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Championing Academic Freedom at Rutgers: The Genovese Affair and the Teach-In of April 1965¹

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Abstract

In April 1966, the American Association of University Professors presented its ninth annual Meiklejohn Award for Academic Freedom to the president and governing board of Rutgers University “in recognition of [their] outstanding contribution to academic freedom” the previous year, during what had come to be known as the Genovese affair. The affair arose out of controversial remarks made by a previously obscure history professor, Eugene D. Genovese, at a teach-in on the Vietnam War held on the Rutgers campus. This essay recounts this important episode in the history of academic freedom in the United States.

***ANNOUNCER:** The words treason, sedition, academic freedom, and the war in Viet Nam have become a part of the New Jersey campaign for Governor; all because of a statement made by Professor Eugene Genovese at Rutgers, the State University. Listen now to the voice of Professor Genovese:*

¹ A previous version of this article was presented at Rutgers University on the evening of April 23, 2015, commemorating the fiftieth anniversary of the teach-in. I am grateful for the extraordinary assistance I received from university archivist Thomas J. Frusciano in carrying out my research for this project in the Department of Special Collections/University Archives at Rutgers’s Alexander Library. I also want to thank two longtime Rutgers historians, Rudolph M. Bell and Lloyd C. Gardner, for offering encouragement and helpful guidance and for sharing information about some of the events discussed here. The personal support and scholarly writings of Ellen Schrecker have been invaluable throughout (some of them are cited below). I would also like to acknowledge the helpful assistance in the final editing of this article that I received from Jack Censer, Jack Hirschfeld, Gregory Scholtz, and JAF editor Jennifer Ruth.

GENOVESE: *“Those of you who know me, know I am a Marxist and a Socialist. I do not fear or regret a pending Viet Cong victory in Viet Nam. I welcome it.”*

ANNOUNCER: *This man is on the payroll of the State of New Jersey. And Governor Hughes is defending him on the grounds of academic freedom; but Republican candidate, Senator Wayne Dumont, calls his words seditious and doesn't want the students in this State to be subjected to this type of Marxist teaching. Dumont says that winning the war in Viet Nam is difficult enough for American troops without having a Rutgers professor urging our defeat. Vote for leadership; vote for Dumont for Governor.*

Paid for by Webster Todd, chairman, Republican State Committee.

---typescript of a tape-recorded campaign advertisement for “Dumont for Governor” scheduled for broadcast on October 29, 1965, four days before that year's New Jersey gubernatorial election between the incumbent Democratic governor Richard J. Hughes and his Republican opponent, state senator Wayne Dumont Jr.²

On April 23, 1965, one of the first Vietnam War teach-ins on a college campus was held in Scott Hall at Rutgers College in New Brunswick, New Jersey. Although born out of the growing concern with the escalation and intensification of US involvement in Vietnam, the teach-in at Rutgers began with the purpose of fostering both balanced intellectual debate and moral and political protest.³ According to Professor Seymour Zenchelsky, chair of the Rutgers chapter of the Universities Committee on Problems of War and Peace, sponsors of the Rutgers teach-in, the event was held in response to “the absence of plausible explanations for our role in Vietnam” and “the lack of public debate on this vital question.” The event's goal was “to arouse student interest in the issues involved in the Vietnam struggle.” “The speakers,” Zenchelsky said in his opening remarks, “will be permitted greater latitude in the expression of opinion than is traditional or appropriate in the classroom.”⁴

The teach-in featured eleven lectures by various faculty members, who discussed the historical background and other aspects of the situation in Vietnam. The five-hundred-seat lecture hall was jammed with an enthusiastic overflow crowd, whose size was estimated as high as thirteen hundred people, most of them students from Rutgers and Douglass College, the women's campus across town. Eugene Genovese's

² Records of the Office of Public Information on the Vietnam War Teach-Ins, 1965–66, Special Collections and University Archives, Rutgers University Libraries, RG 07/A2/01, series I, box 3, folders 7–9 (hereafter cited as Rutgers Teach-In Archives).

³ For a survey of teach-ins during this period, with dozens of primary documents, see Louis Menashe and Ronald Radosh, eds., *Teach-Ins, U.S.A.: Reports, Opinions, Documents* (New York: Frederick A. Praeger, 1967).

⁴ Cited in Jeffrey L. Braun, “The Genovese Affair and Newspaper Coverage” (undergraduate thesis, Rutgers College, 1968), 16.

turn to address the gathering came well into the event. “Down to that point,” according to Richard McCormick, one of his senior colleagues at the time, the thirty-five-year-old Genovese, a historian of Southern slavery then completing his second year on the Rutgers faculty, had “been a very quiet and not highly conspicuous member of the department—very serious in his approach both to teaching and to scholarship.”⁵ Only two weeks before he appeared at the lectern, the university’s board of governors had granted Genovese tenure and promotion to associate professor (effective July 1), based on his strong academic record and the recommendations of his faculty colleagues and the administration. His lecture at the teach-in was titled “America and the Under-developed World,” and his text had reportedly been vetted beforehand by Professor McCormick,⁶ then serving as acting department chair.

Genovese made his particular frame of reference explicit at the outset of his presentation. After stating that he would be delivering “what will be a frankly political assessment of the struggle for the underdeveloped world of which the war in Vietnam forms a part,” he offered a disclaimer of sorts: “As I understand the teach-in, it is not in any sense an enlarged classroom, but a place where professors and students can speak their minds on vital questions in a manner not ordinarily proper in class. This freedom carries responsibility.” It entails an obligation, he said, “to make my framework clear at the outset and, in any case, I have no wish to hide any of my private intellectual or political commitments. But let me emphasize that in telling you where I stand on certain fundamental questions, it is first to put you on guard against my prejudices, as you should be on guard against everyone’s, especially your own, and second, to suggest that no matter how deep the ideological and political divisions among us, it is vital to our country’s survival that we find a common basis on which to defend the peace.” Then came the two sentences—no doubt deliberately provocative and soon thereafter garbled by others and quoted out of textual and temporal context—that would get Professor Genovese into trouble and later catapult him into the center of New Jersey’s gubernatorial campaign. “Those of you who know me,” he declared, “know that I am a Marxist and a

⁵ Michael J. Birkner interview with McCormick in Birkner, *McCormick of Rutgers: Scholar, Teacher, Public Historian* (Westport, CT: Greenwood, 2001), 94. I am grateful to Professor Birkner for his help at an early stage of this project in pointing me toward relevant sources, both primary and secondary, including his own work on McCormick’s role in the Genovese affair.

⁶ Professor Lloyd Gardner, e-mail message to author, December 18, 2014.

socialist. Therefore, unlike most of my distinguished colleagues here this morning, I do not fear or regret the impending Viet Cong victory in Vietnam; I welcome it.”⁷

By all accounts, Genovese’s demeanor during his talk was careful and respectful, not intemperate or unrestrained. The speech continued for another twenty-five minutes, as Genovese sought to place the growing conflict in Vietnam in the context of what he characterized as America’s “crude” and “predatory” Cold War policy. It mattered very little what else he said of substance in the rest of his speech, or that it was actually not the anti-American screed that the press subsequently depicted. Genovese’s self-identification as a Marxist and a socialist and his seeming endorsement of a Viet Cong military victory were all that would matter in the months that followed.⁸

To place the events of the teach-in, and specifically what came to be known as the Genovese affair, in their historical context, it is necessary to offer some background about academic freedom in general and “extramural utterances” in particular and about the conditions for academic freedom at Rutgers University from the early 1950s, during the infamous McCarthy period, to the early 1960s.

Academic Freedom and Extramural Utterances

The 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*, the founding document of the American Association of University Professors, defined academic freedom as comprising three elements: “freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action.”⁹ This last element was to be of specific concern in the Genovese affair.

Twenty-five years after publishing the 1915 *Declaration*, the AAUP, in conjunction with the Association of American Colleges, issued the 1940 *Statement of Principles on Academic Freedom and Tenure*, which set forth the following provision on extramural speech in paragraph 3 of the section on academic freedom:

⁷ A slightly abridged text of Genovese’s talk was published in Menashe and Radosh, *Teach-Ins*, 224–29. A full transcript of the speech, along with the question-and-answer session that followed, was appended to the report, discussed below, that was prepared by two members of the state legislature (see n. 39 below). Other complete transcripts can be found in the appendix to Braun, “The Genovese Affair and Newspaper Coverage,” and in the Jacques Marchand Student Activism Materials, 1965–1969, box 2 (“Genovese Affair”), Columbia University Rare Book and Manuscript Library Collections (hereafter cited as Marchand Papers). On the night of May 4–5, the campus radio station at Rutgers, WRSU, would rebroadcast an edited version of the six-hour-long tape recording that had been made of the teach-in proceedings.

⁸ According to historian Maurice Isserman, it was highly “unusual for an anti-war speaker in spring 1965 to proclaim pro-Viet Cong sentiments. The objections to the war being voiced at the early teach-ins and anti-war protests centered on issues like the violation of self-determination by intervening in a civil war in Vietnam, or the brutality of the war. The ‘Ho-Ho-Ho Chi Minh’ era of protest was still two–three years off.” E-mail message to author, March 20, 2016.

⁹ American Association of University Professors, *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015), 4.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.¹⁰

In October 1964—less than a year before the April 1965 teach-in and the emerging Genovese affair—the AAUP’s Committee A on Academic Freedom and Tenure approved a further statement on “extramural utterances.” The purpose of the 1964 statement was “to clarify those sections of the 1940 *Statement* relating to the faculty member’s exercise of freedom of speech as a citizen.” “The controlling principle,” according to that document, “is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness to serve. Extramural utterances rarely bear upon the faculty member’s fitness for continuing service. Moreover, a final decision should take into account the faculty member’s entire record as a teacher and scholar. In the absence of weighty evidence of unfitness, the administration should not prefer charges.”¹¹

The climate for academic freedom at Rutgers University in the early 1950s, a period of anticommunist fear-mongering and political repression, was extremely chilly. Rutgers was the first college or university to dismiss faculty members for relying on the Fifth Amendment’s privilege against self-incrimination in appearances before congressional committees investigating alleged Communist infiltration of academia. Indeed, Rutgers was also the first institution to adopt an official policy making the invocation of the Fifth Amendment automatic grounds for dismissal. The policy provided that “it shall be cause for immediate dismissal of any member of faculty or staff” who invoked the Fifth Amendment before an investigatory body in refusing to answer questions relating to his or her Communist affiliation, whether real or supposed. In 1952–53, two Rutgers professors were dismissed from the university and a third was suspended and

¹⁰ *Ibid.*, 14.

