

# NO IVORY TOWER

McCarthyism and the Universities

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## INTRODUCTION

### McCarthyism: The Anatomy of an Inquisition

By February 3, 1960, Joseph R. McCarthy had been dead for nearly three years, and the movement that had received his name was presumably over. But not for Chandler Davis. On that day, Davis, a former instructor of mathematics from the University of Michigan, ended a six-year struggle against McCarthyism, said good-bye to his family, and surrendered to a federal marshal in Grand Rapids to begin serving a six-month prison term. Davis's crime had occurred on May 10, 1954, when he refused to tell the House Un-American Activities Committee (HUAC) whether or not he had ever been a Communist. Davis challenged the committee, insisting that its questions about his politics infringed upon his freedom of speech and, as he put it, overstepped "the bounds placed on Congress by the First Amendment." He knew that he would probably lose his job and be convicted for contempt of Congress, but he hoped that the Supreme Court would eventually exonerate him. Instead, on June 8, 1959, the Court in effect ruled against him in the similar case of Lloyd Barenblatt, another former college teacher who had also defied HUAC on First Amendment grounds. The 5 to 4 decision affirmed that the committee did not violate its witnesses' constitutional rights by asking them about their relationship with the Communist Party (CP). That ruling sent both Barenblatt and Davis, whose case was determined by Barenblatt's, to Danbury Federal Penitentiary.<sup>1</sup>

These two academics went to prison because, as Justice John Marshall Harlan stated for the majority in the *Barenblatt* decision, the Supreme Court "has consistently refused to view the Communist Party as an ordinary political party" and has let the government behave in ways that "in a different context would certainly have raised constitutional issues of the gravest character." Thus, even as late as 1959, almost five years after the Senate censured Joseph McCarthy, the Supreme Court could still cite the Cold War as an excuse for depriving American Communists and suspected Communists, like Davis and Barenblatt, of their constitutional

rights. In this, of course, the Court was only echoing the anti-Communist consensus that swept the country in the late 1940s and 1950s, a consensus that viewed the American Communist Party as one of the gravest threats to its security the United States had ever faced.<sup>2</sup>

In retrospect, it now appears that this assessment was wrong. Whatever perils the Cold War might have brought on the international level, the danger that a few thousand American Communists, acting on secret instructions from Moscow, were about to take over the United States was not one of them. And yet, so pervasive was the image of the Party as a lethal foreign conspiracy and so useful was that image as a way to cope with the uncertainties of the new atomic age that few American leaders could or would accept a more realistic assessment. The onset of the Cold War had shocked and confused them. Suddenly, the Soviet Union, which only a few years before had been America's ally against Nazi Germany, was now its enemy. And Stalin, whose armies had installed Communist regimes throughout Eastern Europe, seemed to be as dangerous as Hitler. President Truman responded by talking tough and pouring aid into Western Europe. But the situation only seemed to worsen. The Communist coup in Czechoslovakia in the spring of 1948 touched off a frightening war scare, intensified a few months later by the Berlin blockade. Then, the following year came the news that the Soviets had detonated an atomic bomb. A few months later, China "fell" to the Communists.<sup>3</sup>

To give the American Communist Party any credit for these revolutionary changes was ridiculous. Even during its supposed heyday in the 1930s the CP had been neither numerous nor popular. Yet the logic of politics demanded that the Truman administration, which had committed itself to combatting the spread of Communism abroad, confront it at home as well. The Republican party, its own anti-Communist credentials never in doubt, was ready to pounce on any indication of laxity. Accordingly, both Democrats and Republicans threw themselves into the domestic Cold War against the American CP. Local Communists suddenly became potential Soviet agents, who, if they were not about to take over the government, could nonetheless subvert it in more subtle ways or, at least, send vital secrets back to Moscow. Each politician had his own assessment of the extent of this conspiracy and his own formula for fighting it. But almost everybody agreed that the danger was immense. If nothing else, the nation's security demanded that there be no reds in the government.<sup>4</sup>

