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John Dewey



Arthur O. Lovejoy

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Entering the Academic Freedom Arena Running The AAUP's First Year

By Daniel H. Pollitt and Jordan E. Kurland

ARTHUR O. LOVEJOY STANDS AS A PILLAR AMONG THOSE responsible for the founding of the American Association of University Professors. When he was a young professor of philosophy at Stanford University, Lovejoy was one of seven to resign in 1901 in protest against the discharge of the liberal economist Edward Ross. Ross's views on economic reform (and the economic policies of Leland Stanford) had provoked the wrath of Mrs. Stanford, who demanded his discharge. The university president yielded to her pressure, cloaking the dismissal with allegations



Jordan Kurland



Daniel Pollitt

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NORTH CAROLINA AT CHAPEL HILL

Daniel Pollitt is Kenan Professor of Law Emeritus at the University of North Carolina. Jordan Kurland staffs the AAUP's Committee A on Academic Freedom and Tenure.

that Ross lacked scholarly competence. The American Economic Association responded by launching an inquiry to unmask the pretext.

Lovejoy saw the need for an organization of professors embracing the entire academic spectrum to engage in a like constabulary function. But he practiced patience until he had gained stature in the profession and his voice would be heard and respected. In 1913 he was teaching at Johns Hopkins University where he persuaded seventeen other full professors to join him in sending a letter to faculty members of equal rank at nine other leading universities, inviting them to discuss the need for a society of professors from all fields. The response was encouraging, and an official call for an organizational meeting went out in 1914. The result was the founding of the Association at its first annual meeting, held January 1 and 2, 1915, at the Chemists' Club in New York City, where John Dewey of Columbia University took office as the AAUP's first president.

Lovejoy and his colleagues had not acted in a vacuum in 1913 when they proposed an ecumenical professorial organization to safeguard academic freedom. At their annual meetings, the American Economic Association, the American Political Science Association, and the American Sociological Society had each appointed a committee to study academic freedom and tenure in their respective disciplines and authorized them to work in tandem with the other committees. The fear stimulating the formation of these committees was real. From Stanford in California to Wesleyan in Connecticut, professors were suffering retaliation when they supported such "heretical" concepts as a workers' compensation law or commissions to regulate public utilities.

At the AAUP's first annual meeting, President Dewey appointed a committee of fifteen to consider and report on questions of academic freedom and academic tenure.

It was the first of some sixteen committees to be authorized, with each given an alphabetical designation. The Committee on Academic Freedom and Tenure thus became Committee A. Edwin R. A. Seligman of Columbia was the chair, and it included such stalwarts as Lovejoy, Roscoe Pound (law, Harvard University), Charles Bennett (Latin, Cornell University), Richard Ely (economics, University of Wisconsin), and Henry Farnam (political science, Yale University).

Charged with formulating principles and procedures, Committee A issued its first policy report on academic freedom and tenure in 1915. The report reflected the experiences of Committee A during the AAUP's first year, when five investigations of alleged violations of academic freedom were conducted under its sponsorship.

University of Utah

THE FIRST INVESTIGATION TOOK PLACE AT THE UNIVERSITY of Utah. Walter P. Metzger's article, "The First Investigation," in the August 1961 issue of the *AAUP Bulletin*, quotes Arthur Lovejoy's account of how he became involved in it:

In April of 1915, I happened to be going up from Johns Hopkins to New York during the Easter vacation to see some plays. When the train got to Newark, a newsboy came on with the evening editions of the New York newspapers. I bought an *Evening Post* and read an editorial saying an interesting report had come from Utah that seventeen members of the state university had resigned in protest against the conduct of the administration in dismissing some of the faculty. . . . The editorial went on to say that it was impossible to judge the merits of the case, but that the facts would doubtless be investigated by the newly formed Association of University Professors and would duly be given the public in time. When I read that I thought it is up to us We had no machinery for sending investigating committees to universities, but I decided then and there to go up and see Professor Dewey who was living near Columbia University. It was late when I arrived—he was on the point of retiring—but I showed him the editorial and said I would go to Salt Lake City myself if he would put up the money for the railroad fare. This would be at his

own risk, as we both realized, since no appropriation had been made by the Association, but he consented to go to the bank the next morning, gave me three hundred dollars, and I was off the next evening for Utah.