¹¹ *Ibid.*, 31. Over the years the AAUP has repeatedly been called on to defend the right of faculty members to speak out as citizens, and the organization has investigated and censured many colleges and universities for having dismissed faculty members over their extramural utterances. See *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions*, in *Bulletin of the American Association of University Professors* (supplement to *Academe*), 2011, 88–115.

eventually denied reappointment for running afoul of this policy.¹² In April 1956, as a result of its actions in these cases, Rutgers was placed on the AAUP's list of censured administrations. The report of the special Association committee which investigated the Rutgers cases had found that the university's policy of automatic dismissal for invoking the Fifth Amendment "violated the right of a faculty member to a meaningful hearing in which his fitness to remain in his position would be the issue, and attempted to turn the exercise of a constitutional privilege into an academic offense, without reference to other relevant considerations."¹³

Following the imposition of censure, the Rutgers faculty, administration, and governing board continued to debate the issues raised by these cases. A joint faculty-board committee worked to bring the university's policy on academic freedom, notably its provision on automatic dismissal, into closer conformity with AAUP-recommended principles and procedural standards. With regard to extramural utterances, the new policy provided that, "outside the fields of instruction, research, and publication, the faculty member shall be free from institutional discipline *unless his actions or utterances are both reprehensible and detrimental to the University*" (emphasis added).¹⁴ In April 1958, despite the ambiguities and vagueness of the last several words in this policy and the university's refusal to reinstate the three faculty members or afford any of them appropriate redress, the AAUP, pleased with the "improved regulations" and hopeful that "further efforts to improve these regulations will be made," removed the university from the censure list.¹⁵

Although the university did not address until several years later the remaining deficiencies in the academic freedom policy noted by the AAUP when it removed Rutgers from the censure list, the climate for academic freedom began to improve in the years that followed. The inauguration of Dr. Mason W. Gross, at the time provost and professor of philosophy, on May 6, 1959, as the sixteenth president of Rutgers was evidence of that improvement, beginning with the closing remarks of his inaugural address:

I can think of no words in the English language which are more beautiful than the words "a free spirit." Few of us can ever achieve this freedom fully, but, without envy or regret, we

¹² See Thomas F. Richards, "The Cold War at Rutgers University: A Case Study of the Dismissals of Professors Heimlich, Finley, and Glasser" (PhD diss., Rutgers University, 1986). See also Ellen W. Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York: Oxford University Press, 1986), 167, 171–79, 184–86, 196, 240, 267, 272–73, 276, 311–12, and 316–17; and Richard P. McCormick, *Rutgers: A Bicentennial History* (New Brunswick, NJ: Rutgers University Press, 1966), 293–96, 310–31. On the case of Moses Finley, see Schrecker, "Moses Finley and the Academic Red Scare," in *Moses Finley and Politics*, ed. W. V. Harris (Leiden, the Netherlands: Brill Academic, 2013), 61–78.

¹³ "Academic Freedom and Tenure in the Quest for National Security: Report of a Special Committee of the American Association of University Professors," *AAUP Bulletin* 42, no. 1 (1956): 78.

¹⁴ This language would prove to be important throughout the Genovese affair.

¹⁵ "Report of Committee A, 1957–58," *AAUP Bulletin* 44, no. 3 (1958): 665–66.

can recognize it as the shining star which best symbolizes the profoundest aspirations of mankind.

It must therefore always be the ultimate aim of this university to provide the atmosphere and the intellectual conditions in which alone the free spirit can survive. To this end I pledge my best and truest efforts.¹⁶

The administration of President Gross would be marked by an abiding effort to live by—and give real meaning to—those words.

The Monday following the April 23 teach-in, the student newspaper, the *Rutgers Daily Targum*, devoted virtually its entire issue to the event. That day's editorial carried a headline which proclaimed that the teach-in marked "The Dawn of a New Era"; it "will go down as the greatest event at Rutgers in at least 25 years [and] not likely to be duplicated for another 25." That issue's front page had a large, bold headline: "Viet Policy Is Blasted by Faculty during All-Night Teach-In Protest," followed by a lengthy article that described the setting and the atmosphere and summarized the content of the various presentations in sequence, highlighting some, but not others.¹⁷ Toward the end of the article the reporter quoted, without noting any audience reaction, a few brief passages from Professor Genovese's speech—which was not mentioned at all in the gushing editorial—and unfortunately condensed Genovese's controversial two-sentence remark to a single, far more provocative and misleading single sentence: "I'm a Marxist and a Socialist, and I welcome a Communist victory in Vietnam." As one writer would later observe, "The subtle change in phraseology put an entirely different cast to Genovese's words, which now read like the remarks of a man, employed by a publicly funded institution, openly supporting the military defeat of the U.S. This *Targum* error would plant the seed for much of the trouble to follow."¹⁸

Immediate press coverage of the teach-in was not widespread, however, and much of it—mainly consisting of wire-service accounts—proved fragmentary and superficial, failing to print enough of Genovese's speech to give readers a clear picture of his overall remarks or the context within which the highlighted passage had been delivered.¹⁹ Whether or not it was the *Targum's* garbled quotation from

¹⁶ George J. Lukac, ed., *Aloud to Alma Mater* (New Brunswick, NJ: Rutgers University Press, 1966), 207; Richard P. McCormick and Richard Schlatter, eds., *The Selected Speeches of Mason Welch Gross* (New Brunswick, NJ: Rutgers University Publications, 1980); *AAUP Bulletin* 52 (1966): 212–13.

¹⁷ The April 26, 1965, issue of the *Targum* acquired a certain unanticipated notoriety when Senator Wayne Morse (D-OR), a vocal opponent of the war, referred to the newspaper's coverage at the end of remarks he delivered that week on the Senate floor in response to President Lyndon Johnson's defense of his administration's policies in Vietnam. He arranged for three *Targum* articles to be printed in the *Congressional Record* (April 28, 1965, 8769).

¹⁸ Stacy Kelner, "The Genovese Affair," *Rutgers College Quarterly* 2 (Spring 1989): 7.

¹⁹ Interestingly, the local newspaper, the *New Brunswick Daily Home News*, which assigned two reporters to cover the event, did not mention Genovese's speech in the article printed the next day, April 24.

Genovese's speech that would prompt the later firestorm, as is frequently claimed, the initial reaction to his remarks was relatively mild, with a handful of negative editorials in local newspapers²⁰ and letters of protest addressed to President Gross (who was out of the country at the time) and Governor Hughes, mostly from disgruntled alumni and private citizens.²¹ Provost Richard Schlatter, serving as acting president in Gross's absence, prepared a couple of standard responses to complaints about the teach-in, which he characterized as "a dignified discussion at a high level, and a legitimate part of the education in free debate which all universities wish to offer their students." He emphasized that "the University, of course, does not attempt to censor or regulate the political views of its staff." Schlatter also described Genovese as "a man of impeccable scholarly attainments and a most successful teacher."²²

Although letters of complaint about Genovese's remarks continued to trickle in during May, the controversy first attracted broad public attention toward the end of the month, after the annual convention of the New Jersey Federation of Young Republicans. Having heard a tape-recorded excerpt of Genovese's speech, the delegates passed a resolution on May 21 questioning his fitness to teach at a public institution and calling on the state legislature "to investigate the nature of instruction of our youth at Rutgers University in light of Professor Genovese's support of the Viet Cong, who are fighting our fellow Americans and our allies in Vietnam."²³ Several newspapers reported on the Young Republicans' meeting, endorsing the organization's call for an investigation.

The Rutgers administration responded almost immediately to the Young Republicans' challenge. Addressing the resolution adopted at their meeting, President Gross stated that the members of the state legislature were "free to investigate instruction at the university any time they want. I would welcome it."²⁴ The legislature would soon take him up on his invitation. For his part, Professor Genovese told a reporter, "[To] be quite frank, I'm not certain what the commotion is all about." Echoing the disclaimer he had made at the outset of his teach-in speech, he insisted that he always took pains not to allow his political views to interfere with his primary responsibility, which was to present "a variety of views to students to give them

²⁰ One particularly dismissive editorial, published in the *Paterson Evening News*, included the following comments: "Teach-ins are a spring manifestation, like swallowing goldfish, panty raids, and other recent expressions of student exuberance. Only in cases like this one, the organizers are teachers. Perhaps the teachers missed the fun in their college student days, and they are finding a substitute now. That interpretation is kinder than to draw attention to the fact that teach-ins nearly always hew to the Communist line, never supporting American foreign policy." Cited in *Caellian* [Douglass College newspaper], April 30, 1965.

²¹ Rutgers Teach-In Archives, RG 07/A2/01, series I, boxes 1–2.

²² Letters of April 29 and May 4, 1965, Records of the Rutgers University Provost and Vice President (Richard Schlatter), Special Collections and University Archives, Rutgers University Libraries, RG15/A2, series II, box 45, folder 4, and series III, box 51, folder 23. See also series II, box 34, folder 12 (hereafter cited as Schlatter Papers).

²³ *New Brunswick Daily Home News*, May 22, 1965.

²⁴ *New Brunswick Daily Home News*, May 26, 1965.

food for thought.” At the same time, he insisted that he should not have to answer for those political views, as they “are my own business. No student,” he stated, “has ever accused me of being politically biased.” In teaching history, he added, “one’s political views have to come in; otherwise, the class would be dull. But I have never abused that privilege.”²⁵ The resolution of the Young Republicans, Genovese charged, is “a call for the reinstatement of McCarthyism on the campuses,” but he expressed the hope that “the experience of the 1950s is enough to guarantee that the American people in general and the academic community in particular will not stand for it.”²⁶

Meanwhile, negative press accounts of the teach-in and of Genovese’s remarks were beginning to have an impact on the public, as increasing numbers of hostile letters continued to arrive at the university and in the governor’s office from veterans’ organizations, individuals with family members serving in Vietnam, and concerned citizens generally whose patriotic sensibilities had been offended. They accused Genovese of having made treasonous statements and of being disloyal to the country and disrespectful to American troops.

