

-----Original Message-----

From: Tom Wilde <deleted>

Sent: Sun 4/25/2010 5:52 PM

To: Chemerinsky, Erwin <echemerinsky@law.uci.edu>

Subject: Saturday Night Magazine; UC

Hello Erwin,

I found the May, 2010, issue of "Saturday Night Magazine" at my bus stop and was a bit surprised to see that you've taken up writing infomercials for the UC. And in true infomercial form, you let us know that there are three and "only three" options for the UC (dramatically raising tuition, lowering "quality" and something else; I left the magazine for the next person, so I don't have it here with me). Apparently an option that can't come to your mind is an equally dramatic decrease in your salary (and those of other overpaid UC presidents, deans, and faculty on their bloated, publicly/privately funded thrones). So, you continue to do your fine PR work for the UC in order to keep such an option out of your mind (in a well-paid effort to hopefully also keep it out of the minds of the public).

Perhaps related to your work there, you might be interested in this: Currently, when UCLA is issuing marketing releases (incorrectly called "press releases") touting itself as "the most popular campus in the nation," this website, ucla-weeding101.info, comes up at the top of Internet search results when "unethical student termination" is typed into the search boxes for the three major Internet search engines--Google, Bing, and Yahoo. A simpler search with only "unethical UCLA" turns up similar results.

Nothing I read on the primary function of our educational system would make any sense at all if UC faculty members (like you) were seeking out facts on how the nation's "most popular" university campus actually weeds out its students and were then speaking out when they find that the UC dismisses facts and violates its own Faculty Codes of Conduct in order to do this necessary student weeding.

But on the extremely remote chance that you might want to say something about this case, I'd be happy to answer questions you may have on any of the documents and/or material found on the website.

Sincerely,

Tom Wilde

[address deleted]

[phone # deleted]

[email address deleted]

ucla-weeding101.info

From: "Chemerinsky, Erwin" echemerinsky@law.uci.edu

Date: April 25, 2010 6:29:16 PM PDT

To: Tom Wilde <deleted>

Subject: RE: Saturday Night Magazine; UC

Dear Mr. Wilde,

I appreciate your taking the time to write, though I am sure that we disagree. You suggest salary decreases for me and other UC faculty. But the reality is that if UC does not pay competitive salaries, it will not attract quality faculty. Unless there is a national decrease in faculty salaries, UC has little choice but to match or compromise quality.

I do not know what you are referring to concerning UCLA. It is not my school and I confess to little knowledge of it.

I am sorry you regard my article as an info-mercial. I have been writing a monthly column for Saturday Night for about two years.

Erwin Chemerinsky

-----Original Message-----

From: Tom Wilde <deleted>

Sent: Sun 4/25/2010 11:49 PM

To: Chemerinsky, Erwin

Subject: Re: Saturday Night Magazine; UC

Hello Erwin,

Thank you very much for your prompt reply. And I must say that I'm especially pleased to receive your message because I have really enjoyed your op-ed pieces in the Los Angeles Times over the years, and I am most (or mostly) pleased with your positions on vital issues affecting our society (and hence, the world).

But your responses to my points are perhaps even more valuable to me in this particular case, and I would like to take a bit of space (and your time) here to try to explain why.

The "reality" you speak of here is the same reality enjoyed by the CEOs of all large multinational corporations, and it's easy to understand why they have built this reality for themselves (and for others, who will then either adapt to it or simply be left to suffer as they must), with power that simply—and by design—overwhelms democracy (and hence, the public). These corporations, as you're aware, are essentially tyrannical in their structure and behavior, so your evident belief that we all should just go along with this "reality" indicates no small measure of your own belief in totalitarian structures—though not a surprising belief for servants of power. So, you can serve this particular "reality," or you can work for the public and help in its efforts to build a strong institution of public education. And a bit of thought

tells us that it really is a choice between these two that you or anyone else must make, because the former's structure (and behavior) is entirely antithetical to education in any meaningful sense of the word; indeed, the power behind your chosen "reality" abhors public education, since an educated public would not long tolerate its tyrannical (i.e., abusive) power.

And by what kind of thinking do "competitive salaries" "attract quality faculty"? Surely your parroting corporate-speak propaganda here doesn't say much for the "quality faculty" you evidently have in mind, or does it? A look out the window tells most of us that people the world over do extremely high quality (and essential) work for little if any remuneration at all; and by the same token, it's clear to most of us that your "competitive salaries" have made massive thievery a veritable white-collar professional pastime (and the current economic situation allows us to see what "quality" means in the context of your preferred reality). So evidently your "quality faculty" are faculty members who want wealth and power more than they want to educate the public; thus in your reality, these "quality faculty" are going to demand this wealth and power even while knowing that their demands are destroying public education (again, hardly surprising, since the establishment intellectual has long been a euphemism for the well-paid servant to power—where again, this power loathes education). In short, your remarks here show a rather profound disregard for the public (and efforts to educate it) and a strong attraction to wealth and power.