Lovejoy spent four days at the university gathering information about the school's tenure policies and procedures and its commitment to academic freedom. The president and the regents cooperated with the inquiry, as did many current and former members of the faculty. The eighty-page report, written by Lovejoy and approved first by an ad hoc investigating committee and

then by the full membership of Committee A, described the conditions in Utah as abysmal. All appointments were for the term of one year "subject to termination at the will of the Board." Grounds for dismissal were not set forth in any document but were determined on an individual basis by the president and board. In this sense, the report stated, "The government of this university is a government of men and not of laws."

The administration had discharged two professors, refused to reappoint an instructor, and demoted the head of the English department, all without any semblance of due process. The faculty was quite rightly alarmed, and at a meeting called on the board to provide hearings and publish the results. When this was ignored, seventeen faculty members resigned in protest. The protesters included the dean of the Law School and the dean of the College of Arts and Sciences.

The regents told the AAUP that there had been no need for any sort of hearings because, if the board reinstated the two dismissed professors, "President J. T. Kingsbury . . . would submit his resignation." In such circumstances the board was not concerned "with the question [of] who is right and who is wrong," but only with the question of "whose services it considers the

PRESIDENT, JOHN DEWEY
COLUMBIA UNIVERSITY
VICE-PRESIDENT, J. M. COULTER
UNIVERSITY OF CHICAGO

SECRETARY: A. O. LOVEJOY
JOHN HOPKINS UNIVERSITY

TREASURER: J. C. HOLFE
UNIVERSITY OF PENNSYLVANIA

Professor E. R. A. Seligman,
324 West 86th Street,
New York City.

I shall not trouble you with most of the letters I send out to collect evidence in the Hearing case, but it is perhaps well that you see the enclosed letter to Provost Smith. I gather that he is somewhat inclined ^{to} reticent; and it is for that reason that I am dividing the questions which I wish to put to him into two parts, and sending him first a group of questions which he cannot well refuse to answer.

A. S. Long

DEPARTMENT OF HISTORY, WESTERN UNIVERSITY
MIDDLETOWN, CONNECTICUT

January 21, 1916.

Professor E. R. A. Seligman,
Columbia University,
New York City.
Dear Professor Seligman:

Please accept my hearty thanks for the copies of your report on Academic Freedom which came yesterday. Personally I regard it as a most excellent report, and feel that it is a most comprehensive and broad-minded presentation of the whole question. I trust that its publication may go a long way toward preventing any future violations of academic freedom. Allow me also to thank you for your kind reply to my letter of inquiry two weeks ago.

With kindest regards,

Yours very sincerely,

George M. Dutcher

Report of Inquiry Declares Trustees Acted on Com- plaints From Outside

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more valuable to the University." One regent explained, "Now the President has been a faithful and valuable servant of the University for twenty years, and it is not advisable to part with his services. It is better to secure mediocre instructors and secure harmony than to get the best and most efficient professors and not secure harmony."

The AAUP report rejected the concept of "harmony" as a legitimate reason for dismissing professors. And it supported the mass resignations on the grounds that the board had "denied the limits of freedom of speech at the University in such a way as to justify any member of the Faculty in resigning forthwith."