Even before the Genovese issue had arisen, the incumbent governor, Richard J. Hughes, beginning his reelection campaign, had sought to “cast himself as the champion of public education in the state.” In fact, he engaged Richard C. Leone, an advanced graduate student at Princeton with a solid understanding of academic culture, to serve as an adviser on educational matters and assigned him responsibility for the Genovese controversy.²⁷ In mid-June, the governor began sending concerned constituents a standard letter, drafted by Leone, in which Hughes defended the right of peaceful protest and dissent at home as “among the basic principles of our democracy.” While declaring that he “disagree[d] strongly with Professor Genovese’s

²⁵ One of those students, conservative activist Wayne Valis, who later worked in several Republican presidential administrations and described himself as “the most right-wing person in class,” has written that Genovese “never tried to proselytize students.” See Evan Gahr, “A Marxist Who Runs with the Right,” *Insight*, November 8, 1993, 18. Gahr writes that “state investigators and reporters hungry for tales of a wild-eyed professor were disappointed when they interviewed Valis.” I am grateful to Wayne Valis for sharing his recollections with me. For Genovese’s further views on “propagandizing in the classroom,” see Beichman, “Study in Academic Freedom,” *New York Times Magazine*, December 19, 1965. See also Leo Ribuffo, “Eugene D. Genovese: Reflections of a Former Student,” <http://s-usih.org/2012/10/eugene-d-genovese-recollections-of.html>. Professor Ribuffo also kindly shared with me his memories of the teach-in controversy.

²⁶ *New Brunswick Sunday Home News*, May 30, 1965; cf. *Rutgers Daily Targum*, October 7, 1965.

²⁷ Richard C. Leone, “The Politics of Gubernatorial Leadership: Tax and Educational Reform in New Jersey” (PhD diss., Princeton University, 1969), 255–58. See also Joseph Katz, “Recollections of Governor Hughes,” Eagleton Institute Center on the American Governor, oral interview, <http://governors.rutgers.edu/on-governors/nj-governors/other-nj-governors/governor-richard-j-hughes/recollections-of-governor-richard-j-hughes/joseph-katz-recollection-of-governor-hughes>. John B. Wefing, *The Life and Times of Richard J. Hughes: The Politics of Civility* (New Brunswick, NJ: Rutgers University Press, 2009), 123–25, deals with the governor’s reelection campaign and treats the Genovese affair.

prejudices and opinions,”²⁸ and that he considered the concerns many had expressed for the “security of our Nation” to be justified, he emphasized that he was “determin[ed] to preserve academic freedom in its broadest sense at the University. I know that I share this determination with the [Rutgers] board of governors,” in whose hands he believed the disposition of the matter properly belonged. “If the State of New Jersey is to fulfill its educational responsibilities by providing institutions of higher learning, it must not encourage those universities to forbid the carrying on of activities which have always been characteristic of the academic community. These activities include discussion and debate on the important issues of our day.”²⁹ It was one of numerous public statements in this same vein that Hughes would issue throughout this period and that would win him plaudits from individual citizens and interest groups, among them the New Jersey affiliate of the American Civil Liberties Union.³⁰

Elsewhere in Trenton, the New Jersey State Assembly, responding independently to offended constituents, had authorized the creation of a two-person bipartisan committee to conduct an informal inquiry into the Genovese matter. William Musto, a Democrat, and Douglas Gimson, a Republican, constituted the panel.³¹ President Gross said that he welcomed the investigation and that he and other Rutgers officials would cooperate with the committee.³² On June 28, after conducting a thorough inquiry, including a review of the verbatim transcript of Genovese’s teach-in remarks, Musto and Gimson released their report. As Hughes had done, they emphasized their strong disagreement with Genovese’s views. The assemblymen expressed admiration for what they described as the professor’s “frank and forthright characterization of his personal political orientation and conviction,” and they acknowledged his reputation as a first-rate teacher and a scholar. But while they found that Genovese had not violated any state laws or institutional regulations, and while they did not question his right to hold and express “unorthodox views,” they questioned Genovese’s judgment and his sensitivity to his responsibilities as a professor serving at a state university. They concluded their report by recommending that, for the benefit of citizens unfamiliar with the distinction between a teach-in and a classroom, the Rutgers governing board reappraise “the university’s regulations pertaining to academic freedom and the proper and reasonable limitations thereon which should

²⁸ Hughes was a strong supporter of the Johnson administration’s policies in Vietnam.

²⁹ Schlatter Papers, series III, box 51, folder 23.

³⁰ See Robert L. Bender Papers, series 1, Local History Department, Plainfield (NJ) Public Library. Provost Schlatter was for a time a member of the NJ ACLU’s board of directors and regularly attended its meetings. See Schlatter Papers, series I, box 4, folder 11.

³¹ Assemblyman Gimson told a newspaper reporter that he and his colleague were “not out to crucify anybody. We’re simply trying to find out everything that occurred during the teach-in.” *Newark Evening News*, June 15.

³² *Rutgers Daily Targum*, October 12, 1965.

be defined, and their employment practices and procedures in this regard.” The report closed with the statement: “The concern of our citizens is real and legitimate and should not be ignored.”³³

In early July, following the release of the Musto-Gimson report, the *New York Times* interviewed Genovese. He voiced concern that the two assemblymen had “made recommendations which I can only construe to be a call for [the] curbing of academic freedom at the university.” He also expressed the fear that, as a result of the report, “there will be continuing harassment of the university.” But he was also hopeful, he said, “that the faculty, administration, and student body will stand together against any limitations on academic freedom.” Genovese added further that there had “been absolutely no pressure” on him from the university since he delivered his talk at the teach-in.³⁴

Over the next month, the simmering controversy largely faded from the press, but it erupted into the political arena after President Lyndon Johnson announced on July 28 that the country was at war and that “the nation would make its commitment to freedom clear” by increasing its military presence in Vietnam. The announcement marked a dramatic turning point in the Vietnamese conflict. That same day Republican gubernatorial candidate Wayne Dumont visited the Rutgers campus and met, at their invitation, with President Gross and other university officials, along with the chair and vice chair of the board, to discuss the Genovese matter. Word had reached the university administration that Dumont, an erstwhile moderate Republican but with a past history of red-baiting and flag-waving, was considering making a public demand for Genovese’s dismissal. According to historian Geoffrey Kabaservice, Dumont had come increasingly “under the influence of members of his staff who were associated with Young Americans for Freedom and the right-wing faction of the state Young Republicans. They convinced him that his best bet to unseat . . . Hughes . . . was to excite the allegedly conservative ‘base’ of the party with the red-meat issues of Communism and the Vietnam war.” Kabaservice has described Dumont as “beset with a shortage of funds, poor organization, and a dearth of winning issues to [pursue] against a reasonably popular incumbent.”³⁵ Gross and his colleagues failed to persuade Dumont of the potential damage to the university from politicizing the Genovese matter.³⁶

³³ *Report to the General Assembly of the State of New Jersey re: Professor Eugene D. Genovese and the “Vietnam Teach-In” at Rutgers—the State University on April 23, 1965*. The published text of the report included a complete transcript of Genovese’s speech and of the question-and-answer session that followed immediately afterward.

³⁴ *New York Times*, July 6, 1965.

³⁵ Kabaservice, *Rule and Ruin: The Downfall of Moderation and the Destruction of the Republican Party from Eisenhower to the Tea Party* (New York: Oxford University Press, 2012), 159–60.

³⁶ Barbara Smith, “The Genovese Controversy,” *Rutgers Alumni Monthly*, October 1965, 7. According to a reporter for the *Newark Evening News* (August 13, 1965), a researcher for the Republican state committee would soon be charged with scouring Genovese’s writings in “obscure left-wing journals” in the Rutgers library, looking for ammunition to use against him—part of what Genovese later described as a “well-orchestrated campaign to

The next day, July 29, Dumont, speaking before a Rotary Club luncheon, urged Rutgers to dismiss Genovese for his remarks at the teach-in. "If I were governor of New Jersey," he declared, "Genovese would not now be teaching history at the state university." While agreeing that "academic freedom must be zealously guarded," Dumont argued that the Genovese case went "beyond the limits of academic freedom." He stated that he "wholeheartedly" disagreed with Governor Hughes's "apology for Genovese on the grounds of academic freedom," which, Dumont argued, "does not give a teacher in a state university, supported by taxpayers' money, the right to advocate victory of an enemy at war in which some of his own students may very well lay down their lives in the cause of freedom."³⁷ The Dumont speech received widespread press coverage. Newspaper editorials across the state demanded Genovese's dismissal from the Rutgers faculty, as did various veterans' groups and several county boards of freeholders.

Governor Hughes responded immediately, warning that Dumont was "willing to do anything to be elected governor"—even oppose the US Constitution—and was therefore "dangerous."³⁸ The governor declined once again to intervene in the Genovese controversy and was, in any case, awaiting the report from the university's board of governors that he had requested a month earlier. "So long as his political views don't intrude into his teaching," Hughes declared, "Genovese would not be a burden to the university."

On August 6, the members of the Rutgers governing board, after conducting their own review of the Genovese matter, released a five-page "Report on the Genovese Case" prepared at the governor's behest.³⁹ "Every member of the board," the report stated, "is completely out of sympathy with the views expressed by Dr. Genovese and believes that the expression of some of these views evidenced a lack of good judgment. But they also believe that his statement, however offensive it may be to individual members of the board, does not constitute grounds for dismissal." They emphasized that Genovese's "actions and utterances at the time of the 'teach-in' were not 'both reprehensible and detrimental to the university' within the meaning of the University Regulations." They noted that Genovese had taken the antsubversive loyalty oath required of all state employees at the time of his appointment in 1963, and that no evidence existed that he had used the classroom "to win students over to his political views" or had done anything "in the performance of his

discredit him." Ronald Radosh, "An Interview with Eugene Genovese: The Rise of a Marxist Historian," *Change* 10 (November 1978): 32.

³⁷ *New Brunswick Daily Home News* and *Newark Evening News*, July 29, 1965.

³⁸ *New York Times*, July 31, 1965.

