Committee's failure to reason logically is on embarrassingly full display when it writes:

1. Koch.Approves.REDACTED.doc. This description presented by the UA Public Records Office – shows that the Kock Foundation gave permission to hire REDACTED. The attached email from Koch Foundation employee Matt Brown (sent to David Schmitz) states "Our board is ok with moving ahead with REDACTED as the Koch Professor. This shows the Koch Foundation granting permission to the Freedom Center to hire faculty.

The Committee errs yet again. It mistakes the *name* of the cited document (what the Committee calls 'This description') with the actual *content* of the document. This document was digitally saved, as are all such saved documents, under a proper name. Proper names of documents are independent of their content. 'The Constitution of the United States' is the name of our constitution. But from the name alone nothing can be soundly deduced about the content of The Constitution. That is partly why we rely on the Supreme Court to determine the content. They must read the document, not just its title. Of course, this is just as proper names of persons and their pets are independent of a person's character or a pet's status. Although I might name my dog 'King', my so naming him is not his coronation. Though he be named 'King', King need not be king. And though a document be named 'Koch.Approves.REDACTED.doc', that does not demonstrate *approving*, or a record of any *approving*, anything.

Now, to the best of my fallible recollection I am the person who digitally saved the document mentioned above to one of the many digitized files I maintained in my role as Department Head. It has always been my practice to name files so that the names serve as mnemonic triggers for me. If, as I recollect, I was the document's nominator, I would have chosen the document's name so as to remind me that's its content was that the Koch Foundation *approved of* the fact that its gift was to be expended consistent with the donor's agreement.

It is one thing to *approve of* an action. But it is quite another thing to authorize and thereby implement an action by *formally approving it*. First example: By signing the State Budget submitted to her by the State Legislature after difficult negotiation, the Governor thereby implements the budget by *approving* it. But though she signs the budget, the Governor might not *approve of* it. For she might hold the short end of the negotiated stick. On the other hand, the Presiding Legislative Officer who signs the budget both *approves of* the budget while also, by signing, implements the budget by *approving* it. Both the Governor and Presiding Officer engage in the act of *approving* the budget, but only one of them *approves of* it. *Approving* and

approving of are logically distinct. After all, and by second example, you might *approve of* ABOR's selection of the President of the University. But your *approval of* ABOR's *approving* action is different from ABOR's *approving* action that implements the President's appointment. ABOR picks your boss. You don't because you can't. Is this just a fussy philosopher nit-picking? Nits are lice. Let them be picked, lest injustice fester from failures in logic!

The Koch Foundation *approved of* the manner in which the Freedom Center and Philosophy Department fulfilled the relevant donor agreement. But the Koch Foundation's *approval of* what I did as Head was different from what I did by dint of *approving* a tenured appointment. I implemented a tenured faculty appointment by putting my *approving* signature on an appointment form. Both the Koch Foundation and I *approved of* what I did. But it was only my signing on behalf of the University that served as the relevant *approving*.

This is not merely purely a sharp point of logic but also, as hinted above, a substantive point of law. Approving a tenured appointment is an action the performance of which is limited to individuals authorized by ABOR, including the President of the University of Arizona or someone, such as a department head, so delegated by the President. I was delegated. ABOR has never authorized anyone at any private foundation to approve a faculty appointment here. Neither has the University President ever delegated any donor to approve any faculty hiring. Thus, it is logically impossible, and hence legally impossible, for any donor foundation ever to have approved any faculty hiring at the University of Arizona. It is as if the Committee were to accuse a donor of squaring the circle or exceeding the speed of light. The accusation could not be true because the accused action cannot be done. Donors cannot square circles, exceed light's speed, or approve faculty appointments at this university. Trying does not help. Don't believe me? Then ask a judge in court.

The Committee makes much the same fallacy again when it writes:

2. TWS.Approves.REDACTED doc.” The document again speaks for itself, and clearly shows that the Thomas W. Smith Foundation (“TWS) *gave permission* for hiring of REDACTED. The attached document is an email from David Schmidt, with the following statement: “Jim Pierson from TWS [Thomas W. Smith Foundation] confirms that I have run REDACTED's name by him (by phone, which explains why I have no record). And Jim's OK with it.” Again, this is donor approval for faculty hiring.

