Special Academic Freedom Edition

Academic Freedom On Trial
by JOEL BERNE

Sapulpa, Okla., Feb. 11, 1952

(UP)—“Charles Hartman, vice-president of the Sapulpa Board of Education, said today that some books in the Sapulpa School Library had been burned by the school after being criticized by a women’s civic group for the way they dealt with socialism and sex.”

“He stated that only five or six books had been destroyed and they were volumes of no consequence, adding that he believed one was a history book that was not approved of by the group.”

“They just weren’t good reading for See-ay-children. Mr. Hartman added.”

In its May 10, 1951 issue, the New York Times printed the results of a survey of freedom of expression in seventy-two major United States institutions of higher learning. The Times reported that students were not speaking out on controversial issues because they feared:

1. Social disapproval
2. A “glib” or Communist label
3. Criticism by regents, legislature and friends
4. Rejection for further study at graduate schools
5. The spotlight of investigation by Government and private bodies for postgraduate employment and service with the armed forces.

The survey found unwillingness of students to talk paralleled by a fear on the part of instructors of expressing honest views. As one student newspaper put it: “The willingness of instructors to express their own honest viewpoint has slowly been ebbing. Evidence in support of this statement cannot be given in black and white. It can only be felt in the classroom.”

1951—A Year of Silence

1951—a year of silence. Perhaps that would have made a better title for the New York Times survey. The survey is an indication that United States schools become halls of silence? The tradition of our schools has always been that of open, free, honest inquiry. Did the students and teachers voluntarily give up this right of free speech? How were they robbed of their willingness to talk openly?

Toleration Of Diversity Essential For National Security
by CHARLES G. McINTOSH

The basic question before us today is not one of should or should not, but how. Communists be included to teach. The issue goes much deeper and is infinitely more important. We are faced with a powerful reactionary movement that would restrict, perhaps deny our national heritage of free and unlimted inquiry, unquestionably

The American Bill of Rights

ARTICLE I
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

ARTICLE II
A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III
No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V
No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have the assistance of counsel for his defense.

ARTICLE VII
In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX
The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the State respectively, or to the people.
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"I disapprove of what you say but I will defend to the death your right to say it."—Voltaire

Editorial

At this time the Bardian would like to congratulate the Sub- committee for Academic Freedom of the Bard College Community Government on the fine job they have done in preparing the forthcoming Academic Freedom Conference. We are well aware of the handicaps under which they were forced to operate and commend them for their success.

We are proud to announce that three outspoken defenders of academic freedom were on the committee's invitation to address this conference. Former Dean of Queens College, Harold Lenz, needs no introduction. His single-handed defense of our rights has made his name a natural symbol for those who value freedom. Professors H. H. Wilson of Princeton and Harvey Wheeler of Johns Hopkins, two distinguished scholars, will help clarify the position of free colleges and universities in the turmoil of current hysteria.

President Case has generously contributed $50 toward the faculty fund to defray the expenses of the meeting. The Community Council has also agreed to give the conference financial backing.

Exra Shahn and his committee deserve our sincere thanks. The success of their undertaking hinges now on full community participation.

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decided that the school was full of Communists and instituted a loyalty oath. Twenty-six teachers refused to sign the oath and were fired. The results of this loyalty oath shattered the school so completely that it has not yet recovered. Here is what the New York Times of March 25, 1951 said: The report of a University of California faculty committee on academic freedom contends that the university has suffered lasting injury. Among the consequences of the controversy, the report notes that twenty-six faculty members have been dismissed, thirty-seven others have resigned in protest, and forty-seven professors from other institutions have refused to accept appointments because of the Regents' policy on loyalty oaths. The report points out that signed protests from twelve hundred professors in forty American colleges have been received, along with condemnatory resolutions adopted by twenty professional and learned societies. It also says that forty-five courses have been dropped from the curriculum because of the administration's inability to engage enough instructors.

