

Academic Freedom and Tenure: Grove City College

Introduction

On February 14, 1962, Dr. Larry Gara, Professor of History and Political Science at Grove City College, Grove City, Pennsylvania, was informed orally by the Dean of the College, Dr. William W. Swezey, in the presence of the Dean of Men and the Registrar, that his services to the College were not satisfactory, and that it would be wise for him to resign and seek a position elsewhere with the aid of letters of recommendation from the Administration. Two days later Professor Gara was informed in a conference with the President of the College, Dr. J. Stanley Harker, and Dean Swezey, that his contract would not be renewed for 1962-63 because of his incompetence, and that numerous adversely critical letters had been sent to the College by students, parents, and alumni. President Harker refused to make any of these letters available to Professor Gara for study.

Thus began a series of events that led to the appointment of an *ad hoc* committee of the American Association of University Professors, consisting of Professor Ronald V. Sires, Whitman College, *Chairman*, Professor Madeline Robinton, Brooklyn College, and Professor Ralph S. Brown, Jr., Yale University Law School; this committee now submits its report.¹ The *ad hoc* committee held its sessions at the Penn Grove Hotel in Grove City on May 29 and 30 and interviewed 31 members of the faculty and two persons having no official connection with the College. The members of this investigating committee decided that it would not be profitable to interview students currently enrolled in the College. About two weeks before the meeting of the investigating committee at Grove City the Board of Trustees of the College had voted by postal ballot not to take any official cognizance of the investigation by the Association.

¹ The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, that text was sent (a) to the Association's standing Committee on Academic Freedom and Tenure (Committee A), and (b) to the teacher at whose request the investigation was conducted and the Administration of Grove City College. In the light of the suggestions received, and with the editorial assistance of the Association staff, the report has been revised for publication.

Professor Larry Gara

Professor Larry Gara was born in 1922 and received the B.A. degree from William Penn College (Iowa) in 1947, the M.A. degree in the following year from Pennsylvania State University, and the Ph.D. degree in history from the University of Wisconsin in 1953. He served as instructor in history at Bluffton College (Ohio) in 1948-49, lectured in American history at Mexico City College, Mexico City, D.F., in 1953-54, and rose from instructor to assistant professor of history at Eureka College (Illinois) from 1954 to 1957. In the summer of the latter year he accepted a professorship in history and political science at Grove City College. He thus had five years of college teaching experience before coming to Grove City College and in 1961-62 was serving his fifth year there. Under the 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly adopted by the Association of American Colleges and the American Association of University Professors, Professor Gara must be regarded as having served his probationary period and to have had tenure at the time of the decision not to renew his contract. Grove City College, however, has no tenure policy, written or oral. The institution has no established procedures or practices for adjudicating dismissal actions.

Professor Gara is a member of the Society of Friends, is a convinced believer in pacifism, and was sentenced to prison in 1943 for refusal to register for military service and served three years. Also, in 1950, he served part of an eighteen-month sentence for the counselling offered by him to a student at Bluffton College who had refused to register under the Selective Service Act of 1948; in this case conviction was affirmed despite contentions that the application of the statute infringed freedom of speech, in *Gara v. United States*, 178 F 2d 38 (6th Cir. 1949), and (without opinion, by an equally divided Supreme Court), 340 U.S. 857 (1950). Both Professor Gara and the President of Grove City College, Dr. J. Stanley Harker, state that the facts of the first prison sentence were known to the President at the time of initial appointment; but since President Harker did not discuss the case with the investigating committee, we have not been able

to hear from him when he first learned of the second conviction and prison sentence.

The Dismissal

Not until February 27, 1962, and in response to Professor Gara's request of February 22, did President Harker put in writing his reasons for the decision not to renew the contract for 1962-63.² President Harker stated that: Professor Gara had in many ways been "a very uncooperative staff member"; his class work had "always left much to be desired," and he had taught one course (Ancient History) with "such utter indifference" that the President had in later semesters taken over the course himself; Gara had "literally flaunted [*sic*] directive [*sic*] from the Dean's office"; a "mounting flood of criticism" had come from students and parents, and from graduates and friends of the College, regarding his "indifferent teaching and ruthless grading"; and Gara's leadership as head of the department of history and political science "virtually did not exist." Under these circumstances it had become "literally impossible" for President Harker to defend him. Professor Gara's contract was not being renewed because his work did not "measure up to the standard we want maintained by members of our faculty, especially a departmental chairman." The decision not to renew the contract, said the President, had nothing to do with the teacher's record as a conscientious objector or with his having served a second prison term "for trying to persuade young people to defy the government. . . ."