Once more and still if my memory serves, the fact of the matter is that I named this document in the same manner and for the same sort of reason as I explain above. The name of the document shows only that it is so named to function as a mnemonic trigger. It is not evidence of inappropriate donor influence. However, the email reference to the telephone conversation between David Schmidt and Jim Pierson does show that Professor Schmidt, following best practices, informed the donor that the University had properly fulfilled its end of the donor agreement and was honoring the donor's intention. Again, to *approve of* is different from *to implement by approving*.

Though it is tedious to continue attending to the untrustworthy Committee's reliance on fallacy, I turn to this statement by the Committee regarding an occasion in 2018, about 5 years after I had exited Philosophy's Headship.

3. In 2018, the PEMS Department was hiring faculty with money provided by the Thomas W. Smith Foundation. David Schmitz wrote to a representative of the Smith Foundation, complaining that he “was bogged down waiting for various constituencies to accept *they have no right and no power to divert the search to some cause other than what TWS [Thomas W. Smith Foundation] wanted to support.*” The wording suggests that Schmitz is forcefully defending the donor’s right to influence hiring of university faculty.

What does this statement really suggest, much less suffice to prove? Only and innocuously this: Professor Schmitz was right. If a donor’s gift specifies that a faculty hire be in an area the donor designates, then the University is not permitted to use those funds to hire in a different area. Of course, regardless of the area, the hiring must conform to standard university practice, something that is not denied by the attributed quotation.

The point should be obvious. For example, suppose that a donor provides a gift to hire a cellist in the School of Music, but the Music faculty prefers to hire a pianist. Sorry; the donated funds cannot be used to hire any pianist no matter how talented. The School of Music is free to hire a pianist, but it cannot use the gifted funds to do so. And the School is free to decline to expend the gift and refrain from hiring a cellist. But if the School does expend the gift, it must be to hire a cellist. The funds can only be used to hire a cellist, and it is up to the School of Music to appoint the best cellist available if it wishes to expend the funds. Exactly the same applies to grants as opposed to gifts. If the Department of Anthropology successfully applies for a federal grant to hire an archaeologist, it is not permitted to use those funds otherwise than to hire an archaeologist of its diligent choice. The ways in which grants and gifts can be expended are typically restricted, with the restrictions consistent with the University abiding by the reigning principles of academic autonomy. A committee hell bent on condemnation might miss this patent point. But a first-year student who squeaks by with a low *C* in introductory logic would not.

On page 4 of its report the Committee remarks on what may appear to be a copy of minutes from a meeting of the Philosophy Department said to have occurred on November 15, 2022, the year following my retirement from the University. Effective with my retirement, I surrendered my right to attend departmental meetings and to vote on departmental matters. I have not attended any department meeting nor voted on departmental matters since retiring. So, I cannot comment on the Committee’s assessment of the significance of that meeting as represented by the purloined document. However, were I a member of the Senate, I would inquire:

- (a) Whether the cited so-called minutes are in fact the genuine minutes of the meeting *as approved by the faculty* rather than helpful notes of someone present;
- (b) By what means did the Committee come to possess this confidential information;
- (c) Whether the Committee consulted the Head of Philosophy in order to ascertain the accuracy and comprehensiveness of the conveyed information;
- (d) Whether the University Attorney has an opinion on the way in which the Committee has employed the ill-gotten information.

Although the Committee’s fallaciously reached its conclusions as represented in (1)-(3) above and despite the fact that its reference to the Philosophy minutes of November 15, 2022, begs the questions I’ve enumerated in (a)-(d), the Committee proceeds – again illogically – to conclude:

“Overall, the Freedom Center and PEMS represent a massive effort led by the Koch family to sway academia in a free market direction, with large sums of money... The Koch family has a history of influence in the Arizona state government, which is now funding the Philosophy Department’s hire (working with the Freedom Center). It would be fair to say that Charles Koch has played a leadership role in an extensive lobbying effort, with national scope, and that the UA Freedom Center is part of that effort. David Koch, who long worked closely with his brother Charles, commented: “If we are going to give a lot of money, we’ll make darn sure they spend it in a way that goes along with our intent... We do exert that level of control.” The Koch-led effort to exert control over academic activity – including at the University of Arizona’s Freedom Center – is troubling.”

