The General Assembly of Maryland finds itself in a scuffle with its highly regarded law school, defenders of academic freedom around the country and a handful of environmentalists.

Unhappy about a clean-water suit lodged against a contract chicken farm near the Pocomoke River and the mega-poultry producer, Perdue, the state Senate and the House of Delegates demanded a list of all suits filed by law school clinics over the last two years.

The “or else” part of the demand was assumed. Depending on which language is adopted, either $250,000 (Senate) or $500,000 a year for five years (House) might be withheld from the law school's budget.

The context is instructive. Issues like this arise periodically between universities and legislatures. And 2010 is an election year with overheated anger out there about nosy government. Moreover, the law school is still squirming over a controversial cash payout to its former dean.

Superman’s cape

The clinics might have anticipated some reaction, tugging at Superman’s cape as it were.

Perdue, of course, is the Shore’s economic powerhouse. Those farmers who produce its tender birds are important as independent family operations which the Assembly no doubt feels ought to be protected from overzealous young Blackstones.

And doing it on the state’s dollar! As it turns out, of course, the state’s dollar has been providing legal help via various law school clinics for years. It weighs in for a variety of individuals and groups — farmers, for example, and, as in this case, clean-water groups. Plaintiffs in this case are the Assateague Coastkeeper and Waterkeeper Alliance.

The Senate’s call for a report from the law school was troubling to some senators.

“… Something out of Communist China,” declared Senator Jim Brochin, a Baltimore County Democrat.

It was the nexus of budget-making and the demand for a report that aroused concern in the law school and beyond.

“When the money is there, there’s a level of intimidation, a sense that you are being watched or that there will be some retaliation,” said Dean Phoebe Haddon.

The need to protect lawyer-client privilege accompanied the usual academic freedom concerns.

“We are cast as a place where controversial issues are explored. We look into dark places…. Students and faculty explore things that otherwise would remain unexplored,” the dean said. She said she has received supportive e-mails from schools around the nation who worry that their legislatures might copy Maryland’s tactic.

Deep pockets

But wait, says the Eastern Shore’s J. Lowell Stoltzfus, a retiring Republican senator and former chicken farmer. The law school has “aggressively” pursued the poultry industry, he said. He said he believes the object in the current suit is to access Perdue’s “deep pockets.”

The more troubling issue, he said, is represented by the clinic’s own deep pockets. Law students can spend long hours making a case against marginally profitable farmers who are powerless to defend themselves in court, he said.

“If you come down on them you’re really killing our family farms,” he said. There’s another environmental issue involved, he said: “If the family farms are gone you’re going to see houses come up everywhere.”

As for the budget-report issue, he said, there is no nexus.

“They shouldn’t single themselves out and be the ultimate martyrs. If anyone will look fairly at the budget you’ll see that many, many times in the budget. If there’s something we want to know we say we’re going to withhold this amount of money until you tell us,” he said.

The senator said that he had amended his bill to account for the lawyer-client privilege issue. He also said that he has no quarrel with those who are trying to clean up the bay, pointing to his work on bay clean-up commissions.

“They will get the money. It’s not that we want to see a report we like or don’t like,” he said. “They will get the money when the report is reviewed.”

And no one should read the request as an order to “back off”?

“Absolutely not,” he said.

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