Special Academic Freedom Edition

Academic Freedom On Trial
by JOEL BERNE

Sapulpa, Okla., Feb. 11, 1952 (UP)—“Charles Hartman, vice-president of the Sapulpa School 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 consequences,’ adding that he believed one was a history judged to be too approving of socialism and the other 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, legislators and friends.
4. Rejection 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 in which our free society perhaps that would have made a better title for the New York Times survey. But what 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?

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

The basic question before us today is not one of should or should not Communist be allowed 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 unlimited inquiry, unquestionably the basic ingredient for man’s continual quest for truth. We are mainly concerned with the mounting threat to academic freedom, that we call the Reds 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, pleasurable attachments in personal freedom that are ruining 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 cannotovernight 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 fast and overwhelming. In less than one generation our attitude changed from one of unquestioning 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

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 juries shall have been previously accertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against himself; to be counsel for his defense; 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.

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 sub-committee for Academic Freedom of the Bard College Community Government on the fine job they have done in preparing for 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 Graduate Studies Paul Deussen, distinguished Professor of Political Science at New York University, will make a speech on the nature of the present controversy. With him will be two distinguished scholars, the late Professor Thomas D. Munn of the University of California and Professor Charles H. Towne of Harvard University.

President Case has generously contributed $500 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

(Continued from Page 1) 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 com-demnatory resolutions adopted by twenty professional and learned societies. It also says that forty-five courses have been dropped from the curriculum because of the administrators’ 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. Everybody 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 feared by the Rutgers teachers, Moses Finley and Simon Heilmeich, called before the Rutgers committee, refused to answer the sixty-four-dollar question. President Lewis Jones of Binghamton 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 recommended 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. Heilmeich or Mr. Finley. It therefore recommends to the President that no further action be taken." Here is 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 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 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 “shogoshbin of little minds.”

The New York Times of May 10, 1951, notes in its results of the poll on the stifling of academic freedom that: "Students at the University of California were also pic­ tured 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 Milllcent 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 'bureaucraticism' that is McCarty­hism." Defense of academic freedom is the best teaching students more cautious. If they now try to be on "both sides of the fence" at once when they they voice opinions. Thus the New York Times survey noted: "Stu­ dent leaders at Hunter College re­ frain from taking such a stand because they are fearful of signing petitions, because they were reluctant to get their names on any list." The editor of the undergraduate paper, they said, explaining the greater caution, now open with "the 'I think', and 'I believe', of years ago."

The pay off of intimidating both in high schools and colleges is the pay off of intimidating both in high schools and colleges. Forty, nine percent believe large masses of the people to be able to determine what is and what is not good for them. This is an outright rejection of the basic tenets of democratic government. Forty-two percent feel that all attempts to alter the American way of life are to be resisted.

5. Forty-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 various actions on academic freedom, Justice William O. Douglas says the "Black Silence of Fear" has come over our country. He says: "This fear has affected the youth, the youth has played a very important role in our national affairs. It has usually been the generation of enthusiasm, full of idealism, full of energy—that has changed 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 young man's business or professional career. And so the lips of the younger generation have become 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 changed last fall when we realized that many of us wish to go to college 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 pressure of defense of any scholar is important not only for that scholar but for academic freedom anywhere and everywhere. In a sense, academic free­ dom is geographically indivisible. Still more broadly approached, the people at large can be stirred to uphold the freedoms, which in last analysis are theirs and for them."
Towards the end of his article Sidney Hook cautions against the fearful implications of his own argument. He writes that:

Wise dom 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 bureaucratic or adminis­trative 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 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 seen 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 camouflage 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 Communist infiltration of Harry Wallace's Progressive Party three years before McCarthy decided that Communists were a menace to the national security.

Liberalism has 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 to the extent that it is possible the only values 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 conscienctious 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 down 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 statement on this subject. I shall cite only a few of the most relevant to an understanding of the relationship between Congressional investiga­tions and Academic Freedom.

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There is no denying the fact that to tolerate an organization which, 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 loyalties be evoked, and depended upon to endure.

In his recent book The Loyalty of Free Men Alan Barth sums up the McCarranite 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 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 in their hands—that is, to enforce the laws forbidding acts of violence, whether by them or against them. It is necessary, equally, to enforce the laws which give 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 committees must unite and form a strong and fearless opposition to those in high places who insist that we must sacrifice our freedom to save our freedom. Those on 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 the law of the land. "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 upon 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. Barnette, 319 U. S. 624 (1943).