Truman was already under considerable pressure from the Republican-controlled 80th Congress when, on March 22, 1947, he issued Executive Order 9835 establishing a new loyalty-security program for federal employees. Since the security measures already in place had largely eliminated most Communists and other dissidents from sensitive positions, the new program was superfluous, except as a political gesture. Its real function was to protect the Democratic administration from the Republican party. It failed. It did, however, succeed in establishing anti-Communism

as the nation's official ideology, and, several years before Senator Joseph McCarthy entered the scene, it laid the foundations for the movement we now call McCarthyism. Until then anti-Communism had been a haphazard crusade, the province of right-wing ideologues and embittered former reds. The CP was unpopular, of course, but opposition to it had not yet become central to the nation's politics. When in 1947 Truman promulgated Executive Order 9835 and created a loyalty-security system, he legitimized, as only a President could, the project of eradicating Communism from American life.<sup>5</sup>

No other event, no political trial or congressional hearing, was to shape the internal Cold War as decisively as the Truman administration's loyalty-security program. It authorized the economic sanctions that were crucial to the success of McCarthyism. Communists and suspected Communists could now be fired from their jobs. Other institutions followed and they, too, began to examine their employees' politics. Within a few years, this process had spread far beyond the Potomac; political tests were being used to screen individuals for almost everything from jobs and passports to insurance policies and fishing licenses. In addition, because the federal government's loyalty-security program borrowed so many of its procedures and ideas from traditional right-wing anti-Communism, it was administered in a disturbingly reactionary manner. Other employers copied this aspect of the program as well.

Executive Order 9835 not only barred Communists, fascists, and other totalitarians from the federal payroll, it also excluded anybody guilty of "sympathetic association" with such undesirables or their organizations. Every federal employee had to be checked out, usually by the FBI or a similar investigatory organization. People with "derogatory information" in their files then had to clear themselves. Despite the existence of some individual safeguards, abuses flourished. "Sympathetic association" was hardly a precise tool for separating the pinks from the reds. Nor was the list of potentially subversive organizations that the Executive Order authorized the Attorney General to compile any more meticulous. It included the Communist Party, of course, but it also cited many already defunct left-wing groups in which both Communists and non-Communists had been active in the 1930s and 1940s. In addition, because the FBI, which handled most of the investigative work, insisted that it would not be effective if it had to reveal the identity of its informers, anonymous accusations could cost people their jobs. The program had its critics; Truman himself deplored its injustices. But, once in place, its flaws were not corrected. And in fact, as political pressures increased, first the Truman and then the Eisenhower administration were to revise the loyalty program to make it easier to discharge undesirable employees.<sup>6</sup>

As the 1948 election approached, the Truman administration took other steps to prove its devotion to the anti-Communist cause. The third-party campaign of former Vice President Henry Wallace, who had broken with the administration over its hard-line policy toward the Soviet Union,



gave the Democrats a perfect opportunity to distance themselves from the left. Since the Communist Party supported Wallace, it was easy for Truman and his allies to accuse Wallace of being its tool. Such attacks not only diverted attention from Truman's own alleged softness on Communism, but, by so thoroughly identifying Wallace's rather mild critique of the Cold War with the hated CP, they also eliminated all effective domestic opposition to American foreign policy. This was probably not what the liberals who led the assault on Wallace intended. They did not think that they were McCarthyites, but because their red-baiting narrowed American politics by excommunicating its left, they inadvertently fostered the furor to come.<sup>7</sup>

Perhaps the most obvious indication of the Truman administration's conversion to a tough anti-Communist position was its decision in the summer of 1948 to prosecute the top leaders of the American Communist Party under the Smith Act, an infrequently used 1940 statute that made it illegal to "teach and advocate the overthrow and destruction of the Government of the United States by force and violence." Putting the Party's top brass on trial served several functions. It crippled the CP, first by forcing it to divert its energies to self-defense, and then by jailing its leaders. Even more important, the Smith Act trial gave the government a way to publicize the menace of Communism. The prosecution put the Party's ideology on trial and sought to show that Communist theory, as contained in the writings of Marx, Engels, Lenin, and Stalin, committed the CP to force and violence. Instead of arguing that the Truman administration had no right to prosecute them because the Smith Act violated their First Amendment right of free speech, Party General Secretary Eugene Dennis and the other Communist leaders accepted the battle on the government's terms and tried to refute the prosecution quote for quote. They lost; the ex-Communists and undercover agents who were the government's main witnesses had little trouble convincing the jury that Dennis and his colleagues were violent revolutionaries. A few years later, the Supreme Court upheld that verdict by a 5 to 2 margin, thus giving the Constitution's blessing to the government's purge of American Communists.<sup>8</sup>

