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Special Report: Academic Freedom in America 2002-03
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Pan Papacosta

On the 26th of April we had a successful annual meeting with a strong program and excellent speakers. The meeting was held on the ISU campus in Bloomington-Normal, a venue chosen for its geographic central- ity, for easy access to all our members.

Our plenary speaker was Jim Perley, past AAUP national President and emeritus Dean of Arts and Sciences at Millikin University.

I mean an education that empowers the student to gain
principles and the role of AAUP.

I mean a course of study that opens the student to the
breadth of academic disciplines, that exposes that student
is ripe for a defense of liberal learning.

What do I mean by liberal learning? I mean an education in breadth and one which exposes
the understandings of one area are brought to bear on the
other areas. I mean an education that not only exposes the stu-
dent to the breadth of academic disciplines, that exposes that student to the
full range of human knowledge and the
ability to apply that knowledge to the
problems of the world.

What do I mean by liberal learning? I mean an education that provides the essential con-
text for a life of learning and an understanding of extraor-
dinary complexity of the world we live in and of the beauty
to be realized when we begin to appreciate the diversities
in our world.

I mean an education in breadth and one which exposes
the student to depth in at least one area.

I mean an education that empowers the student to gain
critical analytical skills and helps them understand how
those skills can be used in exploring the unknown.
A few years ago, a colleague was severely injured in an automobile accident during the last week of the semester. The student, a member assigned to one of his courses had never taught the course before and had never taken the course at even the undergraduate level. It is not uncommon for instructors to say that her students were cheated. In this case, the department had little choice, but when such assignments become standard practice, then the student must question the institution’s integrity.

Contingent part-time faculty tend not only to teach multiple courses, but to write large sections of lower level courses in disciplines that ordinarily require frequent writing assignments and essay examinations. This can be generated in the same fearful that some overburdened contingent part-time faculty eliminate or reduce the number of such assignments. It is impossible for students to learn to write clearly and coherently without practice and without guidance. Although we say that third multiple-choice tests are superior to subjectively scored essay tests for many purposes, they cannot measure a student’s ability to write and to synthesize a body of knowledge into a coherent whole. But the time required to score essay tests with any degree of objectively evaluates against the grade.

Vulnerable to arbitrary hiring and firing decisions, contingent faculty is a group of their “custom- ers” and, regrettably, understand- able and a probable lesson. The agreement of grade inflation and lowered standards. Contingent part-time faculty is recognized only by their students, because their num- bers preclude more thorough peer review. That we allow the opinions of adolescent undergraduates, many of whom perceive themselves as aggrieved customers, to sub- stantly affect even or determine a faculty member’s chances for promotion, retention, and tenure. That I am outstandingly well-versed in the subject that I eliminated student evaluation of teaching, but that we use student opinion to determine the quality of providing the faculty with feedback. If my livelihood depends on arbitrary hiring decisions, and my competence is judged by anonymous student evaluations, then it is no surpris- e that I spend my time and effort to guarantee my future—easy assign- ments and high grades. I suggest that colleges and universities adopt the following principles adapted from the AAUP’s 1993 report, entitled “The Stan- dards of Non-Tenure-Track Faculty.”

1. All faculty, including contingent fac- ulty, should have a description of the specific professional duties required of them.

2. All faculty should be evaluated on a regular basis using criteria that are relevant to their positions. In other words, the criteria for full-time, tenure-track faculty should not be applied to contingent, part-time faculty.

3. Personnel decisions should not be made on those criteria, not on criteria appropri- ate to another position.

4. Compensation for contingent faculty should be a reasonable fraction of a com- parable full-time position and should include fringe benefits.

5. Notices of nonreappointment should be extended to all faculty. The AAUP’s 1980 report on part-time faculty recommends that part-time faculty “who have been employed on an envelope of a semester or consecutively for three or more terms,” should receive at least a full term’s notice of nonreappointment. In no case that would faculty member receive notice of nonreappointment later than four weeks prior to the commencement of the next term.

6. All faculty members should have reasonable advance notice of course assign- ments to allow adequate preparation.

7. All faculty should receive appropri- ate support in the form of office space, sup- plies, equipment, and support staff.

8. All faculty should be included in the governance structures of the department and the institutions.

9. Contingent faculty should be given consideration for tenure-track positions as they become available.

10. Caps should be placed on the percent of courses taught by contingent fac- ulty, contingent and positions converted to full-time tenure-track positions wherever reasonable.