"The committee declared: A great university has in the space of about six months been reduced to a point where it is condemned by leading scholars and learned societies as a place unfit for scholars to inhabit." It is significant that "The Board of Regents of the university is officially ignoring the committee's report." The chairman of the Board stated: "This is a closed incident. Every one who is on the university's payroll has taken the oath, and we are not interested in prolonging the discussion. We have no comment."

The University of California incident was but the first of a long series to come. There have been many other American educational institutions which have been affected by loyalty oaths and investigations. Among them are the University of Oregon, and more recently Temple and Rutgers Universities.

At Rutgers the principle of faculty determination of a teacher's fitness to teach was laid to rest. Rutgers teachers, Moses Finley and Simon Heimlich, called before the Morra committee, refused to answer the sixty-four-dollar question. President Lewis Jones of Rutgers appointed a Trustee-faculty-alumni committee whose task was to advise what course he should take. The committee felt that a faculty committee should be formed to determine the fitness of the teachers to teach. A faculty committee was set up, and it reported on December 3, 1952: "After prolonged consideration of all aspects of the case the Faculty Committee has unanimously reached the conclusion that on the basis of the evidence available to the committee there are no charges that should be preferred against Mr. Heimlich or Mr. Finley. It therefore recommends to the President that no further action be taken." Here was clear evidence that the teachers were to be retained. Did the Board listen to the advice of the Committee? On December 15, 1952 the Board of Trustees dismissed the men as of December 31. On December 18 the University Assembly met, and voted two to one to support the action of the special Faculty Committee. Yet still the Board of Trustees would not hedge, and the men were discharged.

"Repression Brings Fear and Silence" "Men live by their routines; when these are called into question, they lose all power of normal judgment... Men are gripped by fear, and by its nature, is the enemy of thought. So that when men are too fearful to understand, they move to supress, because they dare not stay to examine. Invited to experiment, they act like children who are terrified of the dark... They will listen to nothing save the echo of their own voices; all else becomes dangerous thoughts."—Harold Laske

The students in our schools have begun to fear. Their fear is a fear bringing silence; a fear turning students away from inquiry; a fear bringing confusion; the same foolish confidence that Emerson calls "the phobism of little minds." The New York Times of May 10, 1951, notes in its results of the news on the stifling of academic freedom that: "Students at the University of California were also patriotic, with their leaders and faculties being more careful about choosing their associations and committing themselves to actions they might later regret. This was printed right after the incident at the University of California and it is very possible that the loyalty oath intimidated the students. In New York, Dean Millicent C. McIntosh of Barnard stated that: "Girls are becoming afraid to advocate the humanist point of view because it has been associated with Communism." The most fearsome will not be influenced, but the middle ground is made to face the confusion and fear involved in the "obscurantism" that is McCarthyism.

Attacks on academic freedom are making students more cautious; that can try to be on "both sides of the fence" at once when they try to please the two opinions. Thus the New York Times survey noted: "Students at Harvard College reported that students were fearful of signing petitions, because they were reluctant to get their names on 'any list.' Their very editor of the undergraduate paper, they said, explaining the greater caution, most opportunities that, rather than with the 'I think,' and 'I believe,' of years ago." The pay off of intimidation in high schools and colleges is the Purdue Opinion Panel Poll of three thousand respondents who were selected from fifteen thousand respondents from all areas of the United States. The poll's results show that:

1. Forty-nine percent believe large masses of the people to be unable to determine what is and who charges should be preferred against Mr. Heimlich or Mr. Finley. It therefore recommends to the President that no further action be taken." Here was clear evidence that the teachers were to be retained. Did the Board listen to the advice of the Committee? On December 15, 1952 the Board of Trustees dismissed the men as of December 31. On December 18 the University Assembly met, and voted two to one to support the action of the special Faculty Committee. Yet still the Board of Trustees would not hedge, and the men were discharged.

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Liberalism is a demanding faith. In times of stress and crisis the liberal is tempted to calm down his critics by conceding a point or two. When Senator Joseph McCarthy first raised the “Communist” issue three years ago, many liberals were startled. After it became apparent that this Senator had exploded the Communist myth further his own political ambitions and silence his critics, they became indignant and coined the term “McCarthyism” to denote everything lost to our way of thinking.