Another crucial insight into the mindset of your "quality faculty" may be found in your not knowing what I'm referring to concerning UCLA. As a Constitutional law professor of no small renown, and as a prominent legal scholar who has long focused on freedom of speech issues, your not knowing when your workplace, the University of California, makes unconstitutional threats against free speech perhaps gives us a better idea of what you mean by "quality faculty"? But if you're interested, you can discover the UC's depth of commitment to freedom of speech by visiting the website: ucla-weeding101.info, or here: <http://thefire.org/article/10993.html>

And your saying that UCLA "is not my school and I confess to little knowledge of it" merely provides sharper meaning to your definition of "quality faculty." For while you say here that UCLA is not your school and you have little knowledge of it, you're nonetheless surely speaking as a steward of the entire UC system in your article for the wholly (and grotesquely) consumer-oriented magazine you've been writing for for the past couple of years. However, it's your saying "it is not my school" that most openly displays a complete disregard for a vital public educational system. Indeed, your statement indicates an apparent inability to understand the serious responsibilities of a citizen in a functioning democracy (though the statement wonderfully accords with a private, corporate outlook and its preferred reality).

Frankly, I'm more than a bit miffed [*I chose the wrong word; I meant **puzzled***] by how you responded to what I said in my message to you. Or perhaps this "quality" you speak of as only coming out of a "competitive" (i.e., bloated) salary is only offered to those students who are able to pay for it?

In any case, I remain quite pleased that you responded to my message (and so promptly!), and I truly hope that the time and space I've taken here can be seen as a genuine effort to engage in a quality (?) exchange with a sharp legal scholar whose work I admire.

Sincerely,

Tom Wilde

From: "Chemerinsky, Erwin" echemerinsky@law.uci.edu

Date: April 26, 2010 5:33:23 AM PDT

To: Tom Wilde <deleted>

Subject: RE: Saturday Night Magazine; UC

Dear Mr. Wilde,

Thank you for your kind words.

As someone who is trying hard to recruit faculty to come to a new school, I am acutely aware of faculty salaries. My approach is to match anyone's current salary. No one will take a pay cut to move. Everyone we want on our faculty has many options. Why would they come to a place at half the salary?

I do not know how to determine what is a fair or a bloated salary except by reference to the market. Do athletes or movie stars deserve millions while elementary school teachers make a small fraction of that? I long ago realized that salaries do not reflect social value, but what the market pays.

Thank you for writing. My guess is that this is one we will simply have to agree to disagree about.

Erwin

-----Original Message-----

From: Tom Wilde <deleted>

Sent: Tue 4/27/2010 11:59 PM

To: Chemerinsky, Erwin

Subject: Re: Saturday Night Magazine; UC

Hello Erwin,

I'm getting back to you on the assumption that the first (and important) question you posed in your last message—Why would they come to a place at half the salary? —was not simply a rhetorical device. Before posing this question, you state, "No one will take a pay cut to move." Yet this is an assertion of sheer nonsense to the bulk of the world's population at this moment of global economic hardship (when many of these people are moving by their own means for any pay at all). Of course, if you restrict your assertion to those you earlier described as the "quality faculty" operating exclusively in your preferred "market" "reality," then your statement works, and serves its doctrinal purposes.

As to the question you pose, I think its answer would be clear to professors committed to public education over private wealth and power. These faculty members would "come to a [public] place at half the salary" out of a citizen's obligation to an extremely valuable public institution, at a time when the University is being seriously undermined by corporate-funded privatization; i.e., they would easily recognize that their coming to the rescue of this vital public institution at this time affords them a real

opportunity to strengthen (rather than weaken) the public University of California. (And you might be surprised to find that faculty of true quality are more interested in affording themselves this opportunity than in affording million dollar homes and a veritable stable of luxury cars, though my guess is that the "Bren dictates" in your hiring procedures stipulate that this type of faculty member cannot be considered.)

On the matter I mentioned concerning the University of California's unconstitutional attempt to quash free speech, you've so far said nothing at all. Given your stature as a preeminent Constitutional legal scholar committed to free speech and academic freedom, how do you explain your apparent ignorance of or disregard for the University of California's action in this case? Or, using your own "quality faculty" standards how is it that you are paid some \$300,000/year by this public University system yet you claim no apparent knowledge of or interest in UCLA's unconstitutional demands, made this past August, regarding free speech? The public might well expect that given your free speech expertise (at your rate of pay), you would be quite aware of (or be required to know) when this public university is operating—in your name—in contravention of the First Amendment.

My sense is that you might well come to some very interesting turns in your position at the University of California if you begin to inquire into the facts that brought the UC to make its unconstitutional demands against me. And again, these facts can be found at this website: ucla-weeding101.info

I hope to be able to answer questions you may have on any of the documents and/or material on the website.

Sincerely,

Tom Wilde

From: "Chemerinsky, Erwin" echemerinsky@law.uci.edu

Date: April 28, 2010 5:29:25 AM PDT

To: Tom Wilde <deleted>

Subject: RE: Saturday Night Magazine; UC

Dear Mr. Wilde,

I think we will just have to agree to disagree. I believe that there is such a thing as quality faculty. Some are better teachers than others. Some are better scholars than others. Faculty, like those in any field, are not fungible.

If I were to create a law school and say that no one would get paid more than say \$75,000, I would have no chance to getting anyone who could teach at any other law school in the United States. You refer to wanting people who care about education. I don't think that caring about education is inconsistent with educating one's children and taking care of one's family. As much as I love my position at UCI and care about education, I would not have left Duke to take over a \$200,000 pay cut, not with four children to

put through college. No one would. And unless you believe that it is possible to create an excellent, or even a decent, law school with only faculty who could not get hired anywhere else, this would ensure low quality.

As for the UCLA speech issue, as I mentioned, I do not know about it.