This quotation echoes the one far above that refers to the influence of the Republican Party within the Arizona Legislature.

It is a striking omission in the Committee’s complaint about David Koch’s, that it ignores the following passage regarding David Koch to be found in an article critical of the Kochs in the *New Yorker*:

“Koch began giving spectacularly large donations to the arts and sciences. And he became a patron of cancer research, focussing on prostate cancer. In addition to his gifts to Sloan-Kettering, he gave fifteen million dollars to New York-Presbyterian Hospital, a hundred and twenty-five million to M.I.T. for cancer research, twenty million to Johns Hopkins University, and twenty-five million to the M. D. Anderson Cancer Center, in Houston. In response to his generosity, Sloan-Kettering gave Koch its Excellence in Corporate Leadership Award. In 2004, President Bush named him to the National Cancer Advisory Board, which guides the National Cancer Institute.” (“Covert Operations: The billionaire brothers who are waging a war against Obama”. Jane Mayer. *The New Yorker*, August 23, 2010. <https://www.newyorker.com/magazine/2010/08/30/covert-operations> .

Are we to conclude upon reading the above, as the Committee is evidently wont, to conclude that since the referenced distinguished centers for research and teaching have benefited from Koch funding these donations have improperly influenced the direction of scientific research? I think not. Why then does the Committee reserve its censure to the University of Arizona? Is the Committee hostile only to gifts that support objective research and teaching about classical liberalism? Does the Committee aim to support academic freedom only so long as supported academicians tow the Committee’s preferred political line?

When it quotes David Koch above, the Committee refers to the influence the Kochs may have had in Arizona’s political system. So, let me remind us all that ours is a two-party system of government that countenances additional parties. Parties are permitted to attend to the advice of individuals and organizations. It is certainly true that the Republican Party has formed the majority of the Legislature in recent years and been influential in establishing – always with the then current Governor – the State budget. If the Committee finds this arrangement intolerable, it should explain why it faults arrangements permitted by the State’s constitution and federal law. If the Committee wishes to criticize a political party for acting consistent with the laws of the State,

then let the Committee explicitly state, rather than insinuate, its complaint. Should the Committee someday explicitly state its complaint against the Koch's legal involvement in our political system, it will doubtlessly consider whether the Arizona Republican Party alone among Arizona parties is open to lobbying. There is no need to wait for more spillage from this careless Committee. Consider the facts, the actual facts and repudiate its far too hasty and patently ill-founded conclusions.

Focus, if you would, on the passage from the Committee's report quoted close above. Grant merely for the sake of the argument, as the Committee contends, that the Koch family aims to sway academia in a free market direction.

Is that a crime? Is it a felony or at least a misdemeanor to advocate on behalf of free markets? And what precisely does the Committee understand by free markets and advocacy thereof? Are free markets, properly understood, threats to the rights our federal or state constitutions assure? As a sophomore, I read Paul Samuelson's textbook in *Econ 101*. Mistake me if I am wrong, but I recall that Nobel Laureate explaining free markets and offering them as imperfect models or approximations of the operant markets of most of the then existing democracies. It has been a few years since I was an undergraduate, but I would guess that what Samuelson wrote then holds today. Namely, if you hope to understand how democratic economies *do* work and *ought* to work, then ask yourself in what ways, if any, governments do, or ought to, intervene in markets so as to ensure that they approximate (free) markets in which individuals enter into mutually advantageous exchanges without compulsion and unnecessary constraint.

Does the Committee allege that the Koch Foundation promotes lawless markets, markets free from governmental assurance against corruption, theft, extortion, and vandalism? Or is the advocacy that offends the Committee actually advocacy for markets of the sort that approximate freedom in the fashion characteristic of various editions of classical liberalism, where free exchange is to be in delicate equilibrium with necessary regulation? An ideal free market is uncorrupted by organized crime and admits institutions that thwart criminal intrusion into exchanges and contracts. If an ideal free market is something remotely like that, should we castigate its advocate? Or should we just ignore the question as to precisely what the Koch Foundation actually lawfully advocates? And should we instead proceed thoughtlessly to condemn it as the Committee would have us do under the concealed contrary to fact presupposition that free markets and their advocates are inherently evil?