³⁹ Three days earlier, in a blistering rejoinder to Senator Dumont's argument that academic freedom did not permit someone on the public payroll to make statements like those of Professor Genovese, newly elected board chair Charles H. Brower warned, "This is the way tyranny starts, when a person says a civil servant is less free to talk because he is on the state payroll." *New York Times*, August 3, 1965.

academic duties that would constitute grounds for preferring charges against him.”⁴⁰ As for revising the university’s policies on academic freedom and reconsidering its appointment, promotion, and tenure policies, as Assemblymen Musto and Gimson had recommended, the board demurred. Attached to the report was a letter sent to President Gross from three senior history professors, all of whom vouched for Genovese’s sterling qualifications as a teacher, scholar, and colleague. Their letter warned “that in times of crisis—as at the present—a mood of hysteria usually develops and that those who stand apart in their public utterances from the popular sentiments may become the victims of repressive persecution. We hope most fervently,” the letter concluded, “that sanity will prevail in the situation that now confronts us and that Professor Genovese will not be unjustly harassed for what are to him matters of conscience.” The board arranged to have seventy-five thousand copies of the report printed in pamphlet form and mailed to Rutgers alumni and newspaper editors, legislators, and other influential persons throughout the state.

The Rutgers AAUP chapter seems to have initially become involved in the Genovese affair in response to the Musto-Gimson report’s call for the board of governors to reexamine the university’s policies and procedures relating to academic freedom and tenure. In a July 2 letter, the chapter’s president, Professor Hyman J. Zimmerberg, had written to the members of the board urging them “to affirm and support the principles of academic freedom, and the relevant Rutgers statutes, in light of the publicly announced request to review these regulations.” The letter went on to say that “our chapter has commended Governor Hughes for his forthright statement in support of the principles of academic freedom” and that “professors as citizens should be judged on their actions with no limitations placed on their beliefs.”⁴¹ Shortly after the board issued its report on the Genovese case, Zimmerberg, by letter of August 11, forwarded a “statement of appreciation” to Chair Charles H. Brower for the board members’ “prompt and forthright support of the principles of academic freedom and relevant Rutgers statutes. . . . These actions have also strengthened civil liberties.”⁴²

Brower responded to Zimmerberg by letter of August 27. After expressing his gratitude for the chapter’s statement of support, Brower went on to offer cautionary words and to invite—indeed, urge—the faculty’s assistance in protecting the university:

⁴⁰ On the subject of the state-mandated oath, Provost Schlatter, responding to an inquiry from a Rutgers alumnus on this matter, would later write as follows: “Professor Genovese has taken the oath, and there is no evidence whatsoever that he did not take it in good faith.” Letter dated September 22, 1965, Schlatter Papers, series III, box 51, folder 23.

⁴¹ Records of the Office of the Secretary (Karl E. Metzger), Special Collections and University Archives, Rutgers University Libraries, RG 09/A3/01, box 12, folder 1 (hereafter cited as Metzger Papers).

⁴² *Ibid.*

Professor Genovese is reported to have said, “What I do on my own time is my business.” But this simply cannot be true. A Rutgers Professor carries the reputation of the University with him at all times.

Since there is nothing much to a University aside from its faculty, he also carries the reputation of all of his fellow teachers with him.

I do not think that Academic Freedom, or any other freedom, gives him the right to injure his fellows—either carelessly, friv[o]lously, or intentionally.

In its recent action, the Board of Governors defended a principle, not a man. Each such defense will make the next more difficult, because it organizes and stimulates those people who care little for principles but react emotionally to the immediate situation.

No small and changing group like the Board of Governors can stand forever as a bulwark protecting Professors’ rights against an offended populace.

The real protection must come from the Faculty itself. Not because it is muzzled, or under wraps, or afraid. Not because it has lost a single bit of freedom. But just because each member thinks at least as much of his fellows as he does of himself.

The Board of Governors needs your help fully as much as you need theirs.⁴³

While Brower seems to have recognized the limitations of the governing board’s ability to protect and defend the university, he and his fellow board members would repeatedly attempt to do so—and successfully—throughout the Genovese affair.

In the meantime, despite the apparent “exoneration” from the governor, the bipartisan legislative committee, and the Rutgers governing board, the controversy surrounding Genovese did not abate. To the contrary, all around the state sharply critical editorials and letters to the editor as well as news reports with sensational headlines continued to appear, along with a flood of hostile letters addressed to the Rutgers administration and to the office of the governor, while veterans’ groups and civic organizations were passing resolutions demanding Genovese’s dismissal. The nastiness and invective were not confined to editorials, letters, telegrams, and resolutions. Scarlet and black bumper stickers with the slogan “Rid Rutgers of Reds” could be seen on an increasing number of New Jersey automobiles. Veteran television journalist Dave Marash, who was then a graduate student at Rutgers, remembers the controversy well, “because at the time I had a call-in show . . . on WCTC radio in New Brunswick, and often finding callers could be hard. Not once the teach-in controversy started. Then I had plenty of callers, most of them vehemently opposed to Professor Genovese and the fact that Rutgers . . . might be involved in such a ‘subversive’ event. I, of course, defended

⁴³ Ibid.

the seriousness of Genovese's analysis and the civility of his discourse."⁴⁴ And during that summer, history professor Sandi Cooper, a Douglass College faculty member at the time, reports that on a daily basis the department secretary was fielding hostile, even threatening, telephone calls about the Genovese matter. Cooper volunteered to lend a hand and reports that "one of the more memorable callers," apparently thinking Cooper was the secretary, "told me I was a whore for working there."⁴⁵

Genovese himself had entered the public arena at this time, issuing a lengthy formal statement that the university released to the press on August 12. "As to the concern aroused by my remarks about the situation in Viet Nam," he wrote. "I did not in April, nor do I now, advocate the military defeat of American forces in Viet Nam." He continued:

What I proposed at that time was the withdrawal of American forces, which were present only in an advisory capacity, under specific conditions designed to insure the neutrality of that area. . . .

I have said that I am a Marxist and a Socialist and have also made it plain that I am not a member of any political organization. I have belonged to none since my expulsion from the Communist Party in 1950, about the time of my twentieth birthday. I have also made clear my deep respect for the traditions of personal liberty that form part of this nation's tradition. I am not a political activist but I do cherish my right to believe what I will and to express my beliefs. I believe that university professors share this right with all American citizens.

I sincerely regret that my utterances have resulted in attacks on the University and on those who have sought to defend me. These attacks now seem to be politically motivated and constitute a general assault on the integrity and autonomy of the State University.

Regardless of my own personal situation, I would hope that the citizens of New Jersey would recognize that these assaults, many of them demagogic and inflammatory, must be resisted, or the result will be disastrous to the freedom of thought and inquiry upon which the greatness of any University depends.⁴⁶

Genovese's effort to explain and clarify his position in this statement seems to have made little difference to those politicians and others who were demanding his dismissal. Indeed, his admission that he had once

⁴⁴ E-mail message to author from Marash, March 22, 2015.

⁴⁵ E-mail message to author from Cooper, March 22, 2015.

⁴⁶ The complete text of Genovese's statement was printed on the front page of the *New Brunswick Daily Home News* on August 13. That same day the full text also appeared in the *Bergen Record* as well as in other newspapers around the state. The text can also be found in Smith, "The Genovese Controversy," 5.

been a member of the Communist Party garnered most of the immediate headlines.⁴⁷ The clash of the gubernatorial candidates over the Genovese affair escalated rapidly toward the end of the summer and into the fall and would come to dominate the gubernatorial campaign until Election Day.

Developments on the Rutgers Campus

When the fall semester began and faculty and students returned to the Rutgers campus, they found their university caught up in the intense political controversy surrounding the Genovese affair. Support for the position taken by the governor and the Rutgers board quickly became evident. The local AAUP chapter announced a special meeting for September 17. Even before the meeting, Professor Abraham Yeselson, chair of the chapter's Committee on Academic Freedom and Tenure, called for "an unambiguous and massive expression of faculty opinion" on the Genovese affair. Citing the "vulnerability of the university to irresponsible political pressure," Yeselson pointed out that Rutgers had already incurred serious damage. "Legislators have threatened investigation" and argued for closer state oversight of the university, and candidate Dumont "confidently anticipates that he can subvert the existing procedures in respect to tenure and promotion. . . . The faculty can no longer remain silent."⁴⁸ At its September 17 meeting, with about one hundred faculty members in attendance, the chapter unanimously adopted a resolution that denounced Dumont's "attack on the faculty" and commended both Governor Hughes and the Rutgers board for "upholding the principles of academic freedom in the [Genovese] case." The group reaffirmed its position that the principles of academic freedom "must apply equally to all institutions of higher learning whether or not they are supported by public funds."⁴⁹ Throughout this period individual members of the faculty, including colleagues in the history department whom Genovese would later attack for failing to support him, wrote strong letters to the New Brunswick newspaper on his behalf.⁵⁰

Concerned Rutgers students also signaled their public support for the principles at stake in the Genovese affair. They were also eager to demonstrate that they were not "young and impressionable," easily manipulated or susceptible to brainwashing and indoctrination, as Dumont and many of his supporters

⁴⁷ An editorial appeared in the August 15 *Teaneck Globe* with the headline, "Pink Slip for Marxist, P-L-E-A-S-E," and a *New York Times* article on August 13 carried the headline, "Rutgers Professor Says He's an Ex-Red." For Genovese's own brief account of his active involvement in the Communist youth movement, see Radosh, "An Interview with Eugene Genovese," 34; and Beichman, "Study in Academic Freedom," 14.

⁴⁸ Rutgers Teach-In Archives, series I, box 2, folder 3; *Newark Evening News*, September 10, 1965.

⁴⁹ *Rutgers Daily Targum*, September 20, 1965.

⁵⁰ See, for example, the letter that Richard McCormick published on August 5 in the *New Brunswick Daily Home News* and the next day in the *Trenton Evening News*. "Concerned citizens," he wrote in that letter, "should bitterly resent any attempt to make a political football of the internal affairs of the state university."

contended, but instead were sophisticated enough to think for themselves.⁵¹ A Committee for Free Speech (CFS), consisting of some twenty graduate and undergraduate students, had been formed in the late summer for the purpose of discrediting “the current attacks upon free expression at Rutgers” and defending “open dissent and free debate.” On August 4, before announcing the group’s formation, the CFS chair, history graduate student Jacques Marchand, notified acting department chair Richard McCormick of its creation and its intended purpose of “attempt[ing] to coordinate student activities in defense of Professor Genovese and of the more general issues in question.”⁵²

The CFS took particular aim at Dumont supporter Clarence W. Brown, a local Republican Party official, who had been sending letters to scores of recent Rutgers graduates who had been history majors, seeking to enlist their “patriotic interest and cooperation” in dealing with what he called the “alarming political environment which prevails at Rutgers,” and inquiring about their “recollection[s]” concerning the “classroom expressions of such men as Genovese” and three of his left-leaning department colleagues who had also participated in the April teach-in.⁵³ The CFS decried Brown’s “effort to harass and discredit university faculty members,” charged him with “pushing an underground campaign to turn students into informers,” and condemned his attempt “to pursue the [faculty] dissenters into their classrooms to determine the method and content of their teaching. . . . Covert investigations of this kind . . . only serve the purposes of character assassination.”⁵⁴

Other student groups became engaged in the Genovese debate as well. During the first week of fall classes, the student council unanimously approved a “special resolution” on the Genovese matter modeled after a similar resolution issued on September 1 by the New Jersey branch of the United States National Student Association. While echoing the Rutgers governing board in declaring itself “completely out of sympathy” with Genovese’s views, the council affirmed its commitment to freedom of political expression

⁵¹ Only days before the election (October 29, 1965), the Douglass College student newspaper, the *Caellian*, would publish an editorial that captured what it saw as an essential difference between the two candidates. “Senator Dumont . . . feels that Rutgers students can easily be influenced to adopt dangerous and seditious ideologies, and that it is the governor’s right and obligation to protect us from these subversive influences, whether we like it or not. Governor Hughes is willing to let us choose from the spectrum of ideas and grants that we are capable of choosing reasonably.”