Erwin

From: Tom Wilde <deleted>

Date: May 1, 2010 9:12:21 AM PDT

To: Erwin Chemerinsky echemerinsky@law.uci.edu

Subject: Re: The University of California

Hello Erwin,

I would like your permission to post our email exchange on the website: UCLA-Weeding101.info

Please allow me a bit of space and your time here to try to show why you should permit me to offer our exchange for the widest possible public consideration (which the Internet allows).

After my termination from a Ph.D. program at UCLA's Graduate School of Education & Information Studies, my faculty graduate advisor, Dr. Nicholas Blurton-Jones, and my division head, Dr. Val Rust, wrote to the University Ombudsman and UCLA Education Department asking for a my reinstatement and a review of the termination decision; they wrote, in part:

"More importantly, neither of us had been asked for any background information on Mr. Wilde's case. Nor apparently was much effort taken to verify the apparent facts of Mr. Wilde's academic record. Incompletes that had been cleared were listed as Fs and no enquiries about their real status or about the student's general progress were made."

Shortly thereafter, my advisor wrote in an email to me:

"I will argue that it [the termination decision] indicates you have been made to pay with your academic career for department error (no copies of probation letters to me), professor and university disorganisation (incompletes not being processed), [and] carelessness by whoever (Harold [Levine] claimed it was Grad Division office?) issues the dismissal notice (for their failure to verify the situation)."

My advisor never made his argument; nor did I receive an explanation for why he didn't make it.

Some ten years later, I instigated a meeting between Val Rust and UCLA history professor, Dr. Robert Brenner, during which they re-examined the facts of my case ("in excruciating detail," in the words of Robert Brenner). Robert Brenner then wrote to me:

"The case is clear-cut: they had no basis for dismissing you, as you met the formal qualifications. Moreover, they gave you no other reasons, so any further reasons they give now are beside the point. All

this is obvious." I then met with Val Rust and corroborated a statement that he had made to Robert Brenner on my case: "This [termination] is a wrong to right."

When UCLA faculty members make these statements following a student termination and the student nevertheless remains terminated, their statements should compel all professors within the University of California to inquire about their positions vis-à-vis the central function of their employer: the University of California's selection of its students. Those UC professors who do not feel compelled by these faculty statements to do so merely reveal themselves to be unquestioning and obedient servants of power—pure and simple.

The University of California currently markets itself globally as a leading public institution fully committed to the free exchange of information and ideas (though it's safe to say that any university that doesn't market itself as such would necessarily invite betrayals of the very definition of education). Accordingly, when the University of California threatens legal action in an attempt to remove a website from a vital source of information, the Internet, all UC faculty are obligated by the University's own academic and ethical principles to vigorously investigate this threat to the free exchange of information and ideas—and denounce it immediately if those behind this threat cannot soundly and publicly justify it.

In this case, this threat to free speech by the University of California was denounced as unconstitutional by the organization, FIRE; and to my knowledge, not a single UC faculty member supported FIRE in its denunciation of this threat to free speech (though one UCLA Constitutional law professor [Eugene Volokh] did announce that he was "happy" that UCLA then dropped its unconstitutional threat against my website).

You, as a widely renowned Constitutional law scholar who was brought in as Dean of the UCI Law School amid renewed UC (marketing) pledges to free speech and academic freedom, simply cannot enjoy the apparent luxury of ignorance about a case whose facts and circumstances point to serious threats to both free speech and academic freedom. The University of California, after all, exists to answer to the public, and the University's own mission statement obligates you to investigate these threats to the best of your abilities—abilities which the public (via the UC) is paying you quite handsomely to exercise at this university.

Your position as a Dean in this university system does not allow you to wave away the public and its demands; rather, as a public steward of this vital institution, you are required to justify to the public any of your hand waving done at this university. Our exchange [above] shows your hand waving in a case that readily raises extremely serious questions about freedom of speech and academic freedom within the entire system of the University of California.

I might note, too, that your stated ignorance of this case and your evident desire to remain silent about it (as found in your responses [above]) give the unseemly appearance that you are being very highly paid for selective ignorance and selective silence—given that you've been quite well-informed and quite vocal on other cases involving free speech and academic freedom (and especially so when you were at the center of a case involving free speech, academic freedom, and your present position within the University of California). And it's widely understood that viable institutions of law and of academic and ethical principles must strenuously avoid even the appearance of selectivity in their practices.

Your permitting our exchange to go out to the public will, I believe, raise awareness among UC professors of their serious obligations to free speech and academic freedom within the entire University of California system. I believe this exchange, brought to public light, will then offer you and other UC faculty an invaluable opportunity to work to strengthen free speech and academic freedom within the

university. And because education itself is predicated on free speech and academic freedom, this opportunity cannot be ignored by the faculty of the University of California.

I hope I've made a sufficiently strong case for your permission to post our email exchange on the UCLA-Weeding101.info website. The website itself holds important documents on this case, and I'd be happy to answer questions you may have on any of the material there. And while you likely don't agree with Noam Chomsky's assessment of the primary function of the university—"a real selection for obedience and conformity"—that introduces the website, the facts of this case allow no other conclusion that I am aware of.

To close, I'll note that in your last reply you wrote that you believe that there is such a thing as quality faculty—as if to say that I don't. But I had already said that faculty of true quality are those who are more interested in affording themselves the opportunity to strengthen the public university than the opportunity to afford million dollar homes and a fleet of luxury cars. You also wrote there that you wouldn't have come to the University of California at an over \$200,000 pay cut because you have four children to put through college. However, all UC faculty members' university-going children must seriously question what they are actually getting at a university (and at what cost) when these same faculty members do not stand up—in the names of their children and all other UC students—for the free speech and academic freedom that are the very foundations of this public university and its vital mission to provide the public a higher education.