Certainly, the question about the ways in which well-funded organizations advocate is vexed and injects consideration of the First Amendment into the discussion. The hard question turns on the venues of the speech, the words employed, and exactly what the expended money buys by way of advocacy. Is speech free only up to a specified price on the medium it adopts? These are terribly difficult questions that remain unresolved by our legislatures, courts, and political theorists. I do not pretend to know their answers. However, it certainly appears that the Committee has given no thought to the crucial questions beyond implying that whatever a donor to the Freedom Center may advocate, it must be bad to the bone because the Koch Foundation is a donor too. For the gospel does sayeth that if it is Koch, it is evil. If that's the gospel, its missing from the Bible on my shelf. But maybe I should re-read the "Apocalypse According to John".

There was a day some years ago when a member of the Committee caught me in Philosophy's corridor to ask me if I knew – how shocking – that the Koch Foundation was funding the Freedom Center. I asked my colleague whether he ever watched *Nova* on PBS or was apt to visit

the New York Metropolitan Museum of Art. Of course, yes to both, he replied. But the Koch family funds each, said I. So, surely, Nova's programming must be corrupted, and the museum's paintings must be forever ruined. No doubt, you'll want ever hereafter to avert your eyes lest you too be stained. Oh, that doesn't count, said he.

Moving on and with the above quoted passage still in view, lets us also grant, as the Committee contends, that "The Koch family has a history of influence in the Arizona state government, which is now funding the Philosophy Department's hire (working with the Freedom Center)." I would hope that the Senate is aware, even if the Committee is not, that the Arizona State Government funds the lion's share of faculty, staff and administrative salaries in academic programs at the University of Arizona. How sobering! Does that scary fact imply that we should suspect all of those so funded of bending their academic efforts to what they guess the Legislature's expectations to be? Shall we censure, say, the Mathematics Department if its faculty salaries originate in Phoenix? And does the State's funding of salaries of members of the Committee imply that their own research and teaching has been deformed by the influence of any legislators or the Governor? Or is the moral rather that we ought all be thankful to the voters and taxpayers of the State whose incomes bear the taxes that pay so many university salaries? I say, give credit where credit is due. Thank your neighbor for her annual taxes rendered unto Caesar. For the dollar that stops in your pocket starts with her confidence in the integrity of your research and teaching. That confidence is not guaranteed, but gratitude counts in favor of her continuing well-founded confidence. Our neighbors matter. The elected middle-men are mostly irrelevant. They serve at the pleasure of you and your neighbors.

Still moving on, let's us additionally grant, that the Committee's quotation of David Koch hits the nail on the head. I hope – when it comes to the University of Arizona and the donor agreements with the Koch Foundation to which, as Head, I was a party – that those agreements absolutely assure the Foundation that the University lives up to its end of the agreements. These agreements provide that the Koch Foundation gets from Philosophy and the Freedom Center exactly what was negotiated: the best philosophers conducting their best autonomous research while also teaching independently to the limit of their abilities. We did our best to hire the best with the funds that the Kock Foundation provided. And those we hired have always labored hard to do their level best, their own autonomous level best. If you doubt that, then, for God's sake read what they've published, attend their classes, or otherwise trouble to inform yourself of the facts. Sorry, but diligence is demanding!

Although none of the Committee members indicates having attended a class offered by Professor Schmidt, they wrongly and without warrant accuse him of conforming his teaching and mentoring of students to the will of his donors, this time E.G. (Ken) and Randy Kendrick. The Committee, in brazen disregard for the facts, would put the cart before the horse.

As I recall, prior to meeting the Kendricks, Professor Schmidt, in partial satisfaction of his normal teaching duties, created an excellent and well received two-part course on the *Philosophy of Freedom*. The Department has always expected that its senior faculty create and offer courses, both undergraduate and graduate, which import into the curriculum what is appropriate arising from their research. Professor Schmidt did that. His pair of courses enjoyed the sort of full and careful peer review at the department, college and university level required of all courses that are published in the *Catalog*. I scheduled Professor Schmidt's courses in the regular way, proud that our undergraduates would have the opportunity to study

political philosophy with an internationally prominent contributor to that literature. This is what every department in a public university owes its students.