By the summer of 1951, when the Supreme Court rendered its decision in the *Dennis* case, the McCarthyist furor was at its height. It had grown slowly since the late forties, the product of an interaction between the insecurities of the Cold War and the Republican party's essentially partisan attempt to exploit those insecurities. The international crises of the late forties had been deeply unsettling. By the time the Soviet Union got its bomb and the United States "lost" China, it seemed as if Communism was unstoppable. Of course, China had never been an American possession, nor was the secret of nuclear fission an American monopoly. But from the perspective of an edgy public, worried about America's apparently slipping primacy in a dangerous world, each of these crises seemed increasingly more frightening and more difficult to understand.

The Communist invasion of South Korea in June 1950 confirmed everyone's worst fears.

The Republican right offered an explanation. America had been betrayed by a worldwide Communist conspiracy. Stalin's agents had penetrated the Democratic administration and subverted the nation's foreign policy; Soviet sympathizers elsewhere had filched the secret of the bomb. Since there *had* been Russian spies, the slight core of truth in this scenario made it all the more attractive to the GOP. This was especially the case after Truman's surprise victory in the 1948 presidential election revealed that the Democrats were relatively invulnerable with regard to traditional domestic issues. Accordingly, the Republican party, looking for a way to recoup its electoral fortunes, began to attack the Truman administration as "soft" on Communism. By claiming that the Democrats had condoned Soviet subversion, the conservatives in the GOP could mount an assault on the New Deal, which they could not do on social or economic grounds. Moreover, since Truman had already enlisted the government in the anti-Communist crusade, he was in a poor position to rebuff the Republicans' claim that they were simply trying to help him clean house.<sup>9</sup>

Most of this housecleaning took place at congressional hearings. Legislative investigations gave the conservatives a perfect arena for their campaign against the New Deal and its supposed sympathy for Communist subversion. To begin with, as congressmen constitutionally immune from lawsuits, they could make accusations without having to worry about being sued for libel. In addition, since legislative investigations were not judicial proceedings, these politicians could use witnesses whose testimony did not have to stand up in court. Best of all, committee hearings created headlines. American politics had never offered a more dramatic spectacle than the confrontation between the investigators and their witnesses, especially when those witnesses pulled microfilms out of pumpkins and talked of false names, clandestine meetings, secret passwords, and the arcane workings of a shadowy underworld peopled by Soviet agents and urbane upper-class spies. Once the rise of Richard Nixon showed how a smart politician could parlay his berth on an investigating committee into the Vice Presidency, congressmen clamored for such positions. In 1952, 185 of the 221 Republicans in Congress applied for seats on the House Un-American Activities Committee, an unpopular assignment only a few years before.<sup>10</sup>

Nixon, of course, had come to prominence because of his involvement with the Hiss case. His tenacity in trying to prove that Alger Hiss was a Soviet spy not only made Nixon's career, but also justified the use of congressional investigating committees as a way of uncovering Communist espionage. HUAC's investigators had made the case. According to the committee's star witness, the self-confessed former Soviet agent Whittaker Chambers, Hiss, a distinguished product of Harvard Law School and an eminent public servant, had been such a devoted Com-



munist during the 1930s that he was willing to give Chambers secret information for Moscow. Whether Hiss actually handed over government documents to Chambers is ultimately less important than the political consequences of the case. Hiss's conviction for perjury legitimized HUAC's activities. In addition, it so thoroughly bolstered the right-wing contention that the New Deal was infested with Soviet spies that by the time Hiss was convicted for perjury in January 1950, it was no longer politically possible to ignore allegations of Communist subversion, no matter how ridiculous or unfounded. Five and a half weeks later, Senator Joseph McCarthy began to flaunt his ever-changing lists of alleged Communists in the American government.<sup>11</sup>