⁵² *New York Times*, August 15, 1965; *New Brunswick Sunday Home News*, August 15, 1965; *Rutgers Daily Targum*, September 16 and 22, 1965; Schlatter Papers, series III, box 51, folder 23; Marchand Papers, box 2; Bender Papers, series 1.

⁵³ As a 1964 graduate of Rutgers College and a history major, I was a recipient of one of Brown’s letters at that time.

⁵⁴ Schlatter Papers, series III, box 51, folder 23; Bender Papers, series 1; CFS press release of September 2 and Brown letters of July 22, August 27, and September 11, 1965, in Marchand Papers, box 2. See press coverage in *Plainfield Courier News*, *Trentonian*, and *Newark Evening News*, September 2, 1965; and *Newark Star-Ledger*, September 3. See also *Paterson Morning Call*, October 22.

and “condemn[ed] any attempts, especially those of public officials and candidates for public office, to infringe upon the academic freedom of the state university.” The resolution further declared “that past associations with persons or organizations in themselves are not sufficient bases for removal from an academic position.” The resolution also censured “the unethical manner in which many of the news media through the state [have] handled the entire case. Remarks, especially those expressed by Professor Genovese on April 23, were taken out of context; sensational headlines were constantly used; editorial comments rarely informed the reader of all the facts and issues that were involved.”⁵⁵

In the meantime, the *Targum* had resumed publishing in September following its summer hiatus, with coverage of and strong editorials on the Genovese affair that echoed the views of the other student groups, accompanied by the by-now-standard disavowals of Genovese’s statements.

The Committee for Free Speech organized the first of two all-night teach-ins held at Rutgers that fall, each of them involving elements of controversy which attracted considerable press coverage, much of it once again highly sensationalized, creating further negative publicity and attracting unwelcome attention to the university. The CFS-sponsored teach-in took place on September 29 on the topic of “Civil Liberties and Academic Freedom.” Genovese did not attend the event and years later stated that he “thought it a terrible tactical error” to hold the teach-in, because it afforded Dumont a further excuse—if one were needed—to continue his attacks. Indeed, additional demands for Genovese’s dismissal and for an investigation of the university followed the September teach-in.⁵⁶

More controversial was the second fall teach-in, the third overall, organized by the Rutgers chapter of Students for a Democratic Society (SDS). It was held in the campus gymnasium on the night of October 14, less than three weeks before the gubernatorial election. The topic for this event, the planning for which had been underway since midsummer, was the Cold War and an analysis of its origins and underlying assumptions. The campus SDS came under sharp criticism from both the editor of the *Targum* and Rutgers president Gross, otherwise staunch defenders of unfettered free expression, for holding the event. In a ten-paragraph column, the alarmed editor charged SDS with “displaying a woeful lack of political acumen and strategy” in holding the teach-in so close to the election, and thereby “provid[ing] more adverse publicity through which the right wing can smear the name of this University. . . . This teach-in is impractical and

⁵⁵ *Rutgers Daily Targum*, September 17, 1965; Marchand Papers, box 2.

⁵⁶ For an extended discussion of this teach-in, see Vicki A. Alberti, “The Genovese Affair: Prologue to the Sixties” (PhD diss., Drew University, 2009), 111–20. Documents relating to the second Rutgers teach-in can be found in the Marchand Papers, box 2, and in the Bender Papers, series 1.

politically inept, and it might potentially alienate New Jersey voters, thus placing the governor in serious jeopardy.”⁵⁷

On the morning of the scheduled teach-in President Gross issued a statement, addressed to the entire university community, expressing his own “strong disapproval of the proposed” event.⁵⁸ Unlike the *Targum* editor, Gross’s concerns were not with the potential political fallout. For the president the problem with the teach-in was the nature of the format and its evident lack of “balance.”⁵⁹ “I am not quite sure what a teach-in is supposed to be,” he wrote.

It would seem that it is either a political rally, designed to arouse enthusiasm for a particular cause, or it is a balanced and sober discussion of a topic of contemporary importance.

If the latter is the correct answer, then this proposed teach-in does not measure up to the essential requirements of such a discussion. The format is not balanced, and there seems to be little intent to secure a sober discussion.

However, if this is instead a rally for a specific cause, then it has been advertised in such a way as to be misleading. It has instead been proposed as a discussion of a type appropriate to a university campus, and the concept of academic freedom has been invoked.

In other words, this teach-in seems to be of the political action variety without an explicit statement of its aims, while at the same time it purports to be an academic discussion without accepting the normal conditions for such a discussion.

I cannot therefore feel that this is an appropriate meeting for a university campus. Nor can I believe that students’ rights would suffer if the meeting could have been postponed until a balanced program could be arranged.

Since this meeting, possibly through a misunderstanding of its nature, has received official permission, I shall not cancel the permission. I do, however, feel that I must express my personal disapproval of it.

⁵⁷ *Rutgers Daily Targum*, October 12, 1965. In a letter published in the newspaper the next day, the chair of the CFS, Jacques Marchand, took the editor to task: “the feared consequences of a Dumont victory can be averted by doing now what Dumont would seek to have us do were he elected—to suppress ourselves now, lest he suppress us afterwards. . . . If [the] *Targum* is fighting for anything in seeking the reelection of Governor Hughes, is it not for a university which preserves dissent?”

⁵⁸ *Rutgers Daily Targum*, October 14.

⁵⁹ In fact, two Rutgers professors who were originally scheduled to participate and were expected to defend the Johnson administration’s Vietnam policy withdrew because, as one of them stated in a letter published in the *Targum*, “its sponsors are really more interested in indoctrination of one point of view than in getting genuine dialogue and full exploration of all the complexities of so momentous a subject as the cold war.” *Rutgers Daily Targum*, October 13.

Although this third teach-in proceeded as scheduled, the tone and content of these statements, issued from such unexpected quarters, suggest the atmosphere of anxiety and uncertainty that had come to pervade the Rutgers campus at this time.⁶⁰

The Dumont campaign's persistent questioning of Eugene Genovese's patriotism and agitating for his dismissal and its conjuring up visions of "Reds on the Campus" reminded many observers that the McCarthy era, its fear-mongering about alleged subversives and its chilling of dissent, was not that far away. Indeed, a disturbing but little-known incident that took place earlier that month involving Michael Perlin, editor of the *Targum* throughout the Genovese affair, was a further indication of the threat to free expression at Rutgers. Perlin has written about "the late night visit from FBI agents urging me to change the tone of anti-war editorials I had been writing," apparently on grounds that those editorials were allegedly harming national security.⁶¹ The FBI somehow considered it appropriate to subject the student editor to this type of pressure and surveillance, but Perlin reports that he refused to be cowed and did not change the newspaper's editorial posture. The FBI visit was evidently part of the campaign of college and university monitoring that was beginning around this time, as the bureau, with prodding from the Johnson administration, was charged with rooting out allegedly subversive antiwar activities on campuses around the country.⁶²

Dumont, in the meantime, did not confine his criticisms of Hughes and of Rutgers officials to the campaign trail. On October 2, reacting to reports he had received concerning the second Rutgers teach-in, he wrote a four-page letter to President Gross, expressing concern over what he termed "the growing wave of revulsion on the part of many of our citizens over recent events on the campus."⁶³ After professing his own "concern that the principle of academic freedom . . . be protected and preserved" and his "deep devotion to the well-being of our State University," he called the Rutgers board's earlier investigation of the Genovese affair "the most superficial sort of inquiry with a preordained result" and said that "all freedoms have limitations." He also insinuated that former Communists might have been behind Genovese's appointment to

⁶⁰ "Professor [Lloyd] Gardner would later recall the 'vague uneasiness' among the Rutgers faculty, particularly in the history department, about the possibility that Dumont might win." E-mail message from Gardner to Vicki Alberti, March 24, 2009, cited in Alberti, "The Genovese Affair," 101.

⁶¹ "John Brown Went off to War': Considering Veterans' Courts as Problem-Solving Courts," *Nova Law Review* 37 (2013): 445. See also Rutgers Oral History Archives, Interview with Michael Perlin, Trenton, NJ, February 18, 2010, 30–32. I am grateful to Michael Perlin for his helpful assistance at various stages of this project.

⁶² "In April [1965], President Johnson personally asked [FBI director J. Edgar] Hoover to investigate alleged Communist infiltration of the antiwar movement." Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism* (New York: Norton, 2004), 488. See also James Kirkpatrick Davis, *Assault on the Left: The FBI and the Sixties Antiwar Movement* (Westport, CT: Praeger, 1997), 29–32; and Michael Beschloss, ed., *Reaching for Glory: Lyndon Johnson's Secret White House Tapes, 1964–1965* (New York: Simon and Schuster, 2001), 295–96n598.

⁶³ Dumont to Gross, Rutgers Teach-In Archives, series I, box 4, folder 4/5.

the Rutgers faculty. “Were any of those directly responsible for his employment also former members of the Communist Party?” he asked.⁶⁴ “I hold grave fears for the harm which is being done to the state university.” His solution to the whole problem was the appointment of a “panel of distinguished citizens,” to investigate Rutgers’s standards on academic freedom and “its abuse.” “Without such an action on your part,” he warned Gross, “public confidence in the University can hardly escape serious damage.” The president, who noted that he had received “many good letters of support and endorsement . . . from those in the academic world,” including from fellow university presidents,⁶⁵ in addition to many letters of criticism from various quarters, immediately referred Dumont’s letter to the board of governors, who declined to reopen the case.