This official exposition by President Harker came about a month after a related account of Professor Gara's work was given to Professor W. B. Hesseltine, who had been Gara's advisor in graduate work at the University of Wisconsin.³ Here President Harker said that from the very first students had characterized Professor Gara as a "very dreary teacher" (President Harker's words). He went on to add criticisms of the way in which Professor Gara had taught a course in Ancient History—that he had learned from his daughter that Professor Gara had cut relevant portions from textbooks in the field and pasted them in his own notebook for direct use in lectures. President Harker referred to Professor Gara's "absurd testing and ruthless grading" and said that he had asked "questions about footnotes, legends under pictures, even minor details about textbook pictures." So harsh was the grading that the Dean of the College had referred to the most recent semester report as "another slaughter of the innocent." President Harker also criticized Professor Gara for refusing to accept "excused absence slips" from the office of the Dean of the College.

² President Harker to Professor Gara, February 27, 1962.

³ President Harker to Professor W. B. Hesseltine, January 29, 1962.

He asked Professor Hesseltine if he could find some other work for Professor Gara and thus "let him beat me to the punch with a resignation. . . ." This comment helps us to understand a statement made to the investigating committee that, at the first conference on February 14, Professor Gara was not "fired" but that the suggestion was made that he seek another position with the aid of letters of recommendation from the Administration.

After receiving the President's letter of February 27, 1962, and after a period of informal exchange, and of mediative effort, Professor Gara wrote a letter⁴ to President Harker stating his understanding that, under generally accepted academic standards, he had tenure at the College and should therefore be granted a formal hearing before a committee of faculty members operating under the guidelines indicated in the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, jointly prepared by the Association of American Colleges and the American Association of University Professors. He also requested an assignment of academic duties for the 1962-63 academic year. In his reply⁵ President Harker noted that Grove City College had no tenure program and that Professor Gara was so informed when he accepted the position—therefore the assumption that he had tenure was false. While the President did not specifically so state, the "false" assumption made by Professor Gara apparently ruled out any right to a formal hearing. This view obviously conflicts with the 1940 *Statement of Principles*, which says:

Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

Later correspondence between the President and Professor Gara regarding the payment of salary for the year 1962-

⁴ Professor Gara to President Harker, April 2, 1962.

⁵ President Harker to Professor Gara (copy, no date given), in Gara to Washington Office, April 5, 1962.

63 has no bearing on the denial of academic due process in the dismissal proceedings.⁶

The action of the College administration in the case of Professor Gara fails most seriously to measure up to the principles and procedures given in the 1940 *Statement of Principles on Academic Freedom and Tenure* or to the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.⁷ The latter document spells out in considerable detail the procedures that should be followed in a dismissal action against a faculty member who has tenure or whose term of appointment has not expired. In such cases, the following steps should be taken: the appropriate administrative officer should discuss the matter with the faculty member in personal conference; if the matter is not mutually settled at this point, a standing or *ad hoc* committee of the faculty should inquire into the situation and attempt to effect a settlement; if such settlement is not effected, more formal proceedings may be undertaken before a separately elected committee of the faculty, the faculty member having the procedural rights set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure* (quoted above). The final decision rests with the governing body of the institution, which may, but ordinarily would not, make a judgment contrary to that given by the faculty hearing committee; if the judgment is adverse to the teacher, the hearing committee should have a second opportunity to consider the case, along with the board's view, and again to send the matter up to the governing board.

Conclusions

The Investigating Committee concludes that:

1. Although Professor Gara had been criticized ad-

⁶ Professor Gara requested President Harker to appoint him for the coming year (1962-63) to the Grove City College Faculty, and the President replied that it was impossible for him to grant the request. In a letter of May 18, 1962, President Harker informed Professor Gara that it had been their intention from the outset to give "some separation allowance," and noted that "at a recent meeting of the Executive Committee of our Board of Trustees, I proposed a separation allowance and was authorized to continue your salary throughout the next academic year, i.e., until the first of September, 1963." On May 29 Professor Gara wrote a letter accepting the offer of a separation allowance "consisting of my present salary extending until the first of September, 1963." He added that the acceptance of an allowance would bear no relation to any other compensation earned during the year 1962-63 and that it would not dispose of the matters relating to his leaving Grove City College. He also insisted that President Harker owed him a public apology and retraction for statements made by the President to the press and for the statement questioning Gara's academic competence. On February 1, 1963, Professor Gara received a letter from the College Treasurer saying "it was just brought to my attention you were to receive a year's separation pay"; checks covering the period September, 1962, through January, 1963, were enclosed, and promise of further checks, through August, 1963, was made.

⁷ American Association of University Professors, *Bulletin*, Spring, 1958, pp. 270-74.

versely by the Administration for his grade distribution and for his performance in teaching the Ancient History course, these criticisms apparently had not been presented to him as a warning concerning possible dismissal action.⁸ Whatever the substance of these issues might or might not prove to be upon trial, they were not introduced and prepared for consideration by a proper procedure.

2. Although the dismissal of Professor Gara was for stated cause, neither evidence nor argument was presented in a hearing before any faculty committee, or any Board committee, or the Board as a whole within the framework of any recognizable form of due process, academic or general.