Sincerely,

Tom Wilde

[phone # deleted]

From: "Chemerinsky, Erwin" echemerinsky@law.uci.edu

Date: May 1, 2010 10:19:17 AM PDT

To: Tom Wilde <deleted>

Subject: Re: The University of California

Dear Mr. Wilde,

I do not give consent for our email exchange to be put on your website. It was a private exchange between us.

Thank you for asking first.

Erwin

Sent from my iPhone

-----Original Message-----

From: Tom Wilde <deleted>

Sent: Fri 5/7/2010 8:45 PM

To: Chemerinsky, Erwin

Subject: Re: The University of California

Hello Erwin,

I simply do not know how to respond in a way that makes sense to me without it also possibly sounding like a threat to post our exchange on the website, so let me stress now that absolutely nothing I say here should be construed as such.

Because of what the University of California attempted in the run-up to your finally filling your present position at UCI Law School, it strikes me that you may know better than many how crucial it is for people to speak out collectively on the principles of free speech and academic freedom. To put this another way, if the UC's obscene attempt to violate these foundational principles (of a free society and its universities) had not sparked the national uproar that it did in your case, we'd all know that these principles are now for sale everywhere in the so-called free market, and those with the most buying power are completely free to exercise their overwhelmingly superior power without compunction. And you may agree with me that if there had been no nationwide outcry (based solely on these principles), you wouldn't be sitting where you are now.

As you know, you're now in a position of immense responsibility to free speech and academic freedom at the University of California. In my mind this means that you do not have the luxury of averting your eyes when the UC dismisses facts, violates its own Faculty Codes of Conduct, and makes unconstitutional threats against free speech. And taking the facts and UCLA faculty statements on the case of my termination from UCLA at face value shows that the UC is continuing to dismiss crucial facts and violate its Faculty Codes of Conduct.

Your silence on this case can be taken up and used to show that you readily accept and vigorously defend free speech and academic freedom when doing so promotes you (and your family, and perhaps those whose ideas you agree with); moreover, your silence on this case can be used to show that UC faculty simply avert their eyes when their own students are thrown out in a University student expulsion operation that discards facts and violates the University's Codes of Conduct.

Too, I think those UC faculty members' children whose parents justify their \$350,000 salaries by claiming this is what's necessary for their children to become university students surely need to know that their UC faculty parents will remain silent when the University discards facts and violates its academic and ethical codes to throw out their children's classmates.

Or can you provide me with principled justification for your silence on this case that, not unlike your own, turns on crucial facts and the University's vital principles of free speech and academic freedom?

Sincerely,

Tom Wilde

[phone # deleted]

From: "Chemerinsky, Erwin" echemerinsky@law.uci.edu

Date: May 8, 2010 4:44:26 AM PDT

To: Tom Wilde <deleted>

Subject: RE: The University of California

Dear Mr. Wilde,

I have no hesitation in expressing my opinion about things so long as I know enough to have an opinion. All I know about your case is what you have told me. I never would express an opinion on such a basis.

Erwin

From: Tom Wilde <deleted>

Date: May 8, 2010 10:19:00 AM PDT

To: "Chemerinsky, Erwin" echemerinsky@law.uci.edu

Subject: Re: The University of California

Hello Erwin,

Thanks for your reply. Of course I would never expect (or even want) anyone to express an opinion based solely on what another person had told them about a case.

The purpose of the website is to provide you with University documents and faculty statements on my termination, so that you may come to your own conclusions, and then express an opinion if you feel it's warranted. (The statements on the website's homepage are examples of UCLA faculty members' conclusions.)

I'm pressing you to examine my case and express your opinion on it not only because you have demonstrated sharp thinking on the extremely serious issues of free speech and academic freedom— issues that I think you'll agree are immediately raised upon even a cursory examination of my case—, but also because you have first-hand knowledge of what happens to an individual when a powerful university disregards facts and its foundational principles to do what it wants, evidently thinking that too few will speak up for this individual on the basis of these facts and principles. And again, you may agree with me that you wouldn't be where you are now if many more than a few had not spoken up for you on the basis of facts and these indispensable principles.

Indeed, given your direct experience with the University of California in your case, I think you'd want to be looking out for other individuals the University has discarded, in the manner that it tried to discard you, or worse. And I guess this effort would be something popularly known as 'paying it forward.'

UCLA senior faculty member Robert Brenner also told me he had no hesitation in openly expressing his opinion on my case ("The case is clear-cut: they had no basis for dismissing you, as you met the formal qualifications. Moreover, they gave no other reasons, so any further reasons they give now are beside

the point. All this is obvious."). That was five years ago, and I'm still waiting for him to openly express his opinion on my case.

As I said in an earlier message, my sense is that you might well come to some (more) very interesting turns in your work at the University of California if you begin to inquire into the facts that brought the UC to make its unconstitutional demands against me.

Also, this past November Noam Chomsky wrote me that he would seriously consider providing written support to a UC faculty member willing to take up this case. I feel sure he would readily respond to you and offer you his strongest written support if you were to contact him about this case.

And I'm here and happy to answer questions you may have on any of the documents in my case; furthermore, I live close enough that I could meet with you to carefully go over all the material I have on this case if you'd like to.