The Kendricks were introduced to Professor Schmitz and, over time, generously provided a modest, but gratefully received, gift to the Philosophy Department in admiring support for his effective teaching. Thereafter and as part of regular churn in the General Education Program, Professor Schmitz also created a Tier I General Education course, *The Ethics and Economics of Wealth Creation*. It also satisfied requirements for cross listing with the Department of Economics. This course also was reviewed at all levels of curricular review and rightfully found its way into the *Catalog*. Again, I proudly scheduled this heavily subscribed new course among the Department's regular undergraduate offerings. I was then, and to this day, remain grateful to the Kendricks for their generous support (first to the Philosophy of Freedom Program and thereafter to the Freedom Center) prompted by Professor Schmitz's outstanding pedagogy.

I categorically deny the Committee's unfounded accusations that Professor Schmitz ever or in any way altered his teaching to satisfy the expectations of any of his donors. Nevertheless and as if to prove that they have all lost their own marbles, the Committee faults Professor Schmitz, the Philosophy Department, and me as its Head for assuring the Kendricks that his suspect courses would be taught in conformity with the syllabi approved by the University when the courses were welcomed into the *Catalog*.

When the University approves a proposal to create a course, it reviews and confirms the syllabus forming part of the proposal with the expectation that iterated offerings of the course are consistent with the course as approved. So, the Committee in its haste to condemn, condemns those it would for abiding by the University's prescribed practices and procedures aimed at ensuring the quality and integrity of instruction.

To magnify its madness, the Committee wants to censure Professor Schmitz for providing assurance that, as the Graduate College and University require, graduate teaching assistants who would instruct in offerings of the courses of his creation would instruct under the supervision of faculty, namely himself.

In the same region of its report where its madness is manifest, the Committee joins the rush to burn books to ensure that college students are denied the opportunity to read, critically evaluate, and differ with authors the Committee would put to the torch. For the Committee is shocked – aren't you – that books by Ayn Rand are among those in the syllabi of the suspect courses created by Professor Schmitz and approved by the University in the standard way. Let me ask, did the Committee pause to consider whether any other approved course ever taught at the University of Arizona dared to include on its syllabus any words by that terrifying author? Did any sage Committee member inquire whether Professor Schmitz ever taught a course that referred to Rand prior to the Kendrick donation? And did that syllabus cop bother to ask what Professor Schmitz may have said about Rand in his classroom or publications? No doubt, the head of his department should have arranged that Professor Schmitz's lectures all be captured on video so that in real time the stream would pass the censor's eyes to ensure that the professor utter no unapproved word. Who's next on the hit list? Karl Marx or Milton Friedman? Nah, better to go directly for the jugular and slice from all syllabi James Madison, Thomas Jefferson, and John Locke lest our students be encouraged to think critically for themselves about the limits and responsibilities of personal freedom.

Did donors who supported Professor Schmitz's teaching have expectations? They can speak for themselves. But I can say that they were entitled to expect what he promised. For that is what the Philosophy Department expects of all of its faculty. That departmental expectation, the expectation that the Kendricks certainly shared with the Department, was that Professor Schmitz's courses would ripple with his original contributions to philosophy. The Kendricks got what they were entitled to expect. But they did not get what they could expect because they expected it. Rather they got what they expected because, like the Head of Philosophy, they expected from Professor Schmitz only and always the best that academia can offer. It is a credit to his dedication to mentoring students, that Professor Schmitz worked as hard and as tirelessly as he did to develop his graduate students as collegiate teachers by incorporating them into the timely and continuous evolution of courses of his own creation. The Committee sees vice where there is only virtue because it wants the illusion it adopts rather than wanting to look without the interfering lens of entrenched bias. I do not know why the Committee has opted to wear its distorting glasses. Perhaps the officers of the Senate who appointed and charged the Committee might enlighten those who ask.

On pages 8 and 9 of its report, the Committee pretends in its previous pages to have proven malfeasance. It then proceeds to its charge of deceptive practices.