3. Although this action was of an extremely serious kind, neither a Board committee nor the Board announced a formal decision regarding the teacher's dismissal.⁹

4. The principles and procedures which are regarded by the American Association of University Professors as appropriate and necessary for the governance of a dismissal action in higher education were, in all major ways, absent in this case. The Administration of Grove City College denied Professor Gara any semblance of that due process which is the basis of adjudication.

5. The absence of due process in this case raises in the minds of the Investigating Committee grave doubts regarding the academic security of any persons who may hold appointment at Grove City College under existing administrative practice. These doubts are of an order of magnitude which obliges us to report them to the academic profession at large.

Ronald V. Sires (History, Whitman College), *Chairman*

Ralph S. Brown, Jr. (Law, Yale University)

Madeline R. Robinton (History, Brooklyn College)

The Investigating Committee

Grove City College: Supplementary Observations

The dismissal action in this case was accompanied by collateral controversy, disclosure of unusual attendant circumstances, and frequent display of emotion. Many of these elements were reported in the press and by radio and television broadcast. The investigating committee in these Supplementary Observations believes itself obliged to review such of these elements as meet two standards: (1) elements which clearly and significantly relate to the

⁸ With respect to the Ancient History course, taught in 1959, Professor Gara states that his first adverse criticism on this point came from the Administration in February, 1962.

⁹ In a letter of February 6, 1963, President Harker states that "an announcement was made by our Board, "and that" the dismissal was fully discussed with our faculty in the spring by the President of the Board himself." The Washington Office thereupon requested from President Harker a copy of the announcement and an indication of the date when it was released; this information has not been received.

Gara case, and which would in fact have been made part of our main report if the cooperation of the Administration or the possession of subpoena power had made possible further inquiry, and (2) elements regarding which silence would be unjust, even though a resolution of each issue may not be possible.

I. *Grove City College and its Faculty*

Grove City College is described in its catalogue as "a small Christian college of liberal arts and sciences." It is located in Grove City, Pennsylvania, a town of 8000 population, about 60 miles north of Pittsburgh. The College is affiliated with the United Presbyterian Church, U.S.A., and operates under the Presbyterian Standards for Colleges; of the student body of a little over 1500, about half are Presbyterians. The College has declared that it "practices in its admission policy no restrictions as to race, color, or creed."

Grove City College is governed by a Board of Trustees of 30 members, of whom Mr. J. Howard Pew, a leading Presbyterian layman, and prominent industrialist, is president. The Pew family has been closely associated with the College since its founding in 1884; the first president of the Board of Trustees was J. N. Pew; and several buildings on the campus are gifts of members of the family. Since 1956 the President of the College has been Dr. J. Stanley Harker, an alumnus of Grove City College and an ordained minister who holds a Ph.D. degree in history from the University of Pittsburgh.

Grove City College has recently been reaccredited (i.e., had its accreditation continued) by the Middle States Association of Colleges and Secondary Schools. The College offers programs leading to the degrees of Bachelor of Arts, Bachelor of Science, and Bachelor of Music. It offers, in the Bachelor of Science program, courses in engineering but not an engineering degree, and, in the Bachelor of Arts program, courses in business administration. It prepares students for elementary and secondary school certification in the state of Pennsylvania. For these instructional fields the College maintains a faculty of just under 80 full-time teachers, of whom slightly more than 25 per cent hold the Ph.D. degree.¹⁰

In a *Self Evaluation Report* submitted to the Middle States Association in December, 1959, it is stated that 1956 marked the turning point in improvement of the conditions of academic employment at the College. There has been an increase in the number of faculty with the hope of reducing the teaching load (p. 57). Salaries have been raised annually (p. 59). However, the investigating committee was informed that no salary schedules are published, salary checks are given in envelopes marked

¹⁰ *Grove City College Bulletin: Catalogue Issue for 1962-63*, pp. 135-43. The Administration, in February, 1963, states that there are 91 faculty members and that over one third hold earned doctorates.

"confidential," and the recipient is asked to keep the information confidential. The *Report* stressed the need of "a more realistic and satisfactory arrangement with respect to the teaching in Summer School." Although the conditions under which a faculty member is released from summer teaching assignment have not been spelled out, a rotation system of two summers on and one summer off has been established. Salary is paid on an annual basis.

Retirement provisions are not spelled out.¹¹ The retirement program is a noncontributory one which has been endowed. Faculty members stated to the investigating committee that the age of retirement is not fixed; they were uncertain whether it was 65, 70, or fluctuating. Furthermore, in order to receive benefit, one has to be in service at age of retirement; anyone who leaves before the last year prior to retirement has no equity in the retirement fund and will receive no compensation, regardless of the years of service.

The 1959 *Self Evaluation Report* stated: "Some type of tenure policy, also, is an aim for the best conditions of academic employment" (p. 50). However, there is as yet no written statement describing such a policy. Faculty members, when interviewed by the *ad hoc* committee, agreed that there was no written statement on tenure, and that appointment was on annual contract; still, some believe that a *de facto* system of tenure has been in operation. Two recently appointed people stated that at their initial interview with Dean Swezey they had been told that it was very seldom that a contract was not regularly renewed after the second or third year. The faculty, some members said, had a feeling of security because it was generally understood that contracts would be renewed except in very rare cases. A number of faculty members have accepted unquestioningly the prerogative of an administration to dismiss anyone who is for any reason unsatisfactory to his employer.