Sincerely,

Tom Wilde

[phone # deleted]

From: Tom Wilde <deleted>

Date: May 15, 2010 10:53:51 PM PDT

To: Erwin Chemerinsky echemerinsky@law.uci.edu

Subject: The University of California

Hello Erwin,

It appears that you've been quite busy with the media since Elena Kagan's nomination to the Supreme Court, and I imagine that you'll continue to be frequently called upon for your analyses and commentary on this important event in the coming weeks.

All the same, I'd like to bring us back to the University of California and its central operation of selecting students (and faculty, I might add) via something that I'll call "the commissar phenomenon."

We can readily observe this phenomenon when the intelligentsia of our designated enemy state(s) are rightly (and loudly) ridiculed by this nation's top intellectuals as commissars for their inability to perceive the abuses of their own institutions of power (let alone pay attention to and then strongly denounce these abuses and/or these institutions' leaders).

To bring this phenomenon down to the local level, it seems to me that when juxtaposed, the case of your being hired, fired, and then hired again by UCI and the case of my being thrown out by UCLA can provide us some crucial insights and a much deeper understanding of how the University of California operates, on faculty and students alike; that is, this particular juxtaposition appears to offer us an ideal

case with which to explore whether and/or how "the commissar phenomenon" may in fact be operating within one of this nation's most valued public institutions of higher education.

The facts of your case indicate that the University of California made a very grave miscalculation in assessing the degree to which it could count on "the commissar phenomenon" both inside and outside its own corporate domain in its effort to use sheer power to weed out unwanted faculty (though the UC certainly took away invaluable lessons during its unsuccessful attempt to violate the academic and ethical principles it uses to market itself globally).

I am pointing you to the facts of my case because, in the end, faculty members are still left alone to decide whether they will avert their eyes and remain silent while their university abuses its power to weed out students. Of course no one can force university faculty to examine these facts coming out of the university's central operations; however, when these facts are offered with claims that the university is discarding these facts and violating its own academic and ethical principles in order to terminate a student, faculty members who strongly denounce threats to free speech and academic freedom are thereby obliged to give these facts some careful consideration, at the very least—unless of course these same faculty members are, beneath the liberal garb, the university's own commissars.

To close here and hopefully leave you with an important decision to make on how you will allow the public University of California to terminate its students, I'll quote the fairly well-known educator, Paulo Freire: "Washing one's hands of the conflict between the powerful and the powerless means to side with the powerful, not to be neutral." And I would add that within the university today, those faculty members incapable of seeing themselves among the powerless students the university has unethically weeded out are those most strongly siding with the powerful university, and therefore serving as the university's most trustworthy commissars.

Sincerely,

Tom Wilde

[phone # deleted]

[email address deleted]

-----Original Message-----

From: Tom Wilde <deleted>

Sent: Tue 6/8/2010 10:03 PM

To: Chemerinsky, Erwin

Subject: The University of California

Hello Erwin,

I cannot see but that University of California faculty members' ignoring the facts I've offered them on

my termination from UCLA raises very serious questions about faculty academic freedom within the entire UC system, as well as very serious questions about their ability to participate in the governance of the UC, as this right is laid out in the UC Faculty Codes of Conduct.

And that these facts warrant serious scrutiny by UC faculty is shown by the UCLA faculty members' conclusions drawn from these facts, the shortest of which states: "This [termination] is a wrong to right." (Dr. Val Rust, UCLA Education Dept.; the other faculty members' conclusive statements are found in an earlier message [above].)

Given your own troubling case with UCI, along with your vocal support for academic freedom within the UC, I believe you should want to carefully examine the facts of my case in order to form an opinion, one which you would then (as you say [above]) have no hesitation in expressing.

I realize this must be a very busy time for you, with the academic year fast coming to a close; however, once you've made the requisite commencement speeches extolling the virtues of the UC, I will ask you to set aside some time to examine these facts that bear directly on the central operations of this public university, and thus on all UC faculty.

And your opinion on these facts is something I will continue to press you for, for reasons that I've already offered in our exchange [above].

Sincerely,

Tom Wilde

[phone # deleted]

From: "Chemerinsky, Erwin" echemerinsky@law.uci.edu

Date: June 8, 2010 10:09:22 PM PDT

To: Tom Wilde <deleted>

Subject: RE: The University of California

Dear Mr. Wilde,

I apologize, but I do not know enough about the facts of your case to express an opinion. Nor do I have the time to investigate it to be able to express one. I wish you all the best in securing justice in this matter.

Erwin

From: Tom Wilde <deleted>

Date: June 10, 2010 7:56:25 PM PDT

To: "Chemerinsky, Erwin" echemerinsky@law.uci.edu

Subject: Re: The University of California

Hello Erwin,

If one of your children came home from the University of California (or any university) with the University documents I offered you and told you that the University had terminated him/her by ignoring facts and violating the University's Faculty Code of Conduct, you'd have to feed him/her the same response you gave me [above]—unless you're a commissar for the University of California. (Again, the key attribute of the commissar is his openly and vigorously condemning the violations of the designated enemy while ignoring the violations of the party he's been allowed—and well paid—to join.)

Paolo Freire once said: "Washing one's hands of the conflict between the powerful and the powerless is to side with the powerful, not to be neutral." And one of my favorite scholars, Noam Chomsky, has said: "The intellectual tradition is one of servility to power, and if I didn't betray it I'd be ashamed of myself." I believe I now well understand the accuracy of Chomsky's statement, and it's one that is presently weighing heavily on me vis-à-vis our email exchange [above].