In charging that the Truman administration was harboring some 57—later 205, 81, 10, or 116—Communist agents within the State Department, the junior senator from Wisconsin was only doing, albeit more flamboyantly, what many other reactionary politicians had done before. Even his charges were old-hat; they had been circulating for years within the network of professional anti-Communists who proffered their expertise to individuals and institutions eager to eliminate subversives. McCarthy's first round of attacks, like those on the eminent Johns Hopkins University China expert Owen Lattimore, were related to the GOP's contention that the Truman administration had betrayed China to Mao Zedong. As a result, McCarthy received the tacit support of the more respectable leaders of the Republican party, who welcomed the damage that their disreputable colleague was inflicting on the incumbent Democrats. The outbreak of the Korean war in June, 1950, gave McCarthy's charges added saliency; the electoral defeat of some of his main critics in the fall only increased his clout. Within a few years, McCarthy's erratic campaign against the Army ended his political career. Because he was so uniquely pathological, it is easy to forget how much McCarthy resembled the other right-wing politicians who also used the issue of Communism as a way to further their own fortunes and those of their party. After all, what made McCarthy a McCarthyite was not his bluster but his anti-Communist mission, one which, in one way or another, almost every American political leader claimed to support.<sup>12</sup>

McCarthy never found any subversives. Most of the men and women he denounced were perfectly loyal, though politically unpopular, American citizens. So, too, were most of the witnesses who appeared before the other anti-Communist investigators of the period. These people were not, however, selected at random. Almost all of them had once been in or near the Communist Party. Except for a handful of people like Owen Lattimore, there were few "innocent liberals." This was crucial. McCarthyism succeeded because the people it targeted were already political outcasts. They were Communists or ex-Communists. And, by the late forties and early fifties, the Truman administration, the Supreme Court, and most private citizens believed or claimed to believe that Communism was so alien to the American way of life that its adherents did not de-

serve to be protected by the Constitution. Many decent people deplored the excesses of McCarthyism; they just did not think that punishing Communists was excessive. Those who did, though they fought valiantly for the rights of individuals, did so in vain. Moreover, once the political establishment legitimated the denial of civil rights to members of the Communist Party, it was relatively easy for the more reactionary practitioners of anti-Communism to extend that denial to yet other types of political undesirables by claiming that those people also served the Party's cause.

McCarthyism was amazingly effective. It produced one of the most severe episodes of political repression the United States ever experienced. It was a peculiarly American style of repression—nonviolent and consensual. Only two people were killed; only a few hundred went to jail. Its mildness may well have contributed to its efficacy. So, too, did its structure. Here, it helps to view McCarthyism as a process rather than a movement. It took place in two stages. First, the objectionable groups and individuals were identified—during a committee hearing, for example, or an FBI investigation; then, they were punished, usually by being fired. The bifurcated nature of this process diffused responsibility and made it easier for each participant to dissociate his or her action from the larger whole. Rarely did any single institution handle both stages of McCarthyism. In most cases, it was a government agency which identified the culprits and a private employer which fired them.

We know the most about the first stage of McCarthyism, for it received the most attention at the time. Yet the second stage is just as important. For without the almost automatic imposition of sanctions on the people who had been identified as politically undesirable, the whole anti-Communist crusade would have crumbled. In a sense, it was this second stage that legitimated the first. Had HUAC's targets been able to survive their encounters with the committee without losing their jobs, the committee would have lost its mandate. This did not happen. On the contrary, private employers often rushed to impose sanctions on these men and women, sometimes without waiting for the official machinery to run its course. The fate of the Hollywood Ten is illustrative here. When these radical screen-writers and directors refused to cooperate with HUAC in October, 1947, it was not clear which side had won, the witnesses or the committee. The movie studios' decision to fire the Ten before either the judiciary or public opinion had delivered a verdict may well have influenced that outcome as significantly as the Supreme Court's later refusal to review their conviction for contempt. Other employers followed the studios' example. By the time the investigative furor that characterized the first stage of McCarthyism abated in the late fifties, thousands of people had lost their jobs. And thousands more, whether realistically or not, feared similar reprisals and curtailed their political activities.<sup>13</sup>