The faculty also apparently accepted, at the time of the 1959 *Self Evaluation Report*, the fact that appointments, salaries, salary increases, promotions, and retirement were effectively in the hands of the President, consulting with the Dean. It became clear that even chairmen of departments were consulted perfunctorily (if at all) on recruitment of members of their departments.¹² Some chairmen said that they were not shown the credentials of persons to be appointed and met them only at the time of their interview on campus. The *Report* indicates (p. 61) that prior to 1956 departments had existed in name only and that only since then have

¹¹ President Harker informs the Washington Office that the retirement program has been mimeographed and distributed, but a request for a copy of the statement and an indication of the date it was placed before the faculty has not yielded this information for the Association files.

¹² The Administration states, in February, 1963, that this description is "utterly false" in regard to present practice.

departments been created and chairmen named by the President to head them.

The *Report* stated that the "faculty takes an active part in the planning and formulation of policies, both academic and administrative. Academic policy is formulated in the Curriculum and Instruction Committee and then approved by the faculty as a body. Three members of the faculty also serve on the Administrative Council, which is an executive body, in the formulation of college-wide policies." The present 1962 catalogue of the College indicates that membership of the Curriculum Committee consists of the Deans and Chairmen of departments; the Curriculum Committee reports to the faculty any recommendations for changes in the curriculum, and the faculty votes on the Committee's recommendations. The three faculty members appointed to sit on the Administrative Council are also departmental chairmen. Faculty members stated to the *ad hoc* committee that the Administrative Council did not report to the faculty and that its minutes were not circulated to the faculty.

II. *Events Following Professor Gara's Dismissal*

Events and attitudes that developed after Professor Gara was notified that he would not be reappointed warrant brief recital. First, they created a climate of mistrust and bitterness that has obviously clouded the recollections and judgments of some of the faculty members interviewed by the investigating committee. Second, these occurrences cast some light on administration-faculty relationships at Grove City College, especially as they bear on the security of a faculty member in his post. Third, they help explain the shift of the college administration to a hostile attitude toward the American Association of University Professors; a shift which resulted in the decision of the administration not to cooperate with the investigating committee.

After Professor Gara discussed with colleagues his meeting on February 14 with three administrative officers, and his conference on February 16 with President Harker and Dean Swezey, the faculty was astir with surprise and excitement about the dismissal. Some members obtained interviews with the President and the Dean. On February 19, eighteen faculty members met with Professor Gara to hear his side of the controversy. The next day Dean Swezey met with sixteen faculty members (not identical with the group that had met with Gara). A number of those who attended the meeting with the Dean stated to the *ad hoc* committee their belief that his attitude toward those questioning Professor Gara's dismissal was a menacing one; others perceived no menaces or threats. In late March one faculty member who had attended this meeting circulated a statement of confidence in the Administration which 49 faculty members of a total of just under 80 signed. One faculty member, who wanted to maintain a neutral position on this problem,

sent a separate letter to Dean Swezey expressing similar sentiments.

The climactic events, in an atmosphere of increasingly bad feeling, began with the declaration on March 14 by five faculty members that they would not accept reappointment for the following year. The five who resigned included three assistant professors, the college librarian, and one instructor. Two of the assistant professors were in their fifth year at Grove City College. The librarian was in her third year; the other two who resigned had come to Grove City College in 1961. Of the five, only one, a colleague in the History Department, appears to have had close personal and professional ties with Professor Gara. In their letter of March 14 to President Harker, the five wrote, "We have decided not to accept your offer to return to Grove City College next year because of the dismissal of Dr. Larry Gara for unsatisfactory teaching. We find this charge against Dr. Gara incomprehensible. . . ." Concurrently with their short letter of resignation, the five sent a long letter to each of the Trustees, and released both documents to the press. These letters received considerable publicity in local and Pittsburgh papers on March 15. On the night of March 15, a dormitory disturbance, which began without any established connection with the Gara case, developed into a noisy demonstration of men students on his behalf. Two hundred or more students were persuaded to gather in the college auditorium where Dean Swezey addressed them.

On March 16 a television camera and crew from Pittsburgh station KDKA, as well as radio reporters, arrived on the campus. Mimeographed handbills (of unknown origin) had appeared in the classroom building that morning announcing this impending visit. A number of brief interviews were broadcast by KDKA that evening, mostly with supporters of Professor Gara, but there was also included a statement by President Harker in which he repeated his charge of incompetence.

There were no further public events, but there was considerable published correspondence in the Pittsburgh papers, and, not surprisingly, close journalistic attention to the possibility of any further developments in the case.