Since the trustees had refused to hold an inquiry, the AAUP report took this task upon itself. According to President Kingsbury, one of the two discharged professors, A. A. Knowlton, was dismissed because he had "worked against the administration" and had "spoken very disrespectfully of the Chairman of the Board of Regents." Knowlton denied the first charge, insisting that on many occasions he had actually defended the administration against its enemies. With regard to the second charge, Knowlton admitted that in a private conversation with a colleague he had suggested that the chair of the board was not up to the job. When confronted with this, he wrote to the board: "I believe that in such a private conversation I had a perfect right to express my opinion as to the fitness or unfitness of the Chairman. . . . If you wish to put my dismissal upon the ground that a member of the faculty is denied the right of freedom of speech, even in private conversation, I, for one, should not care to remain as a member of the faculty where such a curtailment of personal rights existed." The AAUP committee found it "to be a wholly unwarrantable extension of official authority, that the President and the Chairman of the governing board . . . should publicly announce . . . that unfavorable judgments of their qualifications may be uttered by professors in private conversation only on peril of dismissal."

The second discharged professor, George C. Wise, was dismissed because "he had spoken in a deprecatory way about the University before his classes, and he has also spoken in a very uncomplimentary way about the administration." The charge against Wise was based on the following incident: "[I]n reply to a direct question from a student . . . he expressed the opinion that the educational standing of the University of Utah was inferior to that of such a University as Yale, and between that of Colorado and that of Nevada." "I did not forget to add," the committee quotes Wise, "that in this respect Utah was improving rapidly." The AAUP committee found that Wise's remarks did not exceed the limits of "legitimate, or even desirable criticism," nor were they animated "by any other motive than zeal for the improvement of the University."

The committee's report went on to deal with various kinds of unwarranted external intervention in university affairs, beginning with that by the governor of Utah. The student who gave the class oration at the 1914 commencement spoke in favor of a public utilities commission, an investigation of certain mining companies, a juvenile court, and reforms in the state's system of taxation.

He also criticized the refusal of state legislators to fund women's dormitories on the grounds "that the housing of cattle at the state fair should take precedence over the housing of girls at the University." Utah's governor was present, and he was furious; he called for disciplinary measures against any teacher who might be responsible for the student's speech. Accordingly, President Kingsbury refused to renew the appointment of the teacher who had helped the commencement speaker polish his delivery.

There also was intervention from the Mormon Church, which resulted in the demotion of the chair of the English department, George Marshall. A member of the faculty for twenty-three years, Marshall had degrees from Cornell and Harvard and had published widely. But he was not a Mormon. He was accused of never having recommended Mormons for vacant positions in the English department, "preferring Eastern men"; and of having "spoken in a favorable manner of the Roman Catholic Church" in his class on Dante. He was replaced by a Mormon whose teaching and administrative experience was confined to the secondary school level.

Finally, there was intervention by the legislature. Faculty members on various occasions were summoned to the president's office and warned that the repetition of certain public statements could result in loss of appropriations. A psychologist was advised to refrain from questioning the experience of Joseph Smith in founding the Mormon Church (he denied that he had ever done so). A political scientist was warned against giving advice on a proposed public utilities bill.

These intrusions prompted Lovejoy and his associates to insist that although "[t]here may be room for legitimate debate concerning the proper limits of freedom of teaching; there can be no room for debate as to the impropriety of permitting powerful individuals outside the university, whether in or out of public office, to dic-

tate to university presidents respecting the utterances of university professors."

University of Colorado

LOVEJOY SUBMITTED ANOTHER HEFTY REPORT (SEVENTY-SIX pages) on the University of Colorado, an investigation that he undertook in July 1915 while on a personal trip to the West. The case involved a law school professor, James H. Brewster. A professor "in high standing" at the University of Michigan, Brewster had relocated to Colorado in 1910 for reasons of health. When a strike broke out in the coal fields of southern Colorado in 1913, Brewster agreed to serve on a committee to investigate reports of militia abuse against the striking miners and acted as counsel for the unions before a congressional committee investigating the strike. He accepted an appointment at the University of Colorado for the 1914-15 academic year. Brewster's testimony about the strike before the U.S. Commission on Industrial Relations in December 1914 led the governor of Colorado to demand his dismissal. The university's president, Livingston Farrand, refused, reminding the governor "that the discharge of any member of a

[Wise] expressed the opinion that the educational standing of the University of Utah was inferior to that of such a University as Yale, and between that of Colorado and that of Nevada.

university faculty for anything which he might say in his capacity as a citizen was a very serious matter and that the preservation of academic freedom was one of the first responsibilities of any university."