We are correctly told that the Faculty Senate considered the proposal that enabled the establishment of the Department of Political Economy and Moral Science (PEMS). Evidently, the Senate concurred with establishing the department but with the proviso that it be named 'The Department of Moral Science'. The University does not have the authority to establish a new department. ABOR reserves that authority to itself but welcomes recommendations from the University to establish new departments when those recommendations emerge from diligent planning and review as specified by the University's published procedures. So, the Senate is advisory to the Provost and President and, through those offices, to ABOR. But it is ABOR alone that authorizes the creation of departments and determines their designations. ABOR is not bound by the details of the recommendations it carefully considers. In its wisdom but for reasons unknown to me and certainly unknown to the Committee, ABOR designated PEMS, 'The Department of Political Economy and Moral Science'. Although, like me, the Committee is not informed of the factors that led to ABOR's decision, it announces that ABOR's act demonstrates deceptive practice on the part of the Center for the Philosophy of Freedom. The Committee's charge implies that either ABOR is itself culpable for some nefarious deception or else is itself the dupe of some potent concealed deceiver.

Despite its ignorance of PEMS' baptism, the Committee decides that the naming of PEMS establishes one among many instances of "questionable practices". I ask, does the naming of PEMS constitute a "deceptive practice," as page 8 represents or is it supposed to be merely a "questionable practice," as page 9 calls it. A practice, if deceptive, is *prima facie* wrong and its practitioner is thereby a candidate for blame. A questionable practice is not *prima facie* wrong, and its practitioner is not thereby a candidate for blame. So, which point does the Committee aim to make? Is ABOR to be blamed, scolded or supervised by the Senate? Or will a snap of its censoring whip suffice to whip ABOR into shape?

Notice that regardless of whether ABOR's christening of PEMS was either deceptive or merely questionable, the Committee does not identify the culprit it implies to have been hidden behind the screen when the water washed the bad babe's brow. Rather, the Committee relies on the

innuendo that it must have been either Professor Schmitz in camouflage or else some cloaked co-conspirators conniving on behalf of the Center for the Philosophy of Freedom. A nice rhetorical trick, but not one that works its magic on me, and I hope not on you. If you are looking for deceptive practices, then look no further than to the Committee's questionable rhetoric.

The reader of pages 10 and 11 of the Committee's report learns that the "Freedom Center and PEMS operate with a high level of secrecy and resistance to transparency." I am uninformed, and thus have no opinion, about how these units may have met their obligations as university units to render their records public. However, I note that the Committee's complaint seems to be predicated on the fact that on various occasions these units did not voluntarily and immediately fulfill requests for documents made by individuals and or organizations not identified in the report.

Proper consideration of the Committee's complain requires answers to several questions:

- (i.) What exactly were these requests, and by whom were they made?
- (ii.) Were they requests of the sort that a unit of the University is obliged to fulfill, whether promptly or in a timely manner?
- (iii.) Did the Committee file explicit requests for information with either the Center or PEMS in which it identified itself as a Faculty Senate Committee acting on behalf of the Senate?
- (iv.) Did the Committee ask the University Attorney's office whether the requests for information to which it vaguely refers in its report are to be transparent upon request?
- (v.) Has the Committee ascertained whether the way in which the Center and PEMS respond to requests for information is atypical of the way in which similar university units respond to similar requests?

Answers to these questions would permit readers of the Committee's report to know whether the Committee's charge of deceptive practice levied against the Center and PEMS rests upon due diligence or, if not bald bias, then merely careless haste. Let us hope for due diligence. For regardless of the Senate's forthcoming action, the Committee's ill-bred accusations are bound to harm – and probably already have harmed – the individuals upon whom they heavily weigh. But perhaps that was the intent from the start. If you root against the hurdler, then better try to ensure that she break her leg clearing the bar where the track bends left.

The Committee's final complaint is, I think, the only matter it raises that is worthy of careful thought and attention. The Committee rightly wonders whether the Center for the Philosophy of Freedom should enjoy a discreet line in the State Budget as part of the University's State funds. The Committee recognizes that in so far as the Center's State funds are secured by a line in the budget, the Faculty Senate's ability to influence the funds' use through the Strategic Budgetary and Planning Committee (SPBAC) is undercut.