At the urging of the board, President Gross, who had remained largely quiet and in the background for the previous several months, replied to Dumont on October 13 with a letter of his own.⁶⁶ (A week earlier he had sent the Republican candidate a copy of the 1940 *Statement of Principles on Academic Freedom and Tenure* and noted in an accompanying letter that the document had “been endorsed by practically all the major academic groups and lays down the basic principles adopted by the majority of American colleges and universities.”) “I believe,” he wrote, that “I am correct in saying that the American concept of free expression covers any citizen provided he violates no laws, and provided there is no clear and present danger involved.” Both the state assembly and the board of governors, he reminded Dumont, had determined that Genovese’s comments broke no laws and violated no institutional regulations. The board, he told Dumont, had reviewed the university’s policies on academic freedom and tenure and found no reason to revise them. As for Genovese’s original appointment to the Rutgers faculty, Gross informed Dumont that the university had followed the standard search procedures and explored his background to ensure that he met the qualifications for the position.⁶⁷

In the final weeks of the gubernatorial campaign the candidates confronted one another in more than half a dozen face-to-face debates around the state, and the rhetoric became more and more heated. Although they discussed other issues, no other subject attracted as much press coverage or produced as vituperative attacks as the Genovese controversy. On October 12, Hughes, speaking to a small group of Rutgers faculty with members of the press in attendance, launched perhaps his strongest attack in the campaign to date: “Let the people reflect well that during the last two months we have seen a desperate man in search of votes attack

⁶⁴ Was this a veiled reference to Provost Schlatter, who, as noted above, was a former Communist?

⁶⁵ For the statements of University of Wisconsin president Fred Harvey Harrington and Princeton University president Robert Goheen, see, respectively, Rutgers Teach-In Archives, series I, box 1, folder 3, and *Newark Evening News*, August 15, 1965.

⁶⁶ Rutgers Teach-In Archives, series I, box 4, folder 4/5. Gross sent his letter to Dumont the day before he issued his statement regarding the SDS-sponsored third teach-in.

⁶⁷ *Ibid.*

not just one dissident professor but a great university, its distinguished president, and its irreproachable board of governors. By using for his own little political gain the individual tragedies of young men dead in Vietnam, in what can only be called a kind of ‘vampire politics,’ my opponent has opened a Pandora’s box for the extremists of this state and nation.”⁶⁸

When Dumont persisted in his increasingly vitriolic attacks and implied that Hughes was tolerating treason at Rutgers, Hughes, in the course of an October 15 debate between the candidates held at Seton Hall University, further escalated the rhetoric, charging Dumont with instigating a process that would eventually lead to book burning and concentration camps.⁶⁹

In the last weeks of the campaign both candidates had major political celebrities stumping for them in the state. In the case of Hughes, it was Vice President Hubert Humphrey and New York senator Robert Kennedy. Speaking to a large crowd on October 14, the senator insisted that the governor acted properly when he refused to pressure the Rutgers board to dismiss Genovese. To have done so, he declared, “would destroy the whole idea of academic freedom.” Kennedy emphasized that he “would not be here today” if the governor had intervened in the matter. He added, “I happen to violently disagree with [Professor Genovese’s] statement on Vietnam, but I recognize his right to speak his mind.”⁷⁰

As for Dumont, numerous prominent Republicans came to the state to campaign for him, including former president Dwight Eisenhower and three governors, but on Genovese they all remained silent, as did New Jersey senator Clifford Case and several of the state’s leading GOP officeholders. In mid-August, Case had rebuked Dumont for making the Genovese affair a major issue of his campaign.⁷¹ But former vice president Richard Nixon seemed only too happy to enter the fray.⁷² Like Dumont, he was prepared to grant license for the abridgment of rights and the suppression of unpopular ideas and to condone assaults on civil liberties in the name of national security. In Nixon’s flag-waving intervention in support of Dumont’s call for Genovese’s dismissal, he resorted to the witch-hunting fervor for which he had become notorious. In a speech delivered to a cheering crowd of American Legionnaires on October 24, in what one writer has described as an “uncouth relapse into Red-baiting,”⁷³ Nixon declared, “The United States is at war. Genovese is employed by a state university, and he used the state college as a forum to, in effect, give aid and comfort to

⁶⁸ *New York Times* and *Newark Evening News*, October 13, 1965.

⁶⁹ *New York Herald Tribune*, October 16, 1965. “I know the smell of dictatorship,” the *Washington Post* quoted Hughes as having declared. “It begins with silencing professors and burning books and next comes concentration camps.” *Washington Post*, October 18, 1965.

⁷⁰ *New York Times* and *Red Bank Daily Register*, October 15, 1965.

⁷¹ Marchand Papers, box 2; *Newark Star-Ledger*, August 8, 1965.

⁷² On Nixon and Dumont, see Herbert S. Parmet, *Richard Nixon and His America* (Boston: Little, Brown, 1990), 456–61, 688.

⁷³ Rick Perlstein, *Nixonland: The Rise of a President and the Fracturing of America* (New York: Scribner, 2008), 68.

the enemy.”⁷⁴ His remarks prompted the *New York Times* to editorialize: “Here is the old Nixon in action, posing the spurious choice between freedom of speech for Genovese and ‘American boys defending freedom of speech’ in Vietnam.”⁷⁵ In a lengthy letter to the editor published the next day, Nixon reiterated the position he had articulated in his speech to the Legionnaires, arguing that “there are occasions—particularly wartime—when the individual’s rights and the nation’s security come in conflict.” “The question at issue” for Nixon was “does the principle of freedom of speech require that the state subsidize those who would destroy the system of government which protects freedom of speech?” Genovese would later boast, “So far as I know, I remained the only professor in America whom Richard Nixon personally and publicly campaigned to get fired. Thus, I had the fifteen minutes of fame that Andy Warhol assured us every American could have.”⁷⁶

Hughes’s public and oft-repeated defense of academic freedom and free expression and his defense of the Rutgers stand on the Genovese matter had enabled the university administration and governing board to remain largely above the partisan fray and to refrain from publicly discussing either candidate.⁷⁷ But in the last weeks of the campaign the discussion of the Genovese issue had become so vitriolic and the Dumont camp’s criticisms of the Rutgers position so relentless that on October 27 two leading members of the board, both Republicans, felt they had to act to protect the university’s independence and the board’s own autonomy. Viewing the prospect of a Dumont victory as an unmitigated disaster for Rutgers, they publicly criticized the Republican candidate’s campaign. C. Douglas Dillon, a former official in the Eisenhower administration and treasury secretary under John F. Kennedy, addressed a letter to board chair Brower declaring that “politically inspired attacks on the board’s position [relating to Genovese] have caused me the greatest concern.” Without mentioning Dumont (or Nixon) by name, Dillon complained that the attacks “certainly do not inspire confidence that those who make them would, in positions of executive responsibility, have that decent respect for the opinions of others which is the very foundation of our democratic process.” Dillon concluded: “I am confident that the board will maintain its position in spite of these attacks and that the important principle, that the state university must be free from political control, will remain firmly established in our state.” He added a final note to Brower: “If you wish, you may publish these views.”⁷⁸ Brower then issued a statement that began, “I have felt that the board ought to avoid involvement in the gubernatorial campaign in spite of constant attacks and misrepresentations by the Republican candidate. I have, however, been jarred out of this position by the receipt of Secretary Dillon’s letter,” which, he said, expressed the views

⁷⁴ *New York Times*, October 25, 1965.

⁷⁵ *New York Times* editorial, October 27.

⁷⁶ Eugene D. Genovese, *Miss Betsey: A Memoir of Marriage* (Wilmington, DE: Intercollegiate Studies Institute, 2008), 12.

⁷⁷ Leone, “The Politics of Gubernatorial Leadership,” 306–7.

⁷⁸ Rutgers Teach-In Archives, series I, box 4, folder 4/5.

of every member of the board.⁷⁹ As one writer has astutely observed, “that the chair of the board actually found it advisable to so explicitly criticize a candidate in the gubernatorial campaign indicated how seriously the members of the board viewed the threat to the university.”⁸⁰ But it was a politically risky tactic. As Genovese himself would later acknowledge, “the university had in effect staked its whole position on the outcome of [the] election” and had not prepared itself for the prospect of “a confrontation with a hostile new governor.”⁸¹ Fortunately for them, that would turn out not to be necessary.

Election Results

Hughes won in a landslide and carried with him overwhelming Democratic majorities in both houses of the legislature, including several districts that were normally GOP strongholds. It was the first time since 1913 that the Democrats held both houses and the governorship. Hughes declared that he had “gambled everything” by defending Genovese’s right of free speech, but that for anyone “to do less would undermine the constitutional rights of every American citizen.” For having taken that stance, Hughes won high praise from the *New York Times*, which commended the governor for his courage in championing the cause of academic freedom against a “jingoistic, rabble-rousing assault.”⁸² An editorial in the *Targum* declared that “this election should once and for all prove that education and politics should not mix—and the voters realize this. The election should also prove that the electorate will not tolerate the vicious, smearing type of campaign which appeals to the heart and not to the head.”⁸³ Genovese, reached on election night by the *Times*, applauded Hughes’s landslide victory as a sound public judgment and as a “repudiation of an attack on the fundamental rights guaranteed by the U.S. Constitution.”⁸⁴ Hughes’s decisive triumph amounted to a complete repudiation of Dumont’s decision to emphasize the Genovese matter in his campaign. “While only the politically unsophisticated could claim that [Hughes’s] victory was due solely to his defense of academic freedom,” one observer wrote soon afterward, “it was also evident that the voters of New Jersey did not consider the Genovese case a major political issue and that they did not believe it merited interference with the operation of their state university.”⁸⁵

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Eugene D. Genovese, “Academic Freedom Today,” *South Atlantic Quarterly* 79 (1980): 131.

⁸² *New York Times* editorial, November 3, 1965.

⁸³ *Rutgers Daily Targum*, November 3, 1965.

⁸⁴ *New York Times* and *Rutgers Daily Targum*, November 3, 1965.

