This Is Why Local and National Business Groups Are Filing 'Friend of the Court' Briefs in McAdams vs. Marquette

MILWAUKEE – A recent article in The Weekly Standard posed the question: “Why Are Businesses Intervening in a Wisconsin Academic Freedom Case?” It’s an important one to ask, and the support from prominent and respected business groups like the National Association of Manufacturers (NAM) and the Milwaukee Metropolitan Association of Commerce (MMAC) emphasizes the important standard McAdams vs. Marquette will set on private employer contract rights. The MMAC brief states, “Private institutions have an interest in ensuring that their employees do not disrupt the organization's purpose, undermine its authority, or subject it or its employees to public ridicule.”

The right of a private employer to set its employment contract is a key aspect of Marquette’s position in this case:

- **Marquette, like other private employers, is protecting its right to respond appropriately when an employee crosses the line and is in violation of his employment contract with the university.**

- **Marquette and John McAdams are obligated to honor the disciplinary process agreed to as part of the employment contract, a process through which his tenured peers unanimously found that he had acted unprofessionally and in breach of his duties as a tenured professor.**

- **Marquette is asking the Wisconsin Supreme Court to respect John McAdams’ employment contract and respect the university’s rights as a private employer to protect its Catholic, Jesuit Mission and Values.**

MMAC, the leading businesses organization in the Milwaukee area representing 300,000 people in wide variety of business, supports Marquette because “where, as here, a private employment contract provides a reasonable process for resolving disputes about an employee’s rights and responsibilities, a court’s review should be limited to whether the process was substantially fulfilled consistent with the contract. Deeper review or the creation of any extraordinary speech right that supersedes the provisions of the private employer-employee contract would interfere with the employer’s right to define its
mission, set its priorities, and assess the impact of the alleged infraction on the overall health of the enterprise.”

National Association of Manufacturers, the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states, filed a brief in support as, “the concerns identified and positions taken by the MMAC are not unique to Wisconsin and its business community. Because a decision in this appeal will be persuasive authority for courts around the country, the National Association of Manufacturers requests leave to state its support for the position of Marquette University and to endorse the MMAC’s brief exploring both the similarities and differences between an institution of higher learning such as Marquette University and commercial employers such as most of the National Association of Manufacturers’ members.”

NAM goes on to highlight that, “For all the reasons stated in the Metropolitan Milwaukee Association of Commerce’s amicus curiae brief, this Court should make clear that where, as here, a private employment contract provides a reasonable process for resolving disputes about an employee's rights and responsibilities, a court's review should be limited to whether the process was substantially fulfilled consistent with the contract.”

The business community understands, appreciates and values the principles to set an employer contract where all members of its community can be respected and valued. Businesses and universities across the country have the right to uphold and enforce their values, encourage civility and integrity, and maintain a strong standard of a safe community.

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