



Wayne State Removes Questionable Website After Mackinac Center FOIA Requests

By Joseph G. Lehman

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Summary

Wayne State University removed politically charged material from the website of its labor studies department after a Mackinac Center open records request.

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A visitor to the Wayne State University's Labor Studies Center website in early April would have encountered a page stating, "Our site is under construction." The department was re-examining the site's content in light of a Freedom of Information Act request submitted by the Mackinac Center. A university official said it was making sure parts of its website were not in conflict with Michigan law.

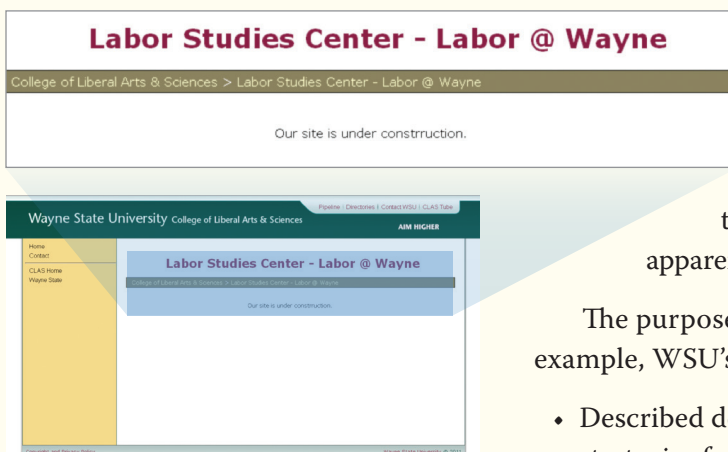
WSU's action validates my organization's concern that the Labor Studies Center was perhaps engaging in politics and not just academics. Yet our efforts to examine WSU's use of public resources led some to assert that our FOIA request had "political overtones" and was "purposely intimidating." This is simply untrue.

Imagine a public university medical school where the professors teach medicine but also use official resources and taxpayer money to organize Tea Party rallies and help activists seek the repeal of ObamaCare. There would be a justified public outcry. Yet this is precisely the situation in Michigan, except it is labor relations faculty apparently helping organized labor achieve its political goals.

The purpose of our records request was to investigate why, for example, WSU's labor studies website:

- Described department activities as helping "local leaders develop local strategies for building power."
- Stated that if labor groups continue "building coalitions," "mobilizing aggressive political action" and "developing and enacting progressive economic policies" they will be "laying the groundwork for helping to lead the future of their regions."
- Directed users to dozens of union and political websites.
- Explained that "starting points" for "researching your employer" include "The Dirt Diggers Digest" and the Strategic Action Center, which "is designed to assist progressive organizations with campaign needs."

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This is a screen capture of the Wayne State University Labor Studies Center website shortly after the Mackinac Center publicly explained why it had filed a FOIA request with the school.

When we publicly explained — after our FOIA requests drew national attention as well as bomb and death threats to the Center — why we were seeking certain information, the references and pages outlined above began to quickly and quietly disappear from WSU’s website, but not before we had preserved the originals. When we later published a lengthy description of the department’s activities, the site was removed completely, only to reappear a few days later minus the political activism.

This is not the first time the Center has raised this issue with Wayne State. A 2010 article by Ken Braun, managing editor of Michigan Capitol Confidential, pointed out similar concerns about the political nature of its labor studies website. After publication, the university relocated Web pages and hyperlinks to which the article referred.

The Labor Studies Center also attracted a campaign finance violation complaint in 2005 for allegedly advocating passage of a statewide ballot measure. The department’s public funding, history and activities made it a legitimate subject of inquiry. A June 2006 letter from the Michigan Secretary of State to the university stated “The Department of State concludes that there may be reason to believe that WSU violated” sections of the Michigan Campaign Finance Law “through materials posted on its web site discussing a ballot initiative to raise Michigan’s minimum wage.” The school took down the material in question after becoming aware of the complaint and no fines were issued, but the Secretary of State’s letter went on to say that the department “would consider future noncompliance” with the law “to be a knowing violation.” It is a misdemeanor crime under Michigan law to use public money for political purposes.

Only after months of waiting for university officials to explain why the apparent political activity is within their tax-funded mission did we file a request for public documents. At the same time, we filed similar requests with labor studies departments at two other Michigan public universities. Comparing the three universities’ responses to the same request provides useful context for our research.

Open records laws help the public guarantee that government employees are using public resources properly. It is certainly possible for open records requests to be abusive, but it should be remembered that FOIA laws contain checks and balances against purely speculative inquiries and protect government workers’ private information as well as proprietary information.

Private-sector workers typically may not use their employers’ resources, including computers, for politics or personal gain. Public employees are similarly constrained. What tax-funded employees do with their own resources is their own business. But if they use public resources for politics, it becomes a matter of public concern.

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