Every segment of society was involved. From General Motors, General Electric, and CBS to the *New York Times*, the New York City Board of Education, and the United Auto Workers, there were few, very few,



public or private employers who did not fire the men and women who had been identified during a first-stage investigation. The academic community went along as well and dismissed those of its members McCarthy, HUAC, and the FBI had nominated for such treatment. There were quite a good number of these people, for the nation's faculties housed hundreds of men and women whom official and unofficial red-hunters were to single out as undesirable. Exact figures are hard to come by, but it may well be that almost 20 percent of the witnesses called before congressional and state investigating committees were college teachers or graduate students. Most of those academic witnesses who did not clear themselves with the committees lost their jobs.<sup>14</sup>

Chandler Davis, the young mathematician who went to prison for defying HUAC, was no exception. A few months after he appeared before the committee, the University of Michigan fired him. He was not, however, dismissed without a hearing. Although Davis lacked tenure, the Michigan administration was sufficiently concerned about academic freedom to draw up formal charges against him and convene a faculty committee to hear his case. Actually, Michigan's authorities were so punctilious that Davis received three separate hearings before he was finally dismissed. His experiences were not unique. Unfriendly witnesses at other schools had similar trials. While these elaborate proceedings did not, in the end, protect many people, they did produce thousands of pages of testimony. An ironic legacy, these records contain what well may be the most comprehensive, cogently argued, and carefully thought-out defense of McCarthyism available. They also show how the academy, an institution ostensibly dedicated to intellectual freedom, collaborated in curtailing that freedom.<sup>15</sup>

At no point did the college teachers, administrators, and trustees who cooperated with McCarthyism by evicting unfriendly witnesses and other suspected Communists from their faculties admit that they were repressing dissent. On the contrary, in their public statements and in the documentary record that they produced, they often claimed that they were standing up to McCarthyism and defending free speech and academic freedom. It is important, therefore, to go beyond the rhetoric of the period and examine what these people were doing rather than what they were saying. They said that they were opposing Senator McCarthy and the more rabid red-baiters of the period. Yet, when given an opportunity to transform that opposition into something more concrete than words, almost all of these essentially liberal academics faltered. Either they participated in and condoned the dismissals or else, when they opposed them, did so in such a limited fashion that they must have known they would not succeed.

It is important to identify the players here. Since there are only a handful of instances in which an academic institution itself instigated these dismissals, it is clear that the nation's colleges and universities would not have purged their left-wing faculty members during the McCarthy

era without pressure from outside. It is also clear that not every group within the academic community had equal responsibility for those purges. Trustees, for example, were both more powerful and more sensitive to outside pressures than professors and, thus, more directly responsible for what happened. Yet in a sense, because of the limited nature of their contact with the academic community, trustees were really outsiders. Though legally in control, they rarely involved themselves on a day-to-day basis with individual cases or with the development of policy for the academic community as a whole. For that reason, this study will focus on the next two echelons of the academic world and will explore the response of administrators and faculty members to the anti-Communist furor of the 1940s and 1950s. These were the men and women who had made a full-time, life-time commitment to the academy. Though they lacked the formal authority of the trustees they nonetheless exercised considerable power and could have, had they wanted to, prevented much of what happened. That they did not is the most interesting aspect of the academy's response to McCarthyism and is, thus, the focus of this book.

