



The Bardian

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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 judged to be too approving of socialism and the others fiction which dealt too frankly with sex."

"They just weren't good reading for teen-age 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 "pink" or Communist label
3. Criticism by regents, legislatures and friends
4. Rejections for further study at graduate schools
5. The spotlight of investigation by Government and private industry for post-graduate employment and service with the armed forces."

The survey found this unwillingness of students to talk paralleled by a fear on the part of instructors of expressing honest view points. 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 can not 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. But why have United States schools become halls of silence? The tradition of our schools has always been one 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?

Someone might coin a proverb—book burning in high schools ruins students for college—in order to explain the situation. This would give part of the answer, but the shocking way in which academic freedom was trampled on at Rutgers and the University of California are further examples of how academic freedom is destroyed.

In the early part of 1951 the University of California suddenly

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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 Communists be allowed to teach. The issue goes much deeper and is infinitely more important. Today we are faced with a powerful reactionary movement that would restrict, perhaps deny our national heritage of free and unlimited inquiry, unquestionably

the basic ingredient for man's continual quest for truth. As students we are mainly concerned with the mounting threat to academic freedom. Yet, this is but one cog, important as it may be, in the great concept of personal or individual freedom.

You and I are, and wish to remain, free men. Yet, we have accepted and allowed our government to pursue, in the name of national security, piecemeal encroachments on personal freedom that are destroying our richest inheritance.

We live in an era of international tension, a tension accentuated by the atomic bomb. In the United States this new age has ushered in a strange type of fear, a fear so great that it borders on hysteria.

Following the Second World War the American people were suddenly elevated to the leadership of the free world, a position which we were not quite prepared to undertake. Leadership of men demands maturity. Perhaps the most necessary ingredient of maturity is experience. History proves that we have not had sufficient experience, especially in international affairs. A nation whose brief history has been dedicated to the concept of isolationism, cannot overnight master the intricacies of world politics, no matter how hard they try. However, in the space of a few years we were rudely shocked out of those isolationistic beliefs and the confident, deceptive security which they represent. A naive belief in our infallibility in foreign affairs soon replaced that former myth.

This temporary but generally accepted faith in our dexterity was literally blasted to pieces when it became obvious that the Soviet Union was successfully following a policy of imperialistic expansionism aimed at world domination. The transition was too rapid and overwhelming. In less than one generation our attitude changed from one of unshaking confidence to one charged with uncertainty, confusion, and doubt. Down deep we realize our inexperience and this realization, although not openly expressed, contributed to the

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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 districts 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 compulsory process for obtaining witnesses in his favor, and 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 a 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.

The Bardian

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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 Subcommittee 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 have accepted 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 from the college fund to defray the expenses of the meeting. The Community Council has also agreed to give the conference financial backing.

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

BERNE

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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 Regent's 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. Everyone 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 or 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 low. The Rutgers teachers, Moses Finley and

Simon Heimlich, called before the McCarran committee, refused to answer the sixty-four dollar question. President Lewis Jones of Rutgers appointed a Trustee-faculty-alumni committee whose task it was to advise what course he should take. The committee felt that a faculty committee should be set up 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 no 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 12, 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 budge, 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 fear, by its nature, is the enemy of thought. So that when men are too fearful to understand, they move to suppress, 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 Laski

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 consistency; the same foolish consistency that Emerson calls "the hobgoblin of little minds."

The New York Times of May 10, 1951, notes in its results of the survey on the stifling of academic freedom that: "Students at the University of California were also pictured by their leaders and faculty as 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 humanitarian point of view because it has been associated with Communism. The most fearless will not be influenced, but the middle group is made to face the confusion and fear involved in the 'obscurantism' that is, McCarthyism."

Attacks on academic freedom are making students more cautious; they now try to be on "both sides of the fence" at once when they voice opinions. Thus the New York Times survey noted: "Student leaders at Hunter College reported that students were fearful of signing petitions, because they

were reluctant to get their names on 'any list'. Their letters to the editor of the undergraduate paper, they said, explaining the greater caution, now open with 'It appears that', rather than with the 'I think', and 'I believe', of years ago."

The pay off of intimidation both in high schools and colleges is the result of the Purdue Opinion Panel Poll of three thousand students 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 what is not good for them. This is an outright rejection of the basic tenets of democratic government.

2. Forty-two percent feel that all attempts to alter the American way of life should be resisted.

3. Seventy-five percent feel respect for authority and obedience are the most valuable virtues a child can obtain.

4. Fifty-eight percent feel that police may be justified in giving a person the "third degree" to make him talk.

Summing up the effect of these countless cases of attacks against academic freedom, Justice William O. Douglas says that a "Black Silence of Fear" has come over our country. He says: "This fear has affected the youngsters. Youth has played a very important role in our national affairs. It has usually been the oncoming generation—full of enthusiasm, full of idealism, full of energy—that has challenged its elders and the status quo. . . . But a great change has taken place. Youth is still rebellious; but is largely holding its tongue. There is the fear of being labeled a 'subversive', if one departs from the orthodox party line. That charge—if leveled against a young man or young woman may have profound effects. It may ruin a youngster's business or professional career. . . . And so the lips of the younger generation have become more and more sealed."