Yet McCarthy’s very name inspires awe in many liberal circles. Was he not able to gain Vice President Eisenhower’s tacit endorsement and retain his Senate seat? Are not his methods gaining in political appeal as shown by the mushrooming of Congressional investigating committees? Shares seem to be taken by some, but liberal would openly admit. Tragically, in this they represent an ominous symptom—a move to compromise their libertarian principles for which they once valiantly stood. To be sure, they retreat behind the protective shield of a steady verbal barrage against “McCarthyism.”

No self-respecting liberal advocates compromise, for this would be tantamount to a reversion of one’s convictions. But the vacillating liberal achieves the same ends by the much more dignified means of intellectual rationalization. Scholars solemnly announce that it is time to carefully examine our stand on civil liberties.” College presidents conduct their faculties to answer faithfully all questions put to them by Congressional investigating committees, “for they represent our lawful government.” These scholars and college presidents cannot be accused of being intellectually dishonest or opportunists. If they were, their arguments could be easily discredited. The answer is to be found in the all-pervading climate of fear which leads them unemotionally to view their former passionate “watchdog” bodies.

Let me briefly discuss two current intellectual rationalizations which constitute a grave threat to Academic Freedom. The first is advanced by Sidney Hook, Professor of Philosophy at New York University. He argues, in the March 9, 1953 issue of the New Leader that “known members of the Communist party should not be permitted to teach.” This runs counter to the established tenet of Academic Freedom that membership in a political or religious group shall not in itself constitute proof of a scholar’s unfitness to teach. Explaining his adherence to this cardinal principle, the Academic Freedom Committee of the American Civil Liberties Union has stated:

In measuring the advantages of retaining unbridged the great American tradition of intellectual freedom, against the disadvantages of condoning Communists as teachers in the public schools at this time, we find no other course for Americans to follow than the impressive American tradition of judging all persons, even Communists, on their deeds and actions, not on the filial conduct.

Sidney Hook attempts to sustain his point by showing that the official doctrine of the Communist party of the Soviet Union and its international representative in the United States commits its members to “subversive” acts which according to our code of law are criminal in nature. That this is so, no student of Leninist and Stalinist theory and tactics will deny. Equally, no civil libertarian would grant a scholar or teacher the right to use the class room to indoctrinate his students along any party line, Democratic, Republican or Communist. Intellectual responsibility, which is a concomitant to Academic Freedom, requires the scholar to pursue truth and understanding wherever it may lead him and the teacher to present all facts and points of view fairly. As long as the scholar and teacher fulfill this obligation, he should enjoy the privileges of Academic Freedom and Academic Tenure.

Academic Freedom does not consist itself with the question whether Republicans, Mormons or Communists should be allowed to teach or not. It is an extension of the belief that a scholar’s fitness to teach should be determined on the basis of his competence and intellectual honesty by his academic peers who are his colleagues. By stating that a Communist party membership card does in itself constitute prima facie evidence of educational unfitness, Sidney Hook clearly violates this norm and not on those of any group he may belong to. The adoption of the premise of the individual lies at the core of the American way of life. Totalitarian societies subordinate the individual’s dignity and destiny to the operations of class, caste and family link. They is he a in Magna Charta, Jew or member of the Capitalist class, the Constitution amended to the American Constitution to protect the individual citizen from collective guilt.

Towards the end of his article Sidney Hook cautions against the fearful implications of his own argument. He writes that:

Wisdom requires, however, that the faculties themselves administer these principles, and not outside agencies, and in the same way the medical and legal professions entrust to special committees the upholding of the ethical standards of their profession. In contradiction to this President on unanswerable principle, this does not mean that membership entails automatic exclusion. The faculty committee administers the rules, and from the customary discretion with which all rules are intelligently applied.