Correspondence between the Washington Office of the American Association of University Professors and President Harker had commenced on February 27 with normal inquiries about the facts and offers of mediation. On March 29, the Washington Office wrote to President Harker proposing, among other alternatives, a visit by an *ad hoc* committee of the Association to Grove City College. President Harker, acknowledging this letter on April 4, justified the dismissal at some length. On April 11, after intervening telephone conversations, the Washington Office staff member handling this case advised President Harker of the composition of the investigating

committee and confirmed May 29 and 30 as the dates for the visit. The letter from the Office said:

When the American Association of University Professors conducts an investigation every effort is made to minimize publicity. Neither this office nor the investigating committee makes an announcement of the visit. If news reporters approach the members of the investigating committee at the time they are on the campus, the committee members will confine themselves to (a) a statement that they are present for their stated purpose, (b) identifying themselves, and (c) indicating the general nature of inquiries by an Association investigating committee—without reference to the case in hand and with as much brevity as possible. The committee members will refer all other questions to your office.

A question had been raised whether the situation at Grove City College might also warrant an investigation and a report to the Association's Committee T on College and University Government. Thereupon, the General Secretary wrote to all the Association members at Grove City College on April 23, stating that an investigating committee would shortly visit the campus, *inviting the cooperation of the addressees, and requesting their opinion whether an inquiry, concerning itself with faculty-administration relations, might also need to be developed for study by Committee T.* Through this letter about one fourth of the faculty, in addition to the principal parties, became aware of the impending investigation regarding academic freedom and tenure. As is customary in such a letter, there was both a "Confidential" superscription and an explicit emphatic assurance that opinions given would be held confidential.

On May 3, a staff member in the Washington Office in response to inquiries from journalists, confirmed the dates of the investigating committee visit, and supplied background information about the general functioning of such committees. As reported in the Pittsburgh and local papers, this exchange was characterized, inexactly, as an "announcement" by the Washington Office. On May 8, President Harker wrote to Association headquarters complaining that information had been released about the investigation. The reply from the Washington Office, on May 11, explained that since the press already had knowledge of the investigation it seemed inappropriate to try to ignore or suppress the fact that one would occur.

On May 18, President Harker wrote to the Association staff member in charge of this case, acknowledging his letter of April 11, and stating that, on instructions from the Board of Trustees, "We . . . are not authorized and will not be able to receive the Committee on May 29 and 30." Then, on May 23, President Harker sent a letter to each member of the faculty declaring that in violation of a commitment to him, "AAUP had made at least two press releases, very prejudiced releases, too," and expressing indignation that he had been "instructed [by the

Association] to select certain students" to refute student testimony in favor of Professor Gara.¹³

President Harker's letter to the faculty concluded by saying that "On instructions from our Board no official cooperation will come from the College. Feel free to do as you wish in this matter, but I will not be inviting anyone to appear before the Committee."

The substance of this communication not surprisingly found its way to the press. When asked, the Washington Office declined to comment on it. This fact, along with the news of the administration's non-cooperation, appeared in the Pittsburgh papers under a Washington date-line—a circumstance which may have led President Harker to an erroneous conclusion that the Washington Office had disclosed to the press his letter to the faculty. This mistaken understanding led him to write on May 26 a letter to the Washington Office embodying a further statement of indignation regarding the press release question.

It was in this climate that the investigating committee arrived, three days later, at Grove City College. Despite the announced position of "no official cooperation," Dr. Frederick S. Kring, Dean of Men, called the committee to offer a list of faculty members, mostly department chairman, who wished to appear before the committee, and volunteered to appear himself. His statements, and information which he later supplied to the committee, were quite helpful.

A remarkable number of the faculty members who appeared before the committee had very little to say about the issues of Professor Gara's dismissal, but were full of complaints about subsequent events. They—though to a less emotional degree than the President—regretted the publicity that had come to the College because of the dismissal and resignations. They deplored the involvement of the student body in the affair (which spokesmen for both sides had indiscreetly deepened by discussing the case in the classroom). They seemed to think that the publicity was avoidable, and that Professor Gara and his supporters had some positive obligation to disavow or

¹³ The letter from the Washington Office to President Harker on the point about student witnesses read as follows:

Since the issue of incompetence has been raised, the investigating committee may wish to discuss the conduct of Professor Gara's courses with a few students. I am sure you will agree with us that in this delicate matter students should be protected, not only from pressure, but also from conspicuous involvement. I will therefore suggest that the investigating committee talk to a few students who will be introduced to the committee by a responsible senior member of the faculty; the faculty member will vouch for their status but it will probably be possible to conduct satisfactory interviews without identifying the students. Professor Gara will suggest some of the students to be interviewed; perhaps you will also wish to suggest some student interviewees. I would think that no student presently in course with Professor Gara should be interviewed.

The investigating committee in fact decided not to hear any students currently at the College.

even to repress public discussions of the situation. Further, the investigating committee was told repeatedly that a "smear campaign" had been launched against the Administration. This term was never clearly defined; it seemed to the *ad hoc* committee that every untoward event and wild rumor in the spring of 1962 was attributed to Professor Gara's supporters on the one hand or (as the circumstances varied) to the President and Deans. Some presumably responsible faculty members repeated before the committee charges and countercharges embodying most offensive elements.