It does not purport to be exhaustive. In order to explain how the academic community administered the economic sanctions that constituted the second stage of McCarthyism, I have had to limit the scope of this study. It does not cover every case or every way in which the anti-Communist furor touched the nation's campuses. Rather, it discusses those cases that had the most impact on the academic community as a whole and it deals with them not as individual examples of injustice (though that they were) but as stages in the evolution of the academy's institutional response to the political pressures of the period. McCarthyism, like any other political movement, had its own history. College teachers who appeared before HUAC in 1954 did not behave in the same way or receive the same treatment from their employers as those who were subpoenaed in 1948. Important changes had taken place. This book analyzes those changes and shows how the academic community came to adapt itself to the suppression of dissent.



## II

## "An Excellent Advertisement for the Institution": The Development of Academic Freedom, 1886-1918

On February 15, 1953, twenty-five presidents of America's most prestigious universities met in New York City and attempted to define academic freedom. As members of the Association of American Universities (AAU), these men ordinarily gathered once a year to deal with more mundane matters, like inter-library loans and graduate school admissions. But McCarthyism, then at its peak, had altered the agenda. After sending a congratulatory letter to Dwight Eisenhower, their former colleague, who had just been inaugurated as President of the United States (he had been president of Columbia University some years before), the group got down to work. Though the AAU's decision to release a policy statement on academic freedom was unprecedented, it was not sudden. The organization had been toying with the wording of a report on Communism and the universities for several years. But by the beginning of 1953, with several congressional committees about to start looking for subversives on American campuses, there could be no further delay.<sup>1</sup>

The minutes of the meeting reveal that the presidents dealt mainly with the practical problems of Communist professors and congressional investigations. But they also recognized the need for a general statement on the nature of academic freedom, something that would, as one president put it, "induce feelings of confidence and respect in the minds of thoughtful people." But the more these men discussed the matter, the more elusive it became. Each president, it seemed, had his own definition. One claimed that academic freedom "was broader and more inclusive than civil rights." Another insisted that it should "offer no more freedom than the Constitution." And a third considered it only "a special shield under which a professor could speak within his field." Significantly, the final product of these deliberations, issued at the end of March, was not a definition of academic freedom but a response to the issues raised by congressional investigations and Communist Party members. It mentioned academic freedom only in passing, and then only in quotation

marks, as the necessary—but undefined—prerequisite for what the AAU called intellectual "free enterprise."<sup>2</sup>

A few weeks after the AAU meeting, another group of academics, this one at Wesleyan University in Middletown, Connecticut, debated the same issues with the same inconclusive result. By then, the House Un-American Activities Committee had already begun to question college teachers, and a few young Wesleyan professors called a special meeting of the junior faculty so that its members could discuss the problems the hearings had raised without being constrained by the presence of their senior colleagues. Like college teachers elsewhere, they were puzzled by what was happening and worried about the academic community's response. The minutes of that meeting, rendered anonymous to prevent repercussions if they became public, differ little from those of the AAU. Both groups spent most of their time discussing congressional investigators and Communist professors, though, it is true, some of the Wesleyan teachers were both more hostile to the former and more tolerant of the latter than any of the presidents had been. But the Wesleyan participants were just as vague about the nature of academic freedom.

"We are not sure what academic freedom is," one of the Wesleyan speakers pointed out, adding, however, that he was "reasonably certain that academic freedom is a matter of relative value." For one man, "it may vary depending on [the] department involved." For another, it was "basic to [the] concept of American democracy." But defining that concept proved impossible. "We know what academic freedom is in specific cases," a fourth professor remarked, "the difficulty is in formulating a general definition." His colleagues gave him little help. "Any generalized discussion of academic freedom will fail," was the advice one of them proffered. The comment of yet another speaker summed up the group's predicament. "If we don't know what academic freedom is, who does?" No doubt he was being sarcastic, but, given the almost identical confusion of twenty-four of the nation's leading university presidents, it is possible that in early 1953, at the height of the McCarthy era, there was no agreed-upon definition of academic freedom.<sup>3</sup>