So matters stood until May 7, 1915, when Brewster received a telegram from the Commission on Industrial Relations inviting him to testify in Washington, D.C. He immediately went to see President Farrand. In their recollections of the discussion that ensued, the two men agreed that Farrand told Brewster that Brewster's declining to go to Washington would not put the university under any obligation to reappoint him for another term. They also agreed that Farrand told Brewster that the decision was up to Brewster. But here agreement ended. Brewster recalled the president's telling him that if he went to Washington to testify, "his connection with the University must cease at once." President Farrand recalls that he told Brewster that if he went, "it would be wise to issue a statement that his connection with the University was temporary and would terminate at the end of the current year." Ultimately, Brewster decided not to testify, wiring the commission that he felt himself "in honor bound to complete year's work without further embarrassment to the University."

When Brewster learned at the end of the academic year that he would not be reappointed, he asked the AAUP to investigate. He had, he claimed, been let go because of his testimony on behalf of the striking miners the previous December. The AAUP report, however, concluded that Brewster's charge did not hold up. His existing appointment at the University of Colorado was for the academic year 1914-15, and the report found it improbable that President Farrand, who refused the governor's demand that he fire Brewster in December, would have such a turnaround in June. Farrand strenuously denied that his decision to let Brewster go was motivated by the December testimony. He told the AAUP that his decision was motivated by the receipt of a large bequest that would make it possible to reorganize the law school with small course loads and a more numerous, youthful, and vigorous faculty. (Brewster at that time was fifty-nine years old and thought to be in poor physical condition.)

The dean of the law school corroborated Farrand's statement, explaining that the decision to drop Brewster was based on his concern about "Professor Brewster's delicate state of health" and his desire to use the bequest to reorganize the law faculty "with full professors upon full time throughout." The AAUP report noted that Dean Fleming had made occasional remarks to Brewster about his work "the next year," but these were before he had learned that the bequest would arrive so soon. Brewster had also charged that the president threatened him with immediate dismissal should he accept the invitation to testify in Washington before the congressional committee. Lovejoy's report concluded that "the evidence distinctly indicates improbability that such a threat was made," but rejected any implication that faculty members do not have a right to testify when they have information to share. Farrand had tried to persuade Brewster not to testify, suggesting that if he did the public should be informed that he held

only a temporary appointment. The report found this "very regrettable."

The AAUP report concluded that Brewster suffered substantial injury in one particular: having received from the dean some reason for anticipating reappointment, he was not given adequate notice that he would not be reappointed. In the report's words, "all university teachers whose terms are about to expire should receive definite notice not later than three months before the end of the academic year whether their appointment is to be renewed."

Wesleyan University

THE FORCED RESIGNATION OF WILLARD C. FISHER, PROFESSOR of economics and political science, prompted the third AAUP investigation of 1915. It took place at Wesleyan University in Middletown, Connecticut. The school was at that time slowly and laboriously shedding its Methodist roots, evolving from an institution that had once expected its faculty to make "Christ the center and source of all [their] study" to one that by 1913 was "earnestly religious" but "with tolerance for very considerable difference of opinion and belief."

That tolerance was put to the test by Fisher, who had joined the faculty in 1882. Fisher could be prickly. E. W. Kemmerer of Princeton, a former colleague and friend, said that Fisher "had the habit of speaking plainly and bluntly—untactful—aroused strong feelings." Another former colleague described Fisher as a "relentless truth-speaker, fearless in the utterance of truth as he saw it." Max Farrand of Yale, also a former Wesleyan colleague, put it in less charitable terms: "Many things at Wesleyan were open to criticism, and Fisher was able to say things in faculty meetings which would irritate some of the older men almost beyond endurance, and he took delight in it." He was an institutional gadfly, prodding Wesleyan and one of its important trustees to fulfill their financial and legal obligations.