It appears to the investigating committee that in a free country with a free press suppression of the unhappy events at Grove City College in 1962 was neither possible nor desirable. Still, the flood of rumors and unproved allegations that deluged the campus, and was a significant cause of the undesired publicity, might have been diminished had there been in existence a regular procedure for dealing with charges in a dismissal action—if the administration believed that charges had to be made.

III. *The Question of Competence*

The reason professed for not renewing Professor Gara's contract was that he was incompetent. Ordinarily consideration of such an allegation is for the jurisdiction of a judicially minded and functioning committee of a teacher's peers, and the conclusions arrived at, barring evident grave defect in the proceedings, would not be reviewed in appellate fashion by an *ad hoc* committee of the Association, nor would parallel investigation and conclusions be offered as an alternative judgment. But, unhappily, in this case there was no such normal consideration; there is simply the Administration complaint, in some degree particularized; and, above all, there is the extraordinary publicity given the charge of incompetence, culminating in President Harker's repetition of the allegation on television broadcast.

This committee has some knowledge about the issue of Professor Gara's competence. It is due him that we state what we know, even if our information is less than full, and even if cross-examination, for and against, has not been possible. There follows what could be gleaned by hearing the opinion of a considerable number of faculty members, by examination of President Harker's views in correspondence made available to us, and by discussion at length with Dean of Men Frederick S. Kring.

The investigating committee tried without much success to elicit from various faculty members what the criteria for competence are at Grove City College, and judgments whether Professor Gara met such criteria. Some of those who appeared before the committee said that they had never visited Professor Gara's classes and therefore could not express an opinion about his competence as a teacher. Others expressed varying opinions on the subject and a

few suggested that another ground than "incompetence" might have been used as a cause for dismissal. No one gave any evidence whatsoever that Professor Gara was incompetent as a scholar or that his graduate training in history had been defective. A faculty member whose statements to the committee were generally unfavorable to Gara ended the discussion of competence by saying, "I am stuck on that issue." A person unfriendly to Professor Gara admitted that he was "quite challenging" although habitually taking the opposite point of view on all matters at issue. He added somewhat haltingly that the dismissed professor was always forcing students to think, but "this is not bad." A close colleague of Professor Gara said that he had the highest regard for him in relation to his subject matter although the two had friendly differences on the writings of certain historians. Another person who appeared before the *ad hoc* committee said that Professor Gara was the "most competent teacher barring none that we have ever had on the campus." One person friendly to Professor Gara referred to him as one of the "intellectual ornaments" on the campus and one of the better teachers, while another said that he was one of the four productive scholars on the faculty.

Professor Gara's academic *vita* shows that he has had excellent graduate training and that he has been a productive scholar in his field. He has to his credit a total of 19 published articles or edited documents and 26 articles or edited documents issued jointly with another scholar. He has published four books in the fields of American History, the best known being *The Liberty Line*; *The Legend of the Underground Railroad*, the last being *A Short History of Wisconsin* which appeared in April, 1962.¹⁴ Professor Gara's professional interests are reflected in his membership in a total of twelve historical associations or societies. He has read papers or participated at meetings of the Mississippi Valley Historical Association, the American Historical Association, the Pennsylvania Historical Association, and other groups. He is a contributor to the *New Standard Encyclopedia* and the *Dictionary of Wisconsin Biography* and in 1956 received a research grant for travel from the American Philosophical Society. This, in the opinion of the investigating committee, is a productive record by the standards of any college or university.

One of the most important specific criticisms of Professor Gara was that of "ruthless grading." The general picture emerging from the views expressed by persons adversely critical of him was as follows: (1) a few years previously the Dean of the College had made various attempts to get certain faculty members and departments to conform generally to what was called the "Michigan curve" of grade distribution; (2) some faculty members

¹⁴ A textbook written for the Extension Division of the University of Wisconsin.

or departments were found to be giving too large a percentage of high grades and some too large a percentage of low grades; Professor Gara, in the latter category, received a suggestion from the Dean of the College that he give a smaller percentage of D and F grades and thus get his grade distribution more in harmony with that of other departments and the general wishes of the administration; (3) Dean Frederick S. Kring has submitted to the committee an official but incomplete tabulation of the percentage of D and F grades given by Professor Gara in the freshman history course, beginning with the first semester of the academic year 1958-59. In that year the total of D and F grades was 37.6 per cent in the first semester and 43.5 per cent in the second. In the first semester of 1959-60 the D and F total had fallen to 30.5 per cent and in the first semester of 1960-61 to 27.5 per cent. For the first semester of 1961-62 Professor Gara gave a total of D and F grades of 27.3 per cent, a distribution that Dean Swezey referred to as "another slaughter of the innocent."