⁸⁵ George H. Holsten Jr., *Bicentennial Year: The Story of a Rutgers Celebration* (New Brunswick, NJ: Rutgers University Press, 1968), 158. The author was the director of Rutgers’s office of public relations. In a press release issued on November 5, 1965, the Committee for Free Speech, noting that the “attacks upon free expression at Rutgers” had “been totally discredited,” announced that it was disbanding. Marchand Papers, box 2.

Aftermath

On April 29, 1966, at its fifty-second annual meeting, held in Atlanta, the AAUP, which a decade earlier had placed Rutgers University on its list of censured administrations for having violated principles of academic freedom and tenure in dismissing or forcing the resignation of three professors who had invoked the Fifth Amendment, gave its ninth Alexander Meiklejohn Award for defense of academic freedom to the leadership of the university. The prestigious award, first conferred in 1958, and named after the distinguished educational reformer, philosopher, and free-speech advocate, “is given to an American college or university administrator or trustee, or to a board of trustees as a group, in recognition of a conspicuous service to the cause of academic freedom.” In bestowing the 1966 award, Harvard law professor Clark Byse, chair of the Association’s Committee A on Academic Freedom and Tenure, stated, “In recent months th[e] cause [of academic freedom] was ably and eloquently defended to the academic world and the nation on the campus of Rutgers University. It is our privilege today to honor the Rutgers President, Mason W. Gross, and the Rutgers Board of Governors, represented by its vice chairman, Archibald S. Alexander.”

Long before the award was conferred, the Association’s national office had been monitoring the Genovese controversy through press accounts and receiving occasional reports and requests for advice and assistance from the Rutgers AAUP chapter. The previous fall, the AAUP’s general secretary, Professor William Fidler, had written a series of letters to President Gross, Governor Hughes, and board chair Brower conveying the national organization’s appreciation for their defense of principles of academic freedom during the prolonged public controversy and echoing commendations the chapter had previously made.⁸⁶ These letters were all part of the file of documents reviewed by the AAUP committee charged with selecting the recipient of the 1966 Meiklejohn Award. The primary nomination for the award had been made by the Rutgers chapter and was endorsed in supportive letters from nearly a dozen other AAUP chapters at both public and private colleges and universities throughout New Jersey as well as from the Association’s New Jersey state conference.

At the end of his prepared remarks at the award ceremony in Atlanta, Committee A chair Byse added that, “although by its terms, the . . . [a]ward honors college or university administrators or governing boards, in making this award we pay warm and sincere tribute to Richard J. Hughes, the Governor of New Jersey, who, to his everlasting credit, never wavered in his support of principles of academic freedom symbolized by

⁸⁶ AAUP Records, Special Collections Research Center, Gelman Library, George Washington University, Academic Freedom and Tenure Case Files (up to 1974): “Rutgers University—Eugene D. Genovese,” box 121.

the Alexander Meiklejohn Award.⁸⁷ In accepting the award on behalf of his board colleagues and Dr. Gross, board vice chair Alexander, echoing the remarks of Fidler and Byse, took the occasion “to record the honor which I think is due to . . . Governor . . . Hughes . . . and to the Legislature . . . , because they did not succumb to the hysteria which seized some people, and allowed the university itself to deal with the problem which had arisen.”

But the Genovese affair was by no means over. On April 19, 1966, two weeks before the AAUP meeting at which the Meiklejohn Award was presented to university officials, Rutgers was the scene of yet another teach-in, the fourth overall, this one on the subject of “Southeast Asia—One Year Later,” aimed at examining developments in Vietnam. Like the first teach-in, held almost a year earlier, this event was organized by the campus chapter of the Universities Committee on Problems of War and Peace, and Genovese was a featured speaker, albeit a reluctant one.⁸⁸ Perhaps because he had already decided to leave Rutgers,⁸⁹ Genovese was much less restrained and more inflammatory in his rhetoric than he had been a year before. Speaking in the university gymnasium to a crowd estimated at three thousand, he began by expressing gratitude “for this opportunity to reaffirm and develop the views I propounded a year ago.” Most of his speech involved an analysis of and an attack on what he termed “Johnson’s Hitlerian foreign policy,” at the end of which he concluded: “It is for these reasons and in this context that I said here a year ago, as I do now, that a Communist ascendancy in Vietnam is not to be feared but welcomed.”⁹⁰ But early on in his talk Genovese had directed unexpectedly harsh criticism at the “several thousand students” who since the previous fall had signed a petition supporting the Johnson administration’s policy in Vietnam and then never

left campus to volunteer for the service. If a man of fighting age supports a war effort, believes it to be just, considers it to be in the national interest, then he has a clear duty to go to the front. Certainly, those right-wingers who strongly support this war and who simultaneously claim student deferments are cowards, and it is quite as simple as that. I do not believe that most of those who signed that petition fall into this category, and I should

⁸⁷ In a letter sent to the Association’s general secretary after he was notified of the commendation, Hughes wrote that he was “deeply honored . . . that Professor Byse saw fit to include me in his remarks.” *AAUP Bulletin* 52 (1966): 351.

⁸⁸ *Rutgers Daily Targum*, April 19, 20, 21, 1966; *Caellian*, April 15, 22, 1966. On his reluctance to participate, see Genovese to McCormick, April 21, 1966. Richard P. McCormick Papers, Special Collections and University Archives, Rutgers University Libraries, R-MC 050, box 4 (hereafter cited as McCormick Papers).

⁸⁹ Three months earlier, in an exchange of letters with fellow historian Christopher Lasch, Genovese wrote, without specifying what had actually happened, that his situation at Rutgers had “entered a new phase,” one in which he was not expecting to prevail, and that he was therefore starting to look for another position. Genovese to Lasch, January 22, 1966, Christopher Lasch Papers, Rare Books, Special Collections, and Preservation Department, University of Rochester, section 1, box 2, folder 3.

⁹⁰ *New Brunswick Daily Home News*, April 20, 1966.

suggest that the gap between their statements and their performance demonstrates how little conviction has gone into the statements. Yet, they are rapidly approaching a moral crisis that may prove as serious as any they will ever have to face. As educated young men, students cannot hide behind the plea of confusion.

They have a responsibility and the ability to make a judgment on this war. If they believe the war [to be] just, they ought to leave for the [front], instead of sending Negroes and Puerto Ricans to die in their place. If they do not believe in it, then they must be ready to fill the jails if necessary in order to demonstrate their total opposition. I do not see how any third course is going to be possible for long without a surrender of every pretense to manhood. I am convinced that the refusal of these young men to join the army flows from the knowledge that the war is dirty and dishonorable and unworthy of their support, much less the sacrifice of their lives.

Unlike the previous year, this time numerous faculty members from around the university registered their strong objections to “the views and opinions on contemporary issues expounded by Professor . . . Genovese.” They went so far as to place an ad in the *New Brunswick Daily Home News* addressed to “the citizens of New Jersey” that was signed by more than 140 Rutgers faculty, publicly disassociating themselves from his latest comments.⁹¹

In addition to this public criticism, Genovese was privately taken to task for his recent teach-in speech by his senior department colleague and staunch supporter Richard McCormick, who “thought the manner [and] tone of his delivery of his message was out of line,” and who accused Genovese of showing a lack of self-restraint and of seeking to “test the limits of the university.”⁹²

Faced with demands from various groups, including the Rutgers Committee to Support U.S. Policy in Vietnam, for a public apology for his teach-in remarks directed at the students,⁹³ Genovese published a letter in the *Targum* on April 26. He began by declaring that he would not apologize for his political views (such a “notion . . . is unworthy of discussion”), nor would he “apologize for saying that pro-war students are cowards,” because, he contended, “I said no such thing.” He conceded, however, that he did owe an apology to some students. When I said that “rightwingers” who claimed draft deferments were cowards, I had in mind a small group of extremists who call for more and bigger armed conflicts and whose behavior during the recent fight for university autonomy was scandalous. I am aghast to realize that my unpardonably careless use of the word

⁹¹ *Rutgers Alumni Monthly*, July 1966, 18–19.

⁹² Birkner, *McCormick of Rutgers*, 94–95. See Genovese to McCormick, April 21, 1966. McCormick Papers, box 4.

⁹³ *Rutgers Daily Targum*, April 22, 1966.

“rightwingers” seemed to describe all the conservative students on the campus. I certainly did not mean to do anything like that, and I am especially embarrassed since I hold any number of these young men in the highest regard. I hope, therefore, that they will accept my apology.

At a time when the war had escalated further and American casualties were mounting, the board of governors, confronted with renewed demands from various quarters to dismiss Genovese, once more distanced itself from his remarks, while reaffirming its previous position that he had done nothing that would warrant his dismissal. Meeting on May 13, with eight of its eleven members present, the board unanimously adopted the following statement concerning Genovese’s remarks: “We find much that is offensive to us and with which we completely disagree, but nothing that violates any law of the nation or state, or any regulation of the university. Therefore, in accordance with the American principles of academic freedom and civil liberty, we repeat our statement of August 6, 1965, that ‘[Professor Genovese’s] statement, however offensive it may be to individual members of the Board, does not constitute grounds for dismissal.’”⁹⁴

Genovese’s speech served as an unanticipated—and doubtless unwelcome—test of the genuineness of the board’s public commitment to the principles it had upheld in response to his original teach-in remarks for which it had received the Meiklejohn Award. The board seems to have passed that test, remaining steadfast in its professed defense of those principles. To the very end the board, holding its nose at having to defend publicly Genovese’s rights, nonetheless upheld the principles at stake in his case.

The board’s position was also in keeping with an important provision of a key AAUP document on shared academic governance adopted around that time. According to the 1966 *Statement on Government of Colleges and Universities*, jointly formulated by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges, representing the primary constituents of an academic institution, “When ignorance or ill will threatens the institution or any part of it, the governing board must be available for support. In grave crises it will be expected to serve as a champion. Although the action to be taken by it will usually be on behalf of the president, the faculty, or the student body, the board should make clear that the protection it offers to an individual or a group is, in fact, a fundamental defense of the vested interests of society in the educational institution.”⁹⁵

⁹⁴ *Rutgers Alumni Monthly*, July 1966, 19.

⁹⁵ AAUP, *Policy Documents and Reports*, 120.