Fisher was equally active off campus. He was twice elected mayor of Middletown and proposed and then drafted Connecticut's Workmen's Compensation Act. "I have held that many things in the present social order are not as they ought to be," he explained, adding, however, that "no thorough reform can come except through a better social morality, which in its turn must be rooted in religion." But despite this disclaimer, some Wesleyan trustees thought Fisher's activities to be little short of radicalism.

In January 1913, Fisher was invited by the "Get Together Club" of nearby Hartford to give a Wednesday evening address entitled "What I Want from the General Assembly in 1913." As he went through a number of items, he came to the Sunday laws, pointing out that the Scriptures contained "very little . . . about attendance at formal religious services," although "many think that Sunday attendance at Church is the whole of their religious duty." He suggested, as an experiment, "that churches be closed for a time. If such people were shut off from church going, they might turn to the much more important religious duties of mercy, kindness, sacrifice, and the like for the help of brother man."

The Hartford Courant
headlined: "Wesleyan
Professor Urges Church
Closing." Wesleyan president
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the New England Association
for the Defense of the
Sabbath, was mortified.

As might be expected, the *Hartford Courant* headlined: "Wesleyan Professor Urges Church Closing." This was picked up by the *New York Times* and other papers in the Northeast. Wesleyan president William Shanklin, active in the New England Association for the Defense of the Sabbath, was mortified. At noon on Sunday, January 25, he sent for Fisher and demanded his immediate resignation. (So much for defense of the Sabbath.) Shanklin declared that he had been overwhelmed with complaints from alumni and trustees. Fisher asked, "Is not the ground of dissatisfaction my supposed radicalism?" President Shanklin replied, "Oh, no, not at all." Fisher, despite his lengthy tenure, agreed to resign.

Five letters were exchanged between the two that Sabbath afternoon. Shanklin's began: "Your attitude in the matter is so far out of harmony with the spirit of the college, which, though in no way sectarian, is and always has been profoundly in sympathy with the Christian churches, that your continuance is undesirable for the college and for yourself." Fisher replied that he resigned "cheerfully" and in full appreciation of the situation "that a college with the history and constituency and the support of Wesleyan is not exactly the place for a man who holds such views as mine and who cannot suppress them."

There was an immediate uproar over the resignation, equal to that following the "church closing" speech. Students, faculty members, and outside groups passed resolutions and wrote letters. In responding to this outpouring, Shanklin and the trustees, who had unanimously approved Fisher's forced resignation, suggested that the real reasons were other than those assigned. Wesleyan's president assured the Yale professor asked to fill in for the ousted economist that Fisher's departure "was not primarily due to his utterance regarding religious service." That, the president explained, was only "one minor instance in the course of years of friction." Similarly, a trustee reported to the AAUP that "they had been wishing for a good while to get rid of Fisher" and had "counted it peculiarly fortunate that an opportunity had presented itself . . . that it in no way involved a question of academic freedom on economic questions."

Fisher, insisting that he had been dismissed because of his "social doctrines" and his "sharp personal hostilities" with the president, asked for an investigation. Seligman, the chair of Committee A, agreed, both on behalf of the American Economic Association and the AAUP. His personal conflict with Shanklin, Fisher explained, resulted "from my failure to conceal my disapproval of certain well-known moral failings of the President, his untruthfulness and his gross and repeated plagiarisms." Seligman found a "strained personal relationship, a measure of incompatibility" because of Fisher's outspokenness about the "striking resemblance" between Shanklin's 1910 baccalaureate sermon and one delivered by the president of Hamilton College five years before. But Seligman noted that whether "this in any way influenced the President's action in requesting the resignation is a question which only he could answer positively." Nor could Seligman come to a conclusion about whether Fisher's views on labor problems were the true cause for the forced resignation. Although

Influential alumni thought differently, writing to the alumni magazine that Nearing "aroused class prejudice," "advocated the ruthless redistribution of property," and generally held views that were "wholly at variance with those of the founder [Mr. Wharton]."

some of the trustees had "cherished the desire that Professor Fisher's connection with the University might cease," they denied that he had been forced out for that reason. "While we cannot declare that Professor Fisher's attitude toward the labor question was the cause of his dismissal," Seligman explained, "we cannot be sure it was not. . . . [I]t is impossible, with the lack of evidence, to frame a definite judgment."