It is clear that the figures submitted by the Administration show a notable decline in the percentage of total D and F grades given by Professor Gara. It should also be noted that the information provided by Dean Kring shows that another member of the history department gave a somewhat larger percentage of unsatisfactory grades than that given by Professor Gara. The decreasing percentage of total D and F grades given by Professor Gara throws light on the note sent by Dean Swezey to Gara on August 19, 1961. The communication said, among other things: "This note is intended only to express my personal appreciation and thanks to you for your support and cooperation in the past. I appreciate the job that you are doing and your efforts to help bring your Department back into the same grade picture as the others. I know that it has been tough, but I think that it has improved."

Professor Gara was also criticized for what President Harker has described as "absurd testing." Professor Gara says that, while he gives objective examinations in sections of the freshman American History course because of the larger number of students involved, he prefers "mixed" examinations involving both objective and essay questions. He states that his general practice is to give two tests and a final examination and to require some outside reading in each course. The *ad hoc* committee examined a selection of tests given by Professor Gara in recent years. The objective examination for the course in American History was an attempt to test for knowledge of historical details and relationships and could by no means be described as "absurd testing." The final examination for an upper division course entitled Representative Americans showed the following elements: a one-page matching test to determine the student's ability to identify the principle persons dealt with in the course; an essay test in which the student was asked to "include enough

specific but selective data to support [his] generalizations;" and a brief question in which the student was to report on outside reading. An examination in constitutional history of the United States called for brief statements of fact or interpretation on a number of important aspects of the subject. A second examination in the same course tested the student's knowledge of a number of basic Supreme Court decisions and other important matters in the field. This Committee has seen no evidence which would support the accusation of "absurd testing"; we have seen evidence which could properly be used to support a claim to professional competence in the examination of students.

Little need be said about Professor Gara's teaching of the course in Ancient History. In every small college some faculty member has to give a course for which he is not specially prepared, and Professor Gara had not been examined in Ancient History in his comprehensive examinations for the Ph.D. degree. It must be noted that at the time that he was relieved of the course, in 1959, no intimation was given that the Administration considered him incompetent as a scholar and teacher or that he might not be reappointed.

Other criticisms of Professor Gara's work at Grove City College dealt with matters of administrative nature: his presumed refusal to accept excused absence slips from the Dean's office and inadequate attention to his duties as head of the department of history and political science. The college catalogue¹⁵ says specifically that ". . . no absence allowance is granted as a policy of the College" and makes it clear that excused absences do not relieve the student of any work required in a course. Yet the instructor is to give an excused absence to any student named on a Dean's list of students taking part in authorized college activities or to a student who presents a certificate from a doctor or the college nurse stating that he has been ill. Beyond these limitations the instructor is to announce at the beginning of a course what his policy on absences will be. The criticism levelled against Professor Gara was that he had refused to give excused absences to those having authorized excuses as described above. It is difficult to see what bearing his refusal has on the question of competence. Professor Gara states that the subject never came up in any discussion with the Administration.

With regard to the allegation that he gave inadequate attention to his duties as a department head,¹⁶ Professor Gara stated to the Committee that he did not take the duties of the chairmanship very seriously since they were largely matters of mechanical detail. A member of the department favorable to Gara said that meetings were

¹⁵ *Grove City College Bulletin: Catalogue Issue for 1962-63*, p. 36.

¹⁶ Professor Gara became chairman of the Department of History and Political Science in 1958.

few and that some matters were dealt with through departmental reactions obtained by means of individual memoranda. The committee has in its possession a four-page mimeographed statement entitled "Chairman of Department (Effective Sept. 1, 1958)," which gives the functions and duties of a departmental chairman at Grove City College in considerable detail. It is not known to the committee to what extent Professor Gara or other departmental chairmen at Grove City College performed or delegated all of the functions and duties named.

If the number of major students in a given department may be taken as a rough estimate of either its popularity or its quality, the figures for majors in history and political science seem to show that there is no real student dissatisfaction with the department. Professor Gara has stated¹⁷ that, for the second semester of 1961-62, there were about 120 majors in the department, including those to be graduated in June, 1962. A tabulation prepared by the College, entitled "Teacher Certification—Fall 1961," lists History as lower only than Elementary Education and English in the number of students planning to earn teaching certification in the various fields. Professor Gara has submitted to the committee copies of his "annual departmental report" for 1959, 1960, and 1961, which adequately cover the subjects usually dealt with in such documents.

IV. *The Question of Academic Freedom*

First. President Harker has insisted that the refusal to renew Professor Gara's contract had nothing to do with ideology, including Professor Gara's well-known belief in pacifism. Faculty members who appeared before the committee were all agreed that the Administration had not to their knowledge interfered with the interpretive content of any course in the College, and Professor Gara himself says that no attempt had been made by the Administration to restrict his academic freedom in the classroom.