In this last paragraph he obviously alludes to the need of protection granted to the individual under Academic Freedom. But why does he feel the necessity of adopting a rule which establishes a dangerous precedent imitable to the preservation of civil liberties, and which will lead to the dismissal of competent and responsible teachers, unless administered with discretion by faculty committees? He answers this question by stating that:

I am confident that if the faculties of our colleges and universities adopt this or a similar statement, and in certain crisis cases proceed to implement it, theullanaboos about Communist penetration of our schools would die down. Because he secretly recognizes the inadequacy of his own argument, he is forced to admit his real intent, namely the adoption of a rule which would calm down his critics. To achieve this alleged end, he unwittingly compromises the principle of Academic Freedom. It is scientific administrators who have assumed leadership positions in various liberal organizations, than Senator McCarthy, who has not yet produced single Communist in his three years of witch-hunting.

While Wisconsin’s self-professed crusader against Communism was elected to the Senate in 1946 with the help of a winning margin of Communist votes which he did not repudiate at that time, anti-Communist liberals formed the American Civil Liberties Union in 1947 to expose the Communist infiltration of Henry Wallace’s Progressive Party three years before McCarthy decided that Communists were a menace to the national security.

Liberals have demonstrated that Communism’s internal threat can best be combated by curbing its political influence and subverting some of their aims. The problem has yet to be fully solved. But by the same token, the threat of a second type of totalitarian society—so-called liberal democracy—cannot be ignored. One does not destroy unhealthy plants by poisoning the soil or depriving it of its fertility through removal of the very salts that make the growth of healthy plants possible. The concern for Academic Freedom means democratic growth possible. Fertile soil will inevitably nourish some weeds, while insuring an abundant crop. In the day light of open and fearless political competition the weeds will eventually be uprooted. Most of them have been removed; J. Edgar Hoover estimates the present Communist party membership at only 50,000. More than ever, we must now guard ourselves against those who in the darkness of fear would plow under the crop along with the few weeds. Those who would intrude upon our civil liberties must be exposed and fought; no compromise is possible.

In conclusion, let me address briefly those college and university administrators and trustees who have dismissed or threatened to dismiss members of their faculty for exercising their Constitutional rights. The range of investigative powers and the investigatory procedures which some Congressional committees have recently appropriated for themselves are considered unconstitutional by those who uphold the American Constitution to protect the individual citizen from collective guilt.

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There is no denying the fact that tolerance is essential. An organization such as the Communist party, which operates outside our accepted and moral code and shatters the process if it ever came to power, must seem like tolerating cancer. Hard as it may be to accept, the loyalty of free men must be freely given—or rather that we give who have the alternative of being forced to withhold it. The underlying premise of any free society is and must be that only through such freedom can true loyalty be evoked, and depended upon to endure.

In his recent book The Loyalty of Free Men Alan D. Barstums beautifully, "At bottom, the Communists and the American are frighteningly similar: they are believers in the suppression and punishment of dissent. That they would suppress and punish different sorts of opinions is less significant than that, alike, they would suppress and punish. At bottom, they are alike also in being sick men: they are men who would relish a chance to use whip and club. It is necessary, therefore, to keep whips and clubs out of their hands—that is, to enforce the law forbidding acts of violence whether by them or against them. It is however equally necessary to enforce the law which guarantees them the right to speak as they please. To suppress and punish the people's opinions is to embrace their opinions; it is to practice what they preach; and the end of that practice is the destruction of all diversity.

Today the forces of reaction have turned their experienced hands upon our institutions of higher education, and in the much abused name of national security, are planning to purify them. There cannot be compromise in any form or fashion of the rights of free men by those who fear not their freedom. College communities must unite and form a strong and fearless opposition; to those little men in high places who insist that we must sacrifice our freedom to save our freedom if one college is threatened, all are threatened. Today is the time to act; tomorrow may be too late. It would be well to repeat these words to those in our ranks who would compromise our heritage as well as to those with whom we are directly concerned. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion. To force citizens to confess by word or act their faith therein."

Thomas Jefferson has left us a wealth of material which should be carefully examined by those who would destroy their own freedom. In a letter to prospective members of the faculty of the University of Virginia he said, "This institution will be based on the illimitable freedom of the human mind. For there is no such thing as free error; if any other country than this shall attempt to establish litigation in which they shall be thought to be in error, they shall be We must defend it!"