Seligman's draft report came to two major conclusions. The first rejected the assumption that no "question of academic freedom can be involved in opinions uttered privately outside the classroom, or in utterances before an audience in another city, or in a field of opinion outside of the teacher's special studies (as in this case, the views of an economist as to Sunday observance)." The second stressed that if "there is to be any academic freedom for teachers, there must be both sincerity as to the charge and opportunity for the accused teacher to be heard on the true charges." Both of these conditions "appear to have been entirely denied by the Wesleyan authorities." The draft report concluded that it "must condemn the policy and method of procedure followed in this case as inconsistent with the frankness and fairness which should characterize the relations of the administration to a member of the faculty."

The members of Committee A declined to accept the draft report, finding it "too wanting in evidence" and "based upon rumors and uncertainties." The committee felt that the report might jeopardize Committee A's claim to "temperance, open-mindedness, and a hard-headed discrimination between crusading and the sturdy defense of the real issue." Without assessing blame, the committee contented itself with publishing a two-page report that criticized the rationale for removing Fisher because of his Hartford talk as "inadequate" and regretted Wesleyan's unwillingness to be more open about "the actual reasons" for the dismissal and the faculty's and administration's failure to hold a "full investigation, with ultimate publicity."

University of Pennsylvania

THE SITUATION AT PENNSYLVANIA, THE SUBJECT OF THE fourth 1915 investigation, resembled the one at Wesleyan in many ways. A popular professor of economics was released from the university because his off-campus statements grated on the ears of alumni and trustees.

Scott Nearing was appointed in 1906 as an instructor in the Wharton School of Finance at the University of Pennsylvania. In 1914 he was promoted to assistant professor for a term of one to three years. In spring 1915, the chair of his department, the dean of the Wharton School, and a large majority of the faculty recommended his reappointment. "He is," the department chair wrote, "an efficient, energetic teacher, a man of rare personal magnetism. I have never seen a teacher who could handle a large class more efficiently than he does. . . . The opposition to him is based on extramural statements in churches, teachers' meetings, and before other high-grade audiences. He never indulges in street oratory."

Influential alumni thought differently, writing to the alumni magazine that Nearing "aroused class prejudice," "advocated the ruthless redistribution of property," and generally held views that were "wholly at variance with those of the founder [Mr. Wharton] and in defiance of the conservative opinions of men of affairs." The magazine gave these and similar positions its editorial endorsement.

On June 14, 1915, the trustees informed Nearing that his appointment would not be renewed. A storm of protest ensued. Some fifteen hundred students signed a petition calling for Nearing's reinstatement, the teaching staff at the Wharton School sent the trustees a request for a statement of reasons for the action, and sixty other Penn professors signed a statement of protest that emphasized the lack of consideration given to the faculty recommendation that Nearing be reappointed.

Lovejoy again chaired the AAUP's investigating committee. The fifty-page report that he produced regretted that the trustees had refused to respond to his written inquiries. "The principles and methods of official action of the governing body of a university are not private matters," the report explained, "but are in a high degree affected with a public interest." The report also rejected the administration's contention that there was no need for an investigation because refusal to renew a term appointment (such as the one Nearing held) could not raise an issue of academic freedom. On the contrary, the report noted, if a teacher is denied reappointment "because of objections to his opinions, it makes little practical difference, as far as injury to academic freedom is concerned, whether the result is called 'nonreappointment' or 'removal' or 'dismissal.'"