And your saying that you wish me "all the best in securing justice in this matter" only adds additional weight, for it may well reveal that you know that in this case an injustice has indeed been committed by your own University, but that you've chosen to ignore it—just as a commissar would be expected to do.

Over the next few days, while you're up on the UC podium fulfilling your role, your words up there may someday be understood as those of a University commissar if my case ever comes to public light.

Sincerely,

Tom Wilde

NB: In September, 2018, I sent the following e-mail to Erwin Chemerinsky, who had moved from UC, Irvine, to UC Berkeley in 2017, to become the Dean of UC Berkeley Law School. In January, 2019, I sent another e-mail to Dr. Chemerinsky, and that exchange also follows below.

From: Tom Wilde <deleted>
Subject: The University of California
Date: September 24, 2018 at 1:45:42 PM PDT
To: echemerinsky@law.berkeley.edu

September 24, 2018

(Also sent via U.S. Postal Service, on September 24, 2018)

Dear Erwin Chemerinsky,

You and I had an e-mail exchange back in 2010, and I'm attaching our exchange below.

I posted our exchange on my website, ucla-weeding101.info, in early 2011, without your consent, in my continuing attempts to draw attention to UCLA's dismissal of facts and violations of academic codes and ethical standards in order to kick me out of a Ph.D. program at the UCLA Graduate School of Education & Information Studies. In May, 2012, I allowed that website to be removed from the internet (the website host, Microsoft Live, ended the service plan I had been using) and today a Google search cannot find our exchange. I hope you'll read our exchange here to renew your understanding of my approach to this extremely important case.

This past April, I relaunched the website with the same URL: www.ucla-weeding101.info.

Not for a moment do I believe the UCLA faculty statements given to me following my termination can be left in my personal correspondence with these UCLA faculty members—rather, these faculty statements must be given to the public so that the public can gain a deeper understanding of how the public University of California system operates on its students. Nor do I believe that investigating these UCLA faculty statements (and UCLA's continuing attempts to quash protected speech in this case) falls outside of your considerable duties and responsibilities as the Dean of UC Berkeley Law. And this is especially so given the University of California is one of the most powerful public university systems in the world, and UCLA has been marketing itself as “the most popular campus in the nation” for nearly the past decade.

For decades past, as the recent Catholic Church scandals, university scandals, and the #MeToo movement have shown us, flagrant abuses of power were enabled by people who witnessed these severe abuses but simply looked the other way and/or accepted them as “part of the culture of the time.” But thanks to many courageous women and men who refused to give up their voices over many decades, we have finally started to acknowledge that many of those who witnessed these abuses and remained silent did so simply to help preserve a marketed “reputation” as a sure—but grotesquely shameful—means to their own career advancement.

In my estimation, your own silence on this case signifies that the University of California has now reached a level of power that has given it quasi-religious status in our nation, and its faculty have become its secular priests. In fact, we only need to look at the statements made on this case by UCLA Distinguished Professor, Edward L. Keenan for clear evidence of this status. That is, this quasi-religious

status is easily found when a UCLA Distinguished Professor says that the proper way to approach UCLA is to do so “without the [UCLA department] having to acknowledge any wrong doing. *[sic]*”

As Dean of UC Berkeley Law, you have a very serious obligation to investigate this case involving clear issues of academic freedom and free speech at the University of California. And I have given you these UCLA colleagues' names to allow you to begin this investigation. And of course, I am here to answer questions on this case and provide you with all the documentation that I have on it. I also encourage you to read the material on my new website. Additionally, a week ago I started a petition that I hope you'll read and then add your name to: www.change.org/p/force-ucla-to-stop-abusing-its-students.

Your reply to what I'm saying above will help me to decide what to do next in my efforts to move this case into full public light, and thereby do what I can to stop UCLA from continuing to abuse UCLA students.

Thank you very much for your time and consideration, and I look forward to your reply.

Sincerely yours,

Tom Wilde

From: Tom Wilde <deleted>
Date: Sunday, January 6, 2019 at 2:38 PM
To: <echemerinsky@law.berkeley.edu>
Subject: "We The People"

Dear Erwin Chemerinsky,

Unfortunately, I will not be able to attend your upcoming talk, ‘Recognizing the Power of “We the People”’ at The Commonwealth Club in San Francisco on January 14, 2019. However, I'll thank you in advance for giving the talk, and I really look forward to listening to it after it is posted on the internet.

I am a firm believer in “we the people,” and I therefore believe that it takes more than just “recognizing the power of we the people”; in fact, we the people have to work as a united force to actually use this power. And historically, beginning this work has often entailed one or a few persons coming forward with a compelling case for this work and for why this work truly requires “we the people.”

I do not believe for a moment that these UCLA faculty statements on how UCLA is operating are not compelling, and especially so at a time when UCLA is marketing itself as “the most popular campus in the nation,” and the University of California itself is operating as the most powerful public university system in the United States (and one of the most powerful public university systems in the world).

So I understand why the media is ignoring this case of a student termination from UCLA, but if I were also to ignore it I would be complicit in the backroom work of powerful private corporations who are

working mightily to privatize the entire University of California system. And as a citizen, and as one of “we the people,” I have to assume a citizen’s responsibility for protecting and maintaining the University of California as one of the world’s best public university systems.

I am explaining myself to you here so that you understand why I betrayed your trust in me and decided to post our e-mail exchange. You can find the webpage with our exchange, prefaced by my remarks, at this link: www.uclastudentabuse.info/uc-berkeley-dean-as-uc-commissar.

