



David Baker, Ph.D.
Senior Vice President, Provost and Chief Operating Officer
The University of Akron
Office of the Senior Vice President and Provost
302 Buchtel Commons
Akron, Ohio 44325
Fax: 330-972-8652

April 6, 2010- Sent via facsimile and U.S. Mail

Dear Dr. Baker:

We write in regard to the recent dismissal of adjunct Professor Matt Williams, an outspoken advocate for better working conditions. Professor Williams' dismissal prior to the completion of his contract appears to be directly related to his protests against the University's hiring policies. The principle of free speech is a crucial part of the foundation upon which our country was founded. The First Amendment to the United States Constitution bestows upon all persons the right to speak freely without fear of government retribution, especially when such speech is in opposition to governmental policy.

In 1919, U.S. Supreme Court Justice Oliver Wendell Holmes proposed the concept of the "marketplace of ideas." *Abrams v. United States*, 250 U.S. 616 (1919). This concept is an illustration of the importance of free speech in our society. Justice Holmes stated that, "the ultimate good desired is better reached by free trade in ideas – that the best test of truth is the power of the thought to get itself accepted in the competition of the market... That at any rate is the theory of our Constitution." Competition and free expression of ideas in our society is of the utmost importance. Individuals should be free to communicate ideas without punishment.

Universities have traditionally been a place where the marketplace of ideas is most cherished. That is why it is so disappointing to see a university terminate a professor based upon the content of his speech and actions he took in protest of an ill-advised and illegal University DNA collection policy. As part of your mission statement you claim that, "The University of Akron, a publicly assisted metropolitan institution, strives to develop enlightened members of society." How can a university, claiming its mission is to enlighten students, justify the firing of a professor based on that professor's speech? The only true way to have an enlightened society is to allow for an unhindered "marketplace of ideas." Simply because you do not like certain speech does not mean you should then punish the speaker into silence. Our country's founding fathers would frown upon such inconsistency, as should you.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org





In addition to our free speech concerns, we would also like to draw your attention to Section 207(f) of the Genetic Information Nondiscrimination Act of 2008 ("GINA") that prohibits retaliation against whistleblowers. This past fall, Professor Williams drew attention to the University's hiring policy that included DNA testing of employees, which was strictly prohibited under GINA. He quit in protest of the illegal policy, which was subsequently rescinded by the University Trustees. Williams was rehired and has since been dismissed because of his actions. Section 207(f) prohibits retaliatory discrimination against an employee who has opposed actions by the employer that are in violation of GINA.

It is most important for a university such as yours – that is working to mold the future leaders of this country – to teach students the value of free speech and what our First Amendment truly stands for. Therefore, we request that you reconsider your recent decision to terminate Professor Williams, who was simply voicing concern over policies that not only affect those individuals at the University of Akron but are also matters of public concern.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org



Sincerely,

James Hardiman
Legal Director
Phone: 216-472-2220

cc: Dr. Luis M. Proenza, President
The University of Akron
Office of the President
302 Buchtel Commons
Akron, Ohio 44325