Furthermore, the report explained, governing boards should disregard the recommendation of "responsible and accredited representatives of the educational staff of a university . . . only on grave occasion. The rejection of the recommendation constitutes, of itself, *prima facie* an indication that the question of academic freedom is involved in this case." The committee also condemned "the extremely summary procedure" by the board of trustees, stating that "a procedure in dismissals should always be of a judicial character; that is, it should be based on definite charges, should provide for the careful verification of the facts, and should assure to the teacher against whom complaint is made a hearing and an opportunity to present his defense." Finally, the committee lamented the unfairness of abruptly informing Nearing about his nonreappointment at the end of the academic year.

Despite its criticism of Nearing's dismissal, the report noted a happier sequel. In December 1915, Pennsylvania's board of trustees adopted significant amendments to the statutes of the university that established regular procedures for a faculty role regarding reappointments, definite terms of appointment for each rank, and provisions for adequate notification of nonreappointment and due process for the dismissal of senior professors. The report concluded that while the changes made did not provide for all that is desirable or requisite, they were "of good augury for the future of the University."

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University of Montana

ON THE EVENING OF JUNE 7, 1915, FOUR DAYS AFTER COMMENCEMENT, Montana's State Board of Education voted not to renew the contract of E. B. Craighead, who had served for three years as president of the University of Montana. On the following morning, the board voted to discharge three professors: G. F. Reynolds, head of the English department; T. L. Bolton, a member of the psychology department; and Mary Stewart, dean of women and instructor in languages. These were bolts out of the blue. As the AAUP report, written again by Lovejoy, noted, the lateness of the dismissals, "at the close of the academic year, their suddenness, the absence of charges—in the case of the faculty members—and the sequence of events which had preceded this crisis . . . caused widespread concern among the teaching profession, not only in the University of Montana itself, but, as the event became known, through the country generally." Though one of the victims was a university president, the report found that because "the problems of administrative procedure and of tenure of office are so deeply inwrought with those of academic freedom," President Craighead's dismissal was clearly within the AAUP's purview.

There were four Montana institutions of higher education then under the jurisdiction of the state board: the University at Missoula, the Agricultural College at Bozeman, the School of Mines at Butte, and the Normal School at Dillon. Consolidation of the four institutions had been a burning issue for some time. It was favored by the University of Montana at Missoula and opposed by the other three institutions. Even though his predecessor had lost his position when he called for consolidation under one head at Missoula, President Craighead took up the cudgel. A bill for consolidation was narrowly defeated in the legislature. Not daunted, the proponents, with Craighead in the lead, carried the issue to the people through the initia-

tive route. The governor took the stump against it, the other institutions fought it, the state was flooded with anticonsolidation literature, and Craighead was vilified in the process.

The defeat of the initiative in 1914 prompted members of the board of education to urge Craighead's dismissal, but the governor, perhaps in touch with the president's enemies on campus, advised them to wait "for something that would in time come from Missoula." It was not long in coming. Craighead had not only wanted to consolidate all the state's higher education in Missoula; he also worked to expand the University of Montana. He added new departments, enlarged the schools of law and music, and appointed new members of the faculty "from the principal American universities, of good training and professional reputation." In three years, the student body had almost tripled, from three hundred to eight hundred. But these expansionist schemes aroused opposition from some members of the faculty who, fearing the consequent diversion of resources, brought their complaints to the state board of education.

Neither informing President Craighead that charges had been brought against him nor evaluating the truth or falsity of those charges, the board voted seven to four against renewing his contract. When the AAUP's report assessed the charges against Craig-

head, it found them wanting in truth and substance. The real reason for the discharge, the report found, was the board's opposition to consolidation and to the expansion of the Missoula campus. The governor later added a new charge to the dismissal, telling the AAUP that Craighead's campaigning in favor of consolidation was insubordination. The report rejected this out of hand, on the grounds that a trustee regulation against public discussion is

an unwarranted limitation of the freedom of thought, speech, and action, which are requisite for the proper growth and functioning of a free state university. The educational institutions of Montana were manned by experts qualified to express an opinion on the educational policy of the state. It was their right, privilege, and duty to have an opinion on the project of consolidation, and the people of the state were entitled to hear it without let or hindrance from the state board.