That is certainly true. However, we should note that SPBAC's role, as assured through the University's commitment to shared governance, is advisory. The Senate, through SPBAC, advises the University's administration regarding the way in which funds ought to be allocated and what initiatives ought to be pursued. Let's be grateful to SPBAC for that. However, decisions regarding all such matters ultimately remain in the hands of the President and the officers to whom the President delegates his authority.

As an important matter of fact, it is within the power of the administration to reallocate funds not otherwise assigned to the Freedom Center so as to accommodate the claims of other units while also heeding SPBAC's advice. A student of the allocation of State funds to units over the past several years will know that as State Funds were assigned to the Center other State funds to other units were significantly reduced and made available for reallocation. For example, significant funds were removed from the Philosophy Department. Perhaps that was well done; perhaps not. It is not for me to decide. But regardless of the wisdom of any instance of reallocation, it is always a case of Peter's being plundered to pay Paul. Like it or not, that is how strategic reallocation of funds occurs. Pure reallocation is a risky zero-sum game. I leave it to others to ascertain how Peter, Paul and the other apostles on campus have fared over recent years in reallocation roulette. But if history tempers conjecture, then conjecture might warrant the hunch that the Center's State line has not prevented considerable quiet reallocation unremarked by most.

So, yes, the matter of the propriety of the Center's privileged line calls for sober fully informed study, mindful of the adamant fact that, by law, it is the Legislature in partnership with the Governor who settle the amount and structure of the University budget. Perhaps sometimes, but of course only when heavenly stars astrologically align, we should risk wee faith in our fallible administrative colleagues in their always hot seats. They will make mistakes; some big, some small. Who would not? Yesterday's mistakes are never forgotten; today's achievements are often unnoticed. And unlike those among the tenured who may reasonably complain, those who are hot-seated are exposed to career risks the tenured are not. Presidents and, thus, provosts, serve at ABOR's pleasure. Do you? Would you do better than those with their hands on the wheel of our speeding bus were you to drive instead while the cacophonous crowd in the seats behind yell inconsistent instructions in your ears? Maybe, but maybe not. But if you want to drive, you had better also want a hot seat. Freedom and responsibility, I am told, are inseparable.

Relevant to the issue of the Freedom Center's State line is the additionally important fact that across time and with variation, selected units within the University have had lines within the overall University as provided by the State. Is the Committee's protest of the Center's State line informed by knowledge of the history of analogous lines? Those who think prudently about the propriety and practicality of the Center's line should be mindful of the State's past practice. Additionally, in some years the State allocates funds to the University but specifically restricts their use, for example to new construction, maintenance, or repair. Such funds are beyond the easy reach of SPBAC. Is that unconscionable? And do such restrictions enable the strategic movement of funds that would otherwise be impossible? Let us wish for the best while we worry that our wisest wishes be granted.

Wisdom is wanted by whomever would lead a great public university. The General Faculty Committee on Donor Influence is entirely wanting in wisdom. The wise would want it away. The poet with us at the start of my missive might advise, "Out, damn spot!"

I request that my letter be included in the official minutes of any Senate meeting in which the Committee's report and motion may be considered.

I advise that the motion be rejected.

I further advise that ABOR and the press be invited to any meeting of the Faculty Senate in which the matters raised by the Committee's report are considered. For these are matters of academic freedom.

It is my hope that the Faculty Senate may prove to be wise and worthy of our confidence.

I thank whoever may generously expend the effort thoughtfully to read and consider what I have written from the wilderness where the retired wander.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Maloney", with a long horizontal flourish extending to the right.

J. Christopher Maloney
Professor Emeritus of Philosophy and Cognitive Science
maloney@arizona.edu

Copies to:

Robert C. Robbins, President
Ron Marx, Provost
Lori Poloni-Staudinger, Dean, SBS
J.P. Jones, Dean Emeritus, SBS
Thomas Christiano, Head of Philosophy and PEMS
Mary Rigdon, Director for the Center for the Philosophy of Freedom
David Gibbs, Chair of General Faculty Committee on Donor Influence
Faculty Members of the Department of Philosophy
David Schmitz, University of West Virginia