Your vital work on free speech and academic freedom is surely made hollow by the University of California in its abuse of its immense power against those with the least power—UC students. And as you’re certainly aware, speaking about the power of “we the people” and the importance of free speech and academic freedom amounts to very little (except powerful marketing propaganda) if “we the people” do not attempt to gather our power and use it to try to stop this abuse of UC students by one of the most powerful education institutions in the United States—and the world. You’re presently in one of the best possible positions to stop the University of California from abusing UC students. Consequently, the choice to stop this abuse of UC students is yours; however, it is the one that fundamentally defines who you are at the University of California: a person working for “we the people” or a person working for the UC as an academic commissar.

Sincerely yours,

Tom Wilde

On Jan 6, 2019, at 3:52 PM, Erwin Chemerinsky <echemerinsky@law.berkeley.edu> wrote:

Dear Mr. Wilde,

Thanks for your message.

Erwin

From: Tommy Wilde <deleted>
Subject: Re: "We The People"
Date: January 6, 2019 at 6:23:01 PM PST
To: Erwin Chemerinsky <echemerinsky@law.berkeley.edu>

Dear Erwin Chemerinsky,

Thank you for letting me know that you received my message.

I put the choice to you that you are either a reputable scholar committed to academic freedom or an academic commissar, and then I betrayed your trust (and violated the law) in publishing our email exchange without your permission.

Therefore, I guess there is at least some sort of Orwellian humor in your thanking me for my message here. So I owe you a thank you for that, too.

Sincerely,

Tom Wilde

From: Erwin Chemerinsky <echemerinsky@law.berkeley.edu>
Subject: Re: "We The People"
Date: January 6, 2019 at 9:50:46 PM PST
To: Tom Wilde <deleted>

As for the choice you present, it is very, very difficult for a dean at one UC school to criticize the administration of another UC school. It is far more complicated than the choice you present.

From: Tommy Wilde <deleted>
Subject: Re: "We The People"
Date: January 6, 2019 at 11:40:43 PM PST
To: Erwin Chemerinsky <echemerinsky@law.berkeley.edu>

Dear Erwin Chemerinsky,

Accepting that cases of this sort can be quite complicated, the choice I presented has nothing to do with a dean at one UC school criticizing the administration of another UC school. Rather, the choice I'm presenting you is whether to examine offered evidence of the UC's abuse of power—in this case, the UC's abuse of UC students—as the first step towards stopping this abuse, or to merely wave this evidence away as you have, by saying you're too busy to look at it. And as you're doubtless aware, the commissar simply disregards evidence that his employer is abusing its power; surely he, too, can see this evidence, but the commissar won't do anything about it, by the definition of his moniker.

However, if UC professors are in fact committed to free speech and academic freedom, they'll carefully examine evidence offered that the UC is abusing its power—simply because they know that their not doing so will then quickly erode their own free speech and their own academic freedom (to say nothing of faculty codes of conduct and ethical standards).

Certainly, if your child had [come] home permanently from the UC with the two UC documents I've offered you here, along with these UC faculty statements I received following my termination, and nobody said anything further about this case, you'd have known immediately that you were then dealing with something at least as powerful as other longstanding institutional taboos that have wracked our society.

I hope I've clarified here the choice I presented to you: examine this case following out of your responsibilities to a great public university, or wave it away as a UC commissar must do. And of course, any criticism of which you speak could only come *after* your careful examination of this case.

Thank you very much for your time and consideration.

Sincerely,
Tom Wilde

From: Tommy Wilde <deleted>

Subject: Your "We The People" talk; Commonwealth Club, 1/14/19

Date: January 21, 2019 at 7:08:08 PM PST

To: Erwin Chemerinsky <echemerinsky@law.berkeley.edu>

Dear Erwin Chemerinsky,

Today I watched your talk, "Recognizing the Power of We the People," given at the Commonwealth Club on January 14th, 2019. The moderator, Mary Cranston, introduced you by saying, "National Jurist Magazine has named him as 'the most influential person in legal education in the United States.'" And your talk made clear why you've been recognized with this significant distinction. But I also include her quote here as a way to say how much I appreciate and value your correspondence. And in my opinion, your work is of inestimable value.

That said, your "We the People" is what brings me back (again) to your last reply (below mine below), in which you said: "As for the choice you present, it is very, very difficult for a dean at one UC school to criticize the administration of another UC school. It is far more complicated than the choice you present."

Your sharp criticism of Supreme Court Justices and the Supreme Court itself show that you're not wary of criticizing these powerful people and how they're administering their power; indeed, your formidable skills in doing so have brought you to where you are now.

So there's something else operating within the administration of the entire University of California that forces you to respond as you have to the facts and UCLA faculty statements that I've presented to you. And that something was shown yet again in an article in today's Los Angeles Times, where this time it's UCSD faculty expressing their fear of retaliation if they complain about abuses of power within the UC hierarchy—so they, too, insist on anonymity when discussing this abuse.

Below our exchange here, I've pasted an e-mail I sent today to the reporter/writer of that [San Diego Union-Tribune piece](#), Gary Robbins. I urge you to read what I wrote to him, because I have no doubt it is this same widespread faculty fear within the UC that's also forcing you to remain silent on this case.

Ironically, if that's even the right word, I nonetheless see your replies to me as an indication that you recognize this case I've presented to you contains facts that show how the UC actually operates on—and abuses—UC students beneath its global flood of marketing propaganda.