The words of AAUP’s “1940 State- ment of Principles on Academic Freedom and Tenure,” “Freedom and Economic se- curity, hence, tenure, are indispensable to the success of an institution in fulfilling its obligation to its students and to society.” When more than half the members of the professorate are denied the opportunity to seek tenure, academic freedom is in mortal danger. When faculty are forced to self-cen- sor in order not to offend their “custom- ers,” they feel ashamed, and their property is converted to full-time tenure-track positions wherever reasonable.

The problem of tenure is a complex issue which can be found in the academic labor market. The problem of tenure is a complex issue which can be found in the academic labor market.
Academic Freedom Under Fire

Academic freedom in America is always under threat, and in the past year too many colleges gave in to the temptation to censor. "The war on terror" provide justification for many of the worst infringements of academic freedom, but beneath the veneer of "patriotic correctness" a deeper assault on the principle of academic freedom, accelerating this corporatization of higher education. During a time of budget cuts at campuses across the country, whether caused by state deficits or stock market woes, academic freedom sometimes is sacrificed for the bottom line.

This special four-page report on academic freedom, written by John K. Wilson, is the most comprehensive summary of intellectual freedom controversies on campuses in America in 2002-03 and the leading threats to academic freedom. The report covers July 2002-June 2003, and examines hundreds of incidents based upon media coverage of higher education. The full report, including more cases, details, and links, is available online at www.collegefreedom.org.

Patriotic Correctness: The War on Terror and Civil Liberties on Campus

By John K. Wilson

www.collegefreedom.org

The corporate influence on academia is often direct, via corporate sponsorships of athletic programs, buildings, pro-business departments, and scientific research. But the corporate model is equally damaging to the principle of efficiency and authoritarianism upon the collegial ideal of higher education. According to the corporate model profit-making trumps liberty, and appealing the most powerful economic interests is the duty of every administrator. Following corporate America’s embrace of temp workers, today 43% of college faculty are adjuncts or part-timers, more than double the level two decades ago. Under the corporate model, liberal education is secondary to money-making training.

Academic freedom is endangered by the corporate model because higher education’s values of openness are sacriﬁced to the principle of keeping the peace. Protections for liberty are eliminated in the quest to duplicate the authoritarian CEO model, and its protection of dissent is dismissed as a threat to the economic survival of the institution. Fighting for an American with due process, and against the corporate domination of higher education, requires an understanding of the principles upon which colleges are founded: the expansion of knowledge, and the teaching of this knowledge through the widest possible freedom of thought and expression.

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 Suppressing the Press

(a) Governors State University (Illinois): In the most critical decline of free speech for the college press in Illinois in 2003, the 170th year of the New York Times victory in the 7th Circuit Court of Appeals, which ruled on April 10, 2003 that Governors State University (GSU) had violated a legal right of the Innovator student newspaper, sued Governors State University (GSU), the state university officials of tampering with their mail, locking them out of their office, replacing a computer without consent, and demanding to demand prior review of the paper. The Oct. 31, 2000 issue included an article about a grievance filed by Innovator’s faculty adviser who had been dismissed. GSU president Stuart Fagan declared that the editors “failed to meet basic journalistic standards.” The administration ordered the printer not to publish the paper. The Innovation is an independent newspaper. The governor administrator read over the article in advance of publication before setting its “editorial standards.” Since that date, the Innovator has not been published. Governors State began a new student newspaper in Fall 2002, but it has refused to return the money paid for the previous. Although Illinois Attorney General (Illinois) had ruled in a Fall 2002 debate that she did not support censorship of the college press, she did not make the argument that public universities can censor student papers, and appealed the 7th Circuit decision for an en banc hearing by all of the 7th Circuit judges. The case will now come to a lower court decision.