Reflections on the Genovese Affair

The key players in the Genovese affair would reflect on their experiences in the years that followed. Mason Gross, who had been a voice of reason and calm throughout the affair and had thereby won the confidence, respect, and admiration of faculty, students, and board members alike, commented on the episode in an interview published in the September 1971 issue of the *Rutgers Alumni Magazine* commemorating his retirement from the university presidency. Gross said that Genovese had “stated his opinion as a citizen and had a perfect right to [do so]. I saw no reason whatsoever why that should disqualify him as a historian, because he was a first-class historian. I simply couldn’t let political interference come in at this particular point and cause us to dismiss a member of the faculty. Fortunately, Governor Hughes agreed.”⁹⁶

As for Hughes, he would later observe that “the issue was thrust on me and I accepted it. I realized that it was a dangerous one, thinking back to the 1950s and the Joe McCarthy period. In that period I would have lost on that issue, but I gambled on people understanding what the constitution meant and being sophisticated enough to know what free speech meant to them.”⁹⁷

Board chair Brower offered what may have amounted to his last word on the Genovese affair in a response he made to a resolution adopted by the executive committee of the alumni association of the College of South Jersey (now Rutgers University–Camden) criticizing the board for its continuing defense of the controversial professor.

Obviously, as you state, Genovese’s statement was detrimental to the University. But the University regulations, by intent, do not leave that phrase “detrimental to the University” stand by itself.

I quote from Regulation 3.93: “. . . the faculty member shall be free from institutional discipline unless his actions and utterances are both [my underline] reprehensible and detrimental to the university.”

The Board concluded with no dissenting vote, and no member abstaining, that his utterances (though reprehensible to each of us personally) were not “both reprehensible and detrimental to the University” within the meaning of the University Regulations. . . .

We felt, and [we] still do, that the whole American right of free speech was at stake. If the right of free speech does not include the right to say foolish, stupid, and offensive things—who is going to draw the line for us? Laws do to some extent, but Genovese had

⁹⁶ 51, no. 1.

⁹⁷ George Amick and John Kolesar, interview with Governor Hughes, October 11, 1982. I am grateful to Professor John Wefing, author of *The Life and Times of Richard J. Hughes*, for providing me with a copy of the typed transcript of the pertinent pages of this interview. Cf. Hughes to Bradley, June 19, 1990, quoted in Wefing, , 125.

violated no law—the pressure was to go beyond the law. This seemed to us to lead right down the road to a “people’s court”—or some other communistic device for deciding what people could and could not say in a free country.

We all knew that we were taking the hard road. We knew we would be attacked from all directions. But we thought then that it was better to be right than to be comfortable. And I know of no member of the Board who wishes we had done differently.⁹⁸

Professor Genovese’s own subsequent reflections on the protracted controversy and political firestorm that his teach-in remarks had aroused are also of interest. We have seen that at various points during the unhappy ordeal, especially after he started being treated like a political football and was demonized and stigmatized as unpatriotic or even treasonous, he had only positive things to say to the press about the public expressions of support he was receiving from Governor Hughes and from all quarters within the university: the administration, the governing board, and the faculty, as well as student groups, all of them eloquent defenders of principles and of his freedom of speech.⁹⁹ He had survived the onslaught of criticism that had been directed against him. Yet it was a deeply embittered man who tendered his resignation and ended his association with Rutgers at the close of the 1966–67 academic year. Various explanations have been offered for his departure. According to Genovese himself, who had endured not only constant public vilification but also, he later reported, “frequent death threats,”¹⁰⁰ Rutgers officials informed him, once the election was over, that, while his job was secure, he should not expect standard academic rewards, that “I was going to be a second-class citizen in salary and promotion possibilities. So I quit; I didn’t see any reason to take it.” He claimed that when he announced his resignation, it was “to the great relief of all concerned.”¹⁰¹ Perhaps so, but what is one to make of the complaints he registered in his ironically titled 1980 article, “Academic Freedom Today,” (and elsewhere) that Rutgers failed to meet its responsibility to defend its own professed principles? “Not only did my university shake with fright,” he wrote. “Not only did virtually all my colleagues

⁹⁸ Brower to Albert H. Meyers Jr., President, College of South Jersey Alumni Association, October 26, 1966, Metzger Papers, box 12, folder 1.

⁹⁹ In mid-September 1965, Genovese told a reporter, “Rutgers has been wonderful to me in the past few months and has supported me fully.” *Philadelphia Inquirer*, September 16, 1965. Years later, in private correspondence with a graduate student who was then writing a dissertation on his case, he wrote, “I admired Hughes’s courage enormously.” Genovese to Vicki Alberti, June 6, 2009, cited in Alberti, “The Genovese Affair,” 200. Recalling the events of that period, Genovese wrote that “the brave and principled governor of New Jersey, a centrist politician who had no sympathy for my politics, refused to intervene on the grounds that he lacked constitutional authority and that any such intervention would violate academic freedom.” Genovese, “Academic Freedom Today,” 130.

¹⁰⁰ Alberti to the author, April 15, 2015.

¹⁰¹ Radosh, “Interview with Eugene Genovese,” 33; Genovese, “Academic Freedom Today,” 131. On Genovese’s departure from Rutgers, see also Lloyd Gardner, Oral History Interview, March 27, 2008, Rutgers Oral History Archives, http://oralhistory.rutgers.edu/images/PDFs/gardner_lloyd_part1.pdf, 20–22; and Birkner, *McCormick of Rutgers*, 94–95.

content themselves with cautious intervention, when they did that much; but also all other sections of the academic establishment, all professional organizations, remained silent. No academics, not even those who were making reputations by writing learned books about civil liberties and academic freedom, ever opened their mouths.”¹⁰²

Whatever he might have believed in retrospect—by contrast with what he had stated publicly at the time—Genovese’s jaundiced account of what took place during the controversy and his denunciations of former Rutgers colleagues and others who had supported him are contradicted by the evidence. In myriad ways key members of the faculty, including his immediate departmental colleagues, the Rutgers authorities, the campus and national AAUP, and the New Jersey ACLU repeatedly and forcefully defended the principles of academic freedom posed by the Genovese affair and upheld his individual rights under those principles, however much they might have disagreed with, and even deplored and denounced, his views.

One enduring positive legacy of the Genovese affair remains to be noted. The case appears to have spurred the Rutgers faculty to call for revisions to the university’s existing policy on academic freedom.¹⁰³ The document in effect throughout this time was the one the board of governors had adopted in 1958 which, despite its flaws, had enabled the university to be removed from the AAUP’s list of censured administrations. At its meeting on January 13, 1967, the board approved significant revisions to the policy recommended by the University Senate Committee on Academic Freedom, endorsed by the AAUP chapter’s executive committee and its Committee on Academic Freedom and Tenure, and concurred in by the board’s Committee on Educational Planning and Policy. The revised policy, modeled after the AAUP’s 1964 *Statement on Extramural Utterances*, more clearly affirmed the rights of professors as citizens. As previously noted, the old policy relating to extramural utterances (3.93) had provided as follows: “Outside the fields of instruction, research, and publication, the faculty member shall be free from institutional discipline *unless his actions or utterances are both reprehensible and detrimental to the University*” (emphasis added). The ambiguous language in that policy, cited by critics of the university during the Genovese controversy, had been a source of considerable difficulty for the board, which was repeatedly called on to show how and why Genovese’s remarks had not been both “reprehensible and detrimental to the University.” The 1967 policy (now numbered 3.92) provided as follows: “Outside the fields of instruction, artistic expression, research, and professional publication, the faculty member, as a private citizen, enjoys the same freedoms of speech and expression as any [other] private citizen, and shall be free from institutional discipline in the exercise of these rights. The conduct of the faculty

¹⁰² Genovese, “Academic Freedom Today,” 130–31.

¹⁰³ See Records of the Rutgers University Office of the President (Mason W. Gross), Special Collections and University Archives, Rutgers University Libraries, RG 09/A3/01, series II, box 13, folder 1 (“Academic Freedom and Tenure, 1960, 1965–67”).

shall be in accordance with standards dictated by law.”¹⁰⁴ The governing board’s adoption of the faculty-proposed revisions to the policy on academic freedom gave further evidence that the board’s commitment to principles of academic freedom was genuine.

Concluding Remarks

Academic freedom is a foundational principle as well as a core value of university life that Wayne Dumont’s efforts to monitor and constrain faculty speech and proscribe dissent had threatened to compromise. Indeed, Dumont and his supporters, most notably Richard Nixon, had appealed to the tyranny of public opinion and threatened to unleash the coercive powers of the state in order to halt what they considered an abuse of academic freedom. They were only too ready to exploit the large reservoir of suspicion of professors, especially active and outspoken ones, left over from the McCarthy period and sought to prey on a public unable to distinguish between the classroom and the on-campus public soapbox that the teach-in represented. The Genovese affair demonstrated the potential vulnerability of colleges and universities—especially public institutions—to irresponsible political pressures. However grudging and hesitant their defense of Genovese’s right to speak his mind—always qualified with an obligatory, almost formulaic disavowal of his actual comments—the authorities at Rutgers stood up to the persistent demands to sanction him or, more broadly, to curb provocative speech. Seeking to safeguard the integrity and reputation of the university and its educational processes, the administration and board, with consistent support from Governor Hughes, repeatedly resisted the threatening demands of crusading politicians and public pressure groups whose sensibilities Genovese’s original teach-in remarks had offended. They thereby preserved the university’s autonomy and its commitment to free and unfettered discourse among all members of the community—a far cry from the 1950s. Eugene Genovese’s remarks at the April 23, 1965, teach-in, addressed to the larger community and concerned with matters of public interest and intense political debate, were clearly protected extramural speech, and the Rutgers administration and board of governors, on the eve of celebrating the university’s bicentennial, acted properly and in the spirit of academic freedom in their treatment of him and of the issues posed by his case.

In the first twelve years following its creation (1958–70), the Meiklejohn Award was presented on eleven occasions, and in many of those years multiple candidates were vying for the honor.¹⁰⁵ The award has been conferred only four times in the past twenty years and only six times in the past thirty, and it was last

¹⁰⁴ *Ibid.*

¹⁰⁵ The complete list of recipients can be found at <http://www.aaup.org/about/awards/alexander-meiklejohn-award-academic-freedom>.

presented in 2010. Sad to say, courageous champions of academic freedom in times of crisis have become a rare breed in the administrative suites and board rooms of American colleges and universities. At a time when the academic profession—indeed higher education more broadly—is facing serious challenges, with the erosion of academic freedom, evisceration of tenure, and assaults on shared governance, champions of the academic enterprise, and especially of academic freedom, are sorely needed. All the more reason to recall—and to cherish—the exemplary stands taken by Mason W. Gross and Charles H. Brower and their administrative and board colleagues.

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