Again, if your child had been kicked out of the University of California and came home to you with these same facts and these same UC faculty statements, and thereafter everyone remained completely silent on how the UC had operated on (i.e., abused) your child, I have no doubt that you'd agree with the analogy I'm drawing between the University of California and the Catholic Church's abuses of power here in the U.S.

I think you'd only have to put out a simple inquiry on this case within the UC to find out immediately that it is worthy of your vital work. And I look forward to answering your questions on this case.

Sincerely,
Tom Wilde
Los Angeles, CA
[phone # deleted]
[e-mail address deleted]

Begin forwarded message:

From: Tommy Wilde <deleted>
Subject: The University of California
Date: January 21, 2019 at 12:17:36 PM PST
To: gary.robbs@utsandiego.com

Re: "Conflicting views of university chief"; Los Angeles Times, 1/21/2019, B2

Dear Gary Robbins,

You write that Khosla's detractors "describe him more like the brusque chief executive of a private company than the chancellor of a large public university that prizes collegiality." You quote one of these detractors, sociology professor, Andrew Scull: "There is an atmosphere of fear on this campus[.] People are afraid to speak out either because voicing their views may bring retaliation on their department or unit." You then quote Thomas Leet, a former assistant vice chancellor for human

resources: “The persons who complained did not want their identities revealed to the Office of the President. They were highly skeptical [UCOP] would take appropriate action...and [they felt] they would be subjected to retaliation on campus given that they’d be identified due to the nature of their complaints.”

Every sentence you quote here leads a reasonable person to make one of two conclusions: Khosla’s supporters are also working for the privatization of the largest public university system in the U.S., or, Khosla's supporters are willing to work under the exact same fears as his detractors—in a position of subjugated careerism.

When the faculty of the most powerful public university in the U.S. are working under these conditions, this same reasonable person would then focus on the learning environment (and working conditions) of those in this system who have the least power—UC students.

In fact, you’re just peeking at something akin to the Catholic Church scandal here, but the stakes are exponentially higher because we’re no longer only dealing with people’s beliefs, but also with their very ability to gain and secure an economic livelihood—which ultimately makes this scandal more widespread here in the U.S. (and therefore more dire to more people here in the U.S.) than that of the Catholic Church.

And as long as you remain silent on this abuse of the least powerful within this extremely powerful public institution, the University of California continues to have you in a position of subjugation as well, and simply continues to abuse those with the least power—its own students.

The UCLA faculty statements I’ve gathered are from “the most popular campus in the nation” (UCLA press release). On reading these UCLA faculty statements on this student termination, you would then examine how often this happens to UC students, or how often you’re going to allow this to happen to UC students before you speak up for these students, the public—and yourselves.

The UCLA faculty statements are here: www.uclastudentabuse.info

And I’m happy to answer questions you have.

Sincerely,
Tom Wilde
Los Angeles, CA

From: Tommy Wilde <deleted>
Subject: The University of California
Date: January 27, 2019 at 1:26:43 PM PST
To: Erwin Chemerinsky <echemerinsky@law.berkeley.edu>

Dear Erwin Chemerinsky,

In a [New York Times article](#) on your appointment as Dean of the University of California, Irvine, Law School, you said this:

“I would never accept a faculty position, a dean position or any other position where I felt I was being muzzled.”

In your last e-mail to me, you said this:

On Jan 6, 2019, at 9:50 PM, Erwin Chemerinsky <echemerinsky@law.berkeley.edu> wrote:

As for the choice you present, it is very, very difficult for a dean at one UC school to criticize the administration of another UC school. It is far more complicated than the choice you present.

I replied (e-mail; 1/6/19) to your message by saying the choice I presented to you only had to do with either *first* examining the evidence of the UC's abuse of power in this case, or simply waving it away as you had done earlier by saying that you were too busy to do so. And I said that only *after* examining this evidence could you then choose “to criticize the administration of another UC school.”

Evidently, you're continuing to wave away this evidence I've presented to you. However, I don't think for a moment that you're not aware that this evidence shows the grotesque abuse of power by the UC against UC students. And what you were put through by the UC back in 2007, when you were given face-to-face contact with this grotesque abuse of power, shows that you're fully aware of how extreme the UC's abuse of its power can be, given how it tried to abuse you, a nationally renowned Constitutional scholar who has long moved freely within circles of immense power on both “the left” and “the right.” (To stand before the U.S. Supreme Court is nothing if not having a standing within arguably the most powerful institution of the U.S.)

So you've said that you would never accept a faculty position, a dean position or any other position where you felt you were being muzzled, yet your brief reply here on the case I've presented to you shows that you are muzzling yourself, which is the most insidious—and the most dangerous—form of muzzling because it shows that you've internalized the muzzle that the UC has given you and made it your own.

For if this were not the case, you would simply deal with the difficulties you have in mind (and they are quite real, indeed) and stand up with this evidence in order to stop the University of California from continuing to abuse University of California students. And in standing up with this evidence showing that the UC is abusing UC students, you would be standing up for all UC students and all UC faculty—and you would be standing up for yourself.

And your doing this is the very substance of the freedom of speech, the academic freedom, and the “We the People” of which you so eloquently and persuasively speak—whereas your not doing this exposes you as a UC commissar and exposes these core principles of our modern society to be nothing more than the brain-washing marketing propaganda used by our nation’s most powerful public university system in its function to select for obedience and conformity, and forever fasten the muzzle on those it then allows to enter its “highly educated” ranks.

I look forward to your reply on this extremely serious case at the University of California.

Sincerely,
Tom Wilde