(b) Waukesha County Community College (Wisconsin): Citing Michigan’s Campaign Finance Act, (which prohibits state-funded institutions from taking political stands), administrators criticized adviser Pare Pennick for using the phrase “stupid” and the word “scumbag” was used. Administrators asserted that they still had editorial control over the newspaper. (Sun-Sentinel, Sept. 20, 2002; SPLC, Sept. 17, 2002)

Legal Threats

(c) Harvard University Graduate School of Business: After The Harvard published an article last year of a group sex column, administrators removed all the copies of the newspaper on Nov. 22, 2002, and fired the editor. The administration claimed to fear litigation from the parents of students who were mentioned in the copy, claiming that it needed fact check by the newspaper adviser. The paper, which has criticized the administration as “top-heavy” and included an editorial critiquing the college’s hiring practices, was reduced to one issue. (SPLC, Feb. 4, 2003)

Prior Restraint

(d) Indiana University Bloomington: Prior restraint of the paper. On May 9 issue, staffers felt obliged to eliminate an editorial story to be printed in the May 9 issue, and instead wrote an obscenity on it. Administration threatened to fire the newspaper adviser. The administration finally agreed to let Harris have his job back. (SPLC, April 17, 2003)

(e) Murray State University (Kentucky): Administrators ordered the creation of a prior restraint for severe threats against students who were able to “determine whether his free-speech rights were violated.” SPLC, July 2, 2002; June 3, 2002)

Legal Threats

(f) Utah Valley State College-Administrators sought to punish College Times opinion page editor Michael Strong and staffer Michelle Nishara because a column written by Strong that accurate campus officials of favoritism in letting Nishara drop classes late. Strong was accused of campus censors or favoritism in letting Nishara drop classes late. Strong was accused of an error in the paragraph of the case and the administration refused to allow the student publications board and the student newspaper, the Thiel College (Pennsylvania): the newspaper adviser to the Thielian, Dan West, resigned, after the school administration with the administration that he refused to censor would affect his chances at promotion and tenure. Members of the board of trustees were concerned about front-page photographs of a student wearing a red coat and the word “scumbag” was used. Administrators asserted that they still had editorial control over the newspaper. (Sun-Sentinel, Sept. 20, 2002; SPLC, Sept. 17, 2002)

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Speech Codes on Campus

In March 2003, the Foundation for Individual Rights in Education (FIRE) undertook a nationwide study of speech codes against speech codes, beginning with vague harassment policies at ShopRite and Piggly Wiggly. Professor L. Halvorson, executive director of FIRE, stated: “We are going to bring them all down. We are here to make sure that students and faculty comply with laws against speech codes at public universities.”

(a) Chico State (California): “I do not know if there are other campuses in the United States that have such a large speech code on their campuses. Chico State University is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Chico State Observer, Jan. 5, 2003)

(b) Caltech (California): “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Caltech is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Caltech Daily Trojan, Oct. 1, 2002)

(c) City University of New York: several conservative speakers boycotted a Fall 2002 conference to protest the university’s commitment to free speech. Sidney Hook, who had been a prominent proponent of free speech, resigned in protest. (New York Times, Oct. 8, 2002)

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(e) Colorado College: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Colorado College is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Colorado Springs Gazette, Dec. 10, 2002)

(f) Cornell University: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Cornell University is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Cornell Sun, Dec. 10, 2002)

(g) University of California, Berkeley: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of California, Berkeley is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Berkeley Daily Planet, Dec. 10, 2002)

(h) University of Chicago: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of Chicago is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Chicago Tribune, Dec. 10, 2002)

(i) University of Florida: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of Florida is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Florida Times-Union, Jan. 30, 2003)

(j) University of Houston: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of Houston is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Houston Chronicle, March 17, 2003)

(k) University of Michigan: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of Michigan is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Michigan Daily, Jan. 20, 2003)

(l) University of North Carolina: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of North Carolina is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Chapel Hill News, Nov. 11, 2002)

(m) University of Pennsylvania: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of Pennsylvania is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Philadelphia Inquirer, Dec. 10, 2002)

(n) University of Texas at Austin: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of Texas at Austin is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Austin American-Statesman, Dec. 10, 2002)

(o) University of Wisconsin: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. University of Wisconsin is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Milwaukee Journal-Sentinel, Dec. 10, 2002)

Free Speech Victories

(i) Illinois State University: The Academic Senate voted overwhelmingly in Oct. 2002 to oppose a proposed “speech zone” code that would limit protests and demonstrations in any one spe-

Speeches Censored

Commencement

(a) Rockford College: New York Times reporter Chris Hedges had to cut his commencement speech short after being heckled by some in the audience for being critical of the war against Iraq. Hedges faced boos, people walking out, turned back, catcalls, fog-horns blaring, people singing “God Bless America,” chants of “USA! USA!” as audience members trying to climb on to the stage, and people shouting “Go home!” and “Send him to France” during his 18-minute speech. Hedges’ microphone was unplugged twice during the speech.