The three professors, the AAUP report noted, had been completely out of sympathy with the president's expansionist policies and "were simply made the victims of the factional quarrels within the state board." The discharge of the president "had given great offense to those members of the board who had been favorable to him." Desiring to placate this minority, "the majority permitted it to take its revenge on those members of the faculty who had spoken against him." The only cause assigned for these dismissals was "the interests of harmony," a rationalization, the report explained, that "here as so often . . . seems to have been merely another name for the complete disregard of all considerations of equity." "It would be superfluous to point out," concluded the AAUP report, that "the conditions of professorial tenure at the University of Montana were of a sort which ought nowhere to be tolerated."

First Year's Accomplishments

THE YEAR 1915 WAS INDEED A BUSY ONE FOR THE INFANT AAUP, its Committee A, and academic freedom. In addition to the five investigations it sponsored, the committee issued a policy report on academic freedom and tenure that contained a "General Declaration of Principles" and a set of "Practical Proposals." It was obvious that the document had been composed with that year's investigations closely in mind. The declaration of principles began by describing the familiar tripartite function of the university to "promote inquiry and advance the sum of human knowledge . . . to provide general instruction . . . and . . . to develop experts for various branches of the public service." It then noted that if universities are to achieve their objectives, they must enlist persons of "high gifts and character" drawn to the teaching profession with "assurances of an honorable and secure position." Crucial to the enterprise is academic freedom of inquiry, of teaching, and of extramural utterance and action. While recognizing the "essential and highly honorable place" that trustees held within

the university, the declaration upheld the faculty's "primary responsibility" for "purely scientific and educational questions" and the need to ensure that in those "occasional cases in which the aberrations of individuals [require] definite disciplinary action," that action can be taken only by bodies "composed of members of the academic profession." The declaration ended by affirming that the existence of the AAUP

must be construed as a pledge, not only that the profession will earnestly guard those liberties without which it cannot rightly render its distinctive and indispensable service to society, but that it will with equal earnestness see to maintain such standards of professional character, and of scientific integrity and competency, as shall make it a fit instrument for that service.

The practical proposals established the procedures that were necessary to ensure "the dignity, the independence, and the reasonable security of tenure of the professional office." The proposals recommend appointments to the faculty only with the advice and consent of the faculty, discharge from the faculty only after trial before a judicial committee chosen by the faculty, ample notice of an intent to cancel existing appointments, and indefinite tenure after a fixed period of probation.

The five investigatory reports put flesh and blood on these bones and established many of the guidelines that still regulate academic life. For example, the responsibility of a university for maintaining academic freedom was reinforced by the Colorado investigation. The Utah case affirmed the need for universities to submit their acts and policies to public scrutiny and to make tenure available to faculty members to ensure freedom of inquiry and teaching. Similarly, as the Utah and Montana investigations emphasized, it was essential

for administrators and trustees to allow "a divergency of opinion" within their institutions and not to punish professors for criticizing the administration or privately questioning the fitness of a trustee. Nor, as these two cases revealed, could an institution disregard considerations of "equity" and heed only considerations of "efficiency" or "harmony" without courting disaster.

The Utah report mandated that professors have academic freedom in the classroom, while the Colorado one stressed the right of faculty members to testify before public bodies. The Pennsylvania and Wesleyan reports delineated professors' rights to engage in extramural speech in subjects both in and outside their academic specialties. Finally, the reports revealed the need for due process with regard to all dismissals. Scott Nearing's case at Pennsylvania showed the importance of faculty participation; the cases at Wesleyan and Montana reinforced the necessity for a full and straightforward statement of the reasons for dismissal.

At the AAUP's second annual meeting, President Dewey was able to report that the fledgling AAUP had fulfilled its initial promise. "We met one year ago with mingled hopes and fears," he declared. "We meet today with a record of things accomplished and a definite program of things yet to be undertaken, with fears allayed and hopes confirmed." ☞

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