1953 was not the first time that American college teachers and administrators had agonized over the meaning of academic freedom. Ever since the modern university took its present form at the end of the nineteenth century, the concept of academic freedom has been periodically debated and redefined. Rarely were these reappraisals stimulated by what was happening on campus; the academy usually revised its notion of academic freedom in response to external demands for the removal of individual dissenters. These pressures threatened the university's independence. And, in order to keep outsiders from intervening in such sensitive matters as the hiring and firing of teachers, faculty members and administrators scrambled to show their critics that they could handle their political problems on their own. They did this by claiming that all personnel decisions within the academy were technical ones, determined



by the intellectual demands of each discipline, and thus beyond the competence of anyone who lacked a Ph.D. The concept of academic freedom became a useful way to describe in ostensibly professional terms the permissible limits of political dissent. It created an intellectually defensible zone of political autonomy for the professoriat, which, as we shall see, was sufficiently circumscribed so as to exclude as unscholarly whatever political behavior the leading members of the academic community feared might trigger outside intervention.<sup>4</sup>

The creation of that zone of political autonomy was a continuous process. From the late nineteenth century on, the definition of academic freedom underwent a series of changes, many of which reflected the relative insecurity of the academic profession as well as the cultural climate of the day. It was never easy for extreme left-wingers to teach. Even during the most tolerant of times, the most notorious heads have fallen. But these belonged to outspoken, energetic activists who were so controversial and conspicuous that they could be barred from the academy under a fairly broad definition of academic freedom. During periods of crisis, however, outside pressures for purging the universities of their supposedly disloyal elements increased; ideas and activities once tolerated came under attack. Professors and administrators responded by revising the normally vague definition of academic freedom to exclude in a surprisingly explicit way the types of behavior the rest of the community did not like. As a result, were we to plot the violations of academic freedom on a graph, instead of a smooth line we would have a series of peaks, each corresponding to some larger social or political crisis, with the biggest one in the 1950s.

The first such peak, and the one which precipitated the invention of academic freedom as a collective safeguard for the professoriat, occurred at the end of the nineteenth century. This was a period of real social unrest; it was also the period when, not coincidentally, American higher education took its present form and the first generation of college teachers with Ph.D.s were beginning to make their careers within the nation's universities. The concept of academic freedom was, thus, a reflection in part of the concern that these newly self-conscious academics felt about their professional status as well as a concrete response to a series of politically charged confrontations between individual faculty members, on the one hand, and trustees and administrators, on the other. It was also an important element in defining the mission of the new research-oriented American university as one committed to investigation instead of reform.<sup>5</sup>

This had not always been the case. Among the first generation of professionally trained academic economists were a handful of men who were essentially social reformers and who hoped to contribute their expertise to the solution of the nation's social ills. In an earlier day, no doubt, these men would have become ministers. They had, it seemed, an almost religious sense of vocation. They sympathized with labor unions, urged government regulation, even ownership, of basic industries, and in general hoped to move their field away from the uncritical acceptance of classical

*laissez-faire* doctrines and infuse it with ethical concerns. At the same time, however, they were ambitious men who had chosen to make their careers within an academic world whose leaders were already seeking to establish a separation between inquiry and reform. Thus, when these early social scientists found that their advocacy of social change got them in trouble with university authorities, they were forced to compromise. Since some of them were among the leaders of their field, the compromises that they made set a pattern that was to dominate the academic profession from then on.<sup>6</sup>

In many ways, the first of these academic freedom cases was the most typical: it was secret. Its protagonist, Henry Carter Adams, was a young, German-trained economist who held two half-time jobs, one at Cornell, the other at Michigan. Although he was qualified and eager for tenure, the presidents of both schools held back because of his supposedly unsuitable politics. When Adams gave a major lecture at Cornell denouncing the behavior of the nation's industrialists during the crisis that followed the anarchist bombing at Haymarket in 1886, the Board of Trustees quietly decided not to reappoint him. Realizing that making a public issue out of his case would endanger his remaining chances at Michigan, Adams refused even to comment on the incident. Instead, he wrote to Michigan's president disavowing his earlier radicalism and admitting that his Cornell speech had been "unwise." He got tenure and spent the rest of his career advising the government and investigating such neutral subjects as the public debt. Economists, he was to argue, should eschew the role of reformers and concentrate instead on using