Second. The question may arise whether Professor Gara has used his classes as a means of instilling in the minds of his students the particular social or religious views which he personally espouses. Professor Gara has insisted to the committee that he does not promote a belief in pacifism through or by means of his classroom work; and the Administration of the College has not charged Gara with advocating any views that might be classed loosely as "leftist." As for pedagogical philosophy, Professor Gara gave to the committee an extemporaneous statement of his idea of the nature of teaching on the college level: The purpose of teaching is to help students to "grow up" and to see things in their full perspective; students must be taught to deal with the tangible content of a course and to use that content in the process of thinking. In attempting to do all of this the teacher must

¹⁷ Professor Gara to Washington Office, February 20, 1962.

always take into account the different levels of comprehension in a given group of students.

This summary review suggests to the Investigating Committee that academic freedom as a safeguard of the classroom, apart from other aspects of academic freedom, was not violated by Professor Gara or by the Administration.

Third. Some faculty members interviewed by the *ad hoc* committee are convinced that related events occurring since the spring of 1961 indicate an ideological struggle on the campus—a struggle that led to the dismissal of Professor Gara. Three of these events which embody certainly relevant facts are here set forth:

a. In the spring of 1961 a heated debate on American foreign policy and nuclear war took place in several issues of the *Collegian*, the Grove City College newspaper. Two of the chief participants were Professor Gara and the head of another department; the first was charged by the latter with taking a "rather red than dead" position. This dispute would have no significance for the issue of academic freedom if it were not for these facts:

(1) The attack upon Professor Gara by his colleague included an expression of wonder whether: the intellectual level of [Gara's] . . . exchange is indicative of the academic atmosphere in the respective history classes. If this is the case [the writer continued] I feel pity for the hundreds of Grove City students who must endure, often against their own will, not only the atmosphere of "rather red than dead," but also instruction that emphasizes satire rather than reasoning, personalities rather than ideas.

(2) Professor Gara's critic has for some years been a member of the editorial staff of *American Opinion*, a magazine published by the John Birch Society. The President of the Board of Trustees of Grove City College is a member of the editorial advisory board of *American Opinion*. The John Birch Society is reportedly operating as a congeries of local chapters with secret memberships, and with the right of an individual to continue as a member avowedly under the control of its top leadership. It is the stated purpose of the John Birch Society to reconstitute American education by standards which are in part nonacademic.

b. In the fall of 1961, there occurred a controversy within the College curriculum committee, of which both Professor Gara and his critic of some months earlier were members. A proposal was made that the freshman American history course requirement be expanded to permit choice from among that course and courses in economics and sociology. A recommendation to this effect by the curriculum committee was rejected by the faculty. The investigating committee heard from

faculty members substantial expression of opinion that this controversy, not resolved until November, 1961, was in a considerable degree a continuation of the conflict which began some months earlier in the *Collegian*.

c. Professor Gara informs the *ad hoc* committee that, in January of 1962, two private investigators appeared in Grove City and on the College campus. They spent a number of days informing themselves about the content of Professor Gara's writings and in working through the files of the *Collegian* and the local press. According to Dean Kring, the Administration of the College assumes no responsibility for the appearance of the investigators; President Harker, in a letter of February 6, 1963, to the General Secretary, states that neither he nor, by implication, any other member of the College administration, knew of the investigation at the time it is said to have occurred. But no evidence was presented to the investigating committee that the Administration took any steps to inquire into or regulate this activity, and we are told that the College merely established the fact of the presence of the investigators—after the event.

No proof of direct causal connection between the activity of the investigators and the dismissal of Professor Gara has been submitted to the *ad hoc* committee. Nevertheless, we regret this activity because it is unsuited to an academic scene and by its very existence requires a properly alert administration to determine its meaning for the freedom of the teachers on the campus. In this instance it is also necessary to observe that this intrusion upon Professor Gara's professional privacy occurred about four weeks before he was told of his dismissal.

V. Conclusion to the Supplementary Observations

The observations which we have appended to this report embrace important material facts which are relevant to the central event of Professor Gara's dismissal; the events require recital, in our opinion, because they have been very widely publicized and have probably been given at least tentative consideration by those who have some reason to interest themselves in Professor Gara as a professional teacher and scholar, and all who have an interest in academic freedom at Grove City College.

Ronald V. Sires (History, Whitman College), *Chairman*

Ralph S. Brown, Jr. (Law, Yale University)

Madeline R. Robinton (History, Brooklyn College)

The Investigating Committee

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report in the *AAUP Bulletin*:

David Fellman (Political Science), University of Wisconsin, *Chairman*.

Members: Richard P. Adams (English), Tulane University; Frances C. Brown (Chemistry), Duke University; Clark Byse (Law), Harvard University; William P. Fidler (English), Washington Office, *ex officio*; Ralph F. Fuchs (Law), Indiana University; Bentley Glass (Biology), The Johns Hopkins University; Louis Joughin (History), Washington Office; Fritz Machlup (Economics), Princeton University, *ex officio*; Walter P. Metzger (History), Columbia University; Paul Oberst (Law), University of Kentucky; C. Herman Pritchett (Political Science), University of Chicago; John P. Roche (Political Science), Brandeis University; Warren Taylor (English), Oberlin College.