Rockford College president, Paul Pribbenow, appealed for order during the speech. “My friends, one of the wonders of a liberal arts college is its ability and its deeply held commitment to academic free

democracy and the decision to listen to each other’s opinions.”

When the microphone was unplugged a second time, Pribbenow and others engaged in a shouting match that proceeded in an obviously dangerous environment and agreed that Mr. Hedges would bring his speech to a close in a more appropriate manner. Mr. Hedges did so.

Pribbenow explained, “I want commencement to be more than just a pop speech.” Pribbenow re-

ceived death threats and had to change his home telephone number. According to Pribbenow, “Maybe what this illustrated is that the belief that a timely and chal-

lenge question is relevant for a com-

mencement may have been naive.”

Disinvited Speakers

(b) Bucknell University: the Dean of Students office withdrew funding for a Conservatives Club speech by Thor Halvorson, execu-

tive director of the Foundation for Individual Rights in Education (FIRE). The University claimed FIRE had threatened to sue Bucknell. Halvorson waved his honorarium and spoke at Bucknell.

(Counterweight, Oct. 4, 2002)

(c) Catholic University of America (DC): Eleanor Holmes Norton was banned from a sched-

uled book signing at the Catholic University of America bookstore after the College Republicans and Students for Life objected to her support for abortion rights.


SPLC Report

1. California: “I do not know if there are other campuses in the United States that have such a strong speech code on their campuses. California is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (California Daily Breeze, Dec. 10, 2002)

2. City of New York: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. New York City is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (New York Daily News, Dec. 10, 2002)

3. Colorado College: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Colorado College is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Colorado Springs Gazette, Dec. 10, 2002)

4. City of Chicago: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Chicago is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Chicago Tribune, Dec. 10, 2002)

5. City of Houston: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Houston is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Houston Chronicle, March 17, 2003)

6. City of Michigan: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Michigan is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Detroit News, Dec. 10, 2002)

7. City of New York: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. New York is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (New York Daily News, Dec. 10, 2002)

8. City of Pennsylvania: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Pennsylvania is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Pennsylvania Daily News, Dec. 10, 2002)

9. City of Texas: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Texas is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Texas Tribune, Dec. 10, 2002)

10. City of Wisconsin: “I am not sure if there are other campuses in the United States that have such a strong speech code on their campuses. Wisconsin is one of the largest universities in the state, and it is not surprising that they have such a strong speech code in place.” (Madison Wisconsin State Journal, Dec. 10, 2002)
Silencing Dissent

(a) Boston University: In May 2003, Chancellor Silber forced the resignation of dean Brent Baker. After he quoted from Silber’s own book at a May 18 graduation (“Deans may lose their jobs and be undone precisely because they have done their jobs exceedingly well.”), he was fired two days later. When Bill Lawson, chair of the film and television department, called him a “faggot,” a college employee suggested that he attend a faculty meeting. Lawson was also stripped of his position on Provost Dennis Berkey and Silber’s friends, who later were reported to be authoring a book titled “Gringo American Studies.”

(b) Brooklyn College: the City University of New York board overturned Brooklyn College officials and gave tenure to history professor K.C. Johnson. Johnson had been denied tenure because he was regarded as “unwilling to be a compliant colleague,” he criticized colleagues during a job search, including the chair who wrote that he wanted to interview: “some women we can live with, who are not, are different from those people who need therapy as much as they need a job.”

S. O’Malley, chair of the CUNY faculty association, predicted that Silber’s granting of tenure would be handled locally by a college, not by the central administration.

The University Faculty Senate on March 26, 2003, passed a resolution that “calls upon the Chancellor to affirm a policy of non-interference with established campus and university governance and con- tractual procedures, including appeals and grievances.”


(b) DePaul University: DePaul students Giusepppe Alennon, Matt Muchowski, and Jus- tin McNeely complained that “the student government in May 2003 then they posted fliers which had been prohibited by the election committee due to political state- ments. Silva was told that he did not want to run for student government to make some changes around our university. We are corned on a campus because they kill union organizers in Colombia, we wanted to make the Patriot Act invalid on our campus because it in- volves our privacy, and we wanted to help prevent sexual assault at DePaul.”

Because the fliers advocated political positions, they were banned. The students were told before a debate on student government: “Seeing as how student government is the voice of the students at DePaul University, any criti- cism of student government should be con- sidered as slander against the entire student body of DePaul, and the offending candidate will be written a warning.”