Attacks on academic freedom have in the past been aimed mostly at the larger colleges and universities, while the smaller schools have felt only indirect effects. That we are directly affected is brought out when we realize that many of us wish to go to graduate school and will have to attend one of these larger schools. Perhaps the best definition of the position that all schools must take is the one given by John Walton Caughey in the Summer, 1952 issue of the Bulletin of the American Association of University Professors. He says: "This brings me to the suggestion that no body of scholars should try to perform a solo defense of academic freedom. There are reservoirs of assistance in the nationwide and international community of scholars that ought to be tapped. And properly so, because defense of any scholar is important not only for that sector but for academic freedom everywhere. In a sense, academic freedom is geographically indivisible. . . . Still more broadly, if properly approached, the people at large can be stirred to uphold the freedoms, which in last analysis are theirs and for them."

Liberalism A Demanding Faith

by CHARLES R. NAEF

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 Wisconsin's Junior Senator exploited the Communist myth to further his own political ambitions and silence his critics, they became indignant and coined the term "McCarthyism" to denote everything loathsome to their way of thinking.

Yet McCarthy's very name inspires awe in many liberal circles. Was he not able to gain 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 and self-appointed patriotic "watch-dog" bodies? That Congressional and private inquisitors have become political powers which must be treated with some deference, no liberal would openly admit. Tragically, this repressed opinion prompts many 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 refutation 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 re-examine our stand on civil liberties." College presidents instruct 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 unconsciously to view their former convictions from a different perspective.

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 its adherence to this cardinal principle, the Academic Freedom Committee of the American Civil Liberties Union has stated:

In measuring the advantages of retaining unabridged the great American tradition of intellectual freedom, against the disadvantages of continuing 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 their anticipated 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 fulfills this obligation, he should enjoy the privileges of Academic Freedom and Academic Tenure.

Academic Freedom does not concern itself with the question whether Republicans, Mormons or Communists should be allowed to teach or not. It is an expression 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 principle, for it stipulates that the individual be judged on his own merits and not on those of any group he may belong to. The assertion of the supremacy of the individual lies at the core of the democratic way of life. Totalitarian societies subordinate the individual's dignity and destiny to the spurious concepts of class, caste and fatherland. They establish guilt by association. An individual forfeits his rights because he is a Huguenot, Jew or member of the Capitalist class. The Bill of Rights was 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, 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 President Eisenhower's recommendation, this does not mean that membership entails automatic exclusion. The faculty committee administers the rule with 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 inimical 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 adopted this or some similar statement, and in certain crass cases proceeded to implement it, the hullabaloo 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 remains to be shown that faithful and courageous adherence to our civil liberties can be the only answer to those who would slowly whittle away our freedoms.

By using the Communist menace as their whipping boy, Senator McCarthy and his followers attempt to subvert the central principle of Anglo-Saxon law that the individual is innocent until proven guilty. Civil libertarians have been much more effective in dealing with the tiny but well-organized Communist minority by unmasking some of their camouflaged leadership positions in various liberal organizations, than Senator McCarthy, who has not yet produced one 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 Americans for Democratic Action 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. They have done this by showing up Communism for what it is and by proving the superiority of liberal democratic principles. Needless to say, our civil liberties heritage as embodied in our Bill of Rights distinguishes the United States from totalitarian societies. It made possible the diversity on which democracy strives. 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 conscientious gardener examines carefully each plant and pulls the weeds one by one. McCarthy poisons the soil on which democracy strives; those who compromise our civil liberties rob it of its fertility which makes democratic growth possible. Fertile soil will inevitably nourish some weeds, while insuring an abundant crop. In the daylight 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 infringe 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 exerting their Constitutional rights. The range of investigatory powers and the investigatory procedures which some Congressional committees have recently appropriated for themselves are considered unconstitutional by leading jurists. They still await their constitutional test in the courts. The Johns Hopkins Students Committee for Academic Freedom has released an illuminating study on this subject. I shall cite only a few of the cases relevant to an understanding of the relationship between Congressional investigations and Academic Freedom.

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McINTOSH

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dilemma of a growing unconscious fear. This fear is unique in American history, for it leads men to fear their freedom.

Fear—the word cannot be underestimated for it is exactly this element which, when uncontrolled, allows, and even encourages, the rise and success of such demagogues as Senator Joseph McCarthy.

The quicksilver of public emotion is powerful, it can make wars, elect presidents, and overthrow existing orders. If unchecked and led by McCarthy's mouthing half truths and warped generalities it can destroy its own rights and freedoms. The danger has never been greater than today.

Tolerance of diversity is the key to our national security as well as our individual freedom. It was just such a tolerance that allowed our thirteen colonies, ridden by conflicting religions, politics and cultures, to unite into a common bond. Here lies the real secret of American strength. It has truly welded the diverse elements of our country into a union in the genuine sense of the word. Moreover, toleration of diversity has kept our union invulnerable to outside attack. Before the Second World War there were many conflicting viewpoints, views which seemingly could not be reconciled. The developments following December 7, 1941 proved beyond a doubt the strength of free men. Our enemies mobilized the state, while our people mobilized themselves. Our home production was fantastic and our war-machine power full and effective.