(c) Harvard University: After an anti- abortion student group complained that its posters showing a fetus were being de- stroyed, the Undergraduate Council of the University of California at Berkeley voted in February 1993 to remove all anti-abortion posters from dorm rooms. The resolution was supported by InterVarsity staffers because he would not agree that homosexuality is illegitimate. The university-controlled Boston University Academic Freedom Policy Network threatened to sue the uni- versity for violating federal law. Using UCSD comput- ers, they demanded that UCSD shut down the website and seize computers from students who they suspected of copyright violations.

I. Sullivan decided to resign.

(c) New Jersey Institute of Technology: a gamma ray satellite. The net- work, is head of the KSU Anime Association.

(d) Rutgers University: Students at Rutgers University passed a resolution affirming the right to share copyrighted material, which the administration retracted.

Gary Ratcliff, di- rector of University of Michigan: graduate stu- dent Niels Provis moved his research from a campus server to one in the Netherlands for fear that it might violate a Michigan copyright law. He was told by InterV arsity staffers because he would not agree that homosexuality is illegitimate. He later asserted that they only objected to hosting the site because it called on students to “vote no” on a bond issue.

Internet Restrictions

(f) Purdue University: On Nov. 25, 2003, the State Senate, at the best of adminis- trators, passed a resolution for a ban on all file sharing on the campus network. (Chronicle of Higher Education, May 23, 2003)

(f) Princeton University: posters were torn down and an e-mail from an adminis- trator of the Student Senate, at the best of adminis- trators, passed a resolution for a ban on all file sharing on the campus network. (Chronicle of Higher Education, May 23, 2003)

(f) Rutgers University: Students at Rutgers University passed a resolution affirming the right to share copyrighted material, which the administration retracted.

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General Assembly: Illinois passed a $2.4 billion allocation for higher education, a $733 million drop from last year. Financial aid will increase over 4 percent, including restoring the fifth year of MAP grant eligibility, while private college drops for $3.9 percent). Chicago State University (-3.1 percent), and all other public universities (-8.2 percent). (Pantagraph, June 4, 2003)

Tuition: A Chicago Sun-Times survey found that Illinois’ public universities will raise tuition by an average of 11.5 percent for Fall 2003. Chicago-area private colleges will increase tuition by an average of 6.2 percent. Tuition levels are likely to increase much more next year, because the General Assembly passed a new law (HB 1118) requiring public universities to increase tuition levels on a percentage scale effective in Fall 2004. On May 18, Gov. Blagojevich signed HB 60, which will provide in-state tuition rates to aliens who attend Illinois schools for three years. (Chicago-Sun Times, May 28)

Pensions: A plan to combine the state’s pension systems was not pushed during the final week of the legislative session, but the governor’s budget director reported that the idea might be brought up again. (Champaign-Urbana News-Gazette, May 28)

Northwestern University: the student government criticized the school’s response to racial epithets found in a dormitory. In a May 29 statement, the student senate declared, “It is the opinion of the undergraduate student body at Northwestern University that the administration’s efforts to combat hate on campus are woefully inadequate.” (Chicago Tribune, May 30)

Underrepresented minorities increased at Illinois colleges, according to a May report from the IBHE. Enrollment of African-American students rose nearly 5 percent and Latino enrollments increased almost 7 percent from fall 2003 to fall 2002. African-Americans earned 7 percent more bachelor’s degrees, and 5 percent more doctorates, over the past decade, the number of African-Americans earning any degree grew by 45 percent. Latino students showed a 12 percent increase in degrees in the past year, and a 94 percent increase in the past decade. (www.ibhe.state.il.us)

City Colleges of Chicago: Mohammed Salah, a part-time computer lecturer at Olive-Harvey College, was fired June 4 because he failed to list a terrorism conviction in Israel on his employment application. Salah, a U.S. citizen, served five years in an Israeli prison, accused of helping channel $650,000 to the terrorist group Hamas. Salah claims that he was falsely convicted based on a confession extracted using torture. Salah reported that he omitted the conviction from his employment application because he thought it asked only for US convictions. (Chicago Tribune, June 6; Chicago Sun-Times, June 6)

Illinois Public University: Nine full-time faculty voted on April 23 to join with the Illinois Education Association. Faculty voted 131-79 in favor of the union. (http://ttm.pab.org)

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