The difference between a totalitarian state and a free society is immense. The totalitarian society subjugates the individual to the state, emphasizing national security through the rigid control of the individual. A free society is based upon and emphasizes the supremacy of the individual, relying for national security upon a democratic compromise of diverse views and interests and upon the freely granted devotion of its citizens. To preserve the state is the chief function of national security in a totalitarian regime, while the preservation of freedom is the job of a free society when under duress.

There is no denying the fact that to tolerate an organization such as the Communist party, which operates outside our accepted process and would shatter that process if it ever came to power, must seem like tolerating a cancer. Hard as it may be to accept, the loyalty of free men must be freely given—or rather those who give must have the alternative of being free 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 Barth sums up the McCarthyites beautifully, "At bottom, the Communists and the Americanists 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 laws forbidding acts of violence, whether by them or against them. It is however, equally necessary to enforce the laws which guarantee them the right to speak as they please. To suppress and punish their 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 institutes 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, or 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 here we are not afraid to follow truth wherever it may lead, nor to tolerate error so long as reason is left free to combat it." This is our sacred inheritance. We must defend it!

*Robert H. Jackson, Supreme Court Opinion in *West Virginia State Board of Education Vs. Barnettes*, 319 U. S. 624 (1943).

ACADEMIC FREEDOM CONFERENCE

BARD COLLEGE

APRIL 1, 1953

Prof. Harold Lenz, *Queens College*

"Intellectual Freedom and Intellectual Responsibility"

Prof. Harvey Wheeler, *Johns Hopkins*

"The Political Role of the Intellectual"

Prof. H. H. Wilson, *Princeton*

"The Bearings of Congressional Investigations on Academic Freedom"

NAEF

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"First, in *Barry ex rel Cunningham*, 279 U. S. 597, for example, the courts held that testimony must be relevant to the legislative purpose." The Senate Internal Security Sub-Committee, headed by Senator Jenner, and the House Un-American Activities Committee, headed by Representative Velde, which currently investigate "subversion in American education," have not proposed any legislation to deal with the "Communist threat" in American schools, colleges and universities. Furthermore, it is doubtful whether any such legislation would ever be constitutional were it proposed and passed. Clearly, the chairmen of these two committees are hungry for headlines and nothing else.

It is encouraging to know that several professors have challenged the alleged authority of these committees by refusing to testify on grounds of possible self-incrimination, invoking protection under the Fifth Amendment to the Constitution. Their cases are strengthened by *Sinclair v. U. S.*, 179 U. S. 263, where "it was held that in event of a contempt proceeding, the burden of proof is on the prosecution to show the relevancy of testimony to proposed legislation." In *ICC v. Brinson*, 154 U. S. 447, the limits which the Fifth Amendment puts on Congressional investigations were deemed necessary to protect the "sanctity of a man's home and the privacies of his life," and to protect him against "unauthorized, arbitrary, or unreasonable inquiries and disclosures in respect of . . . personal and private affairs."

Representative Velde stated publicly not long ago that "It's a lot better to wrongly accuse one person of being a Communist than to allow so many to get away with such Communist acts as those that have brought us to the brink of World War III." In view of such a statement by the chairman of the House Un-American Activities Committee who proposed an investigation of the churches, the Fifth Amendment is a formidable and necessary bulwark against "unauthorized, arbitrary, or unreasonable inquiries and disclosures in respect of . . . personal and private affairs."

It is, therefore, all the more shocking to learn that distinguished scholars have been suspended or dismissed by their colleges and universities on the mere ground that they refused to testify under the protection granted to them by the Fifth Amendment. For example, in dismissing Dr. Barrows Dunham, chairman of the Department of Philosophy at Temple University, President Robert L. Johnson, stated:

Temple University is required to unequivocally set forth that the institution has no reason to believe any subversive persons are in its employ. By your refusal to answer questions put to you by the Congressional committee on the ground that to do so might be self-incriminating, you have deliberately created doubt as to your loyalty status.

It is a sad day for American democracy when the citadels of free learning and inquiry dismiss their scholars for claiming their constitutional rights. When college presidents and Board of Trustees rationalize their actions by professing that "these committees represent our lawful government," they show an ignorance of civil liberties which borders on contempt. A staunch adherence to the Bill of Rights in the face of arbitrarily reigning Congressional investigating committees can alone protect the individual against the oppressive encroachments of the state.

The urgency of the situation demands that every responsible citizen who values the democratic way of life take stock of the precious possession he has in the Bill of Rights. With courage and conviction he should rise to the defense of our civil liberties, realizing that one cannot compromise principles. Liberalism is a demanding faith.

7th INTERNATIONAL STUDENT CONFERENCE BARD COLLEGE APRIL 17, 18, 19, 1953

"Nationalism, Culture and World Peace"

Speakers—

Walter White
Secretary NAACP

Gerhard Ritter
German Historian

Ahmed Bokhari
Pakistani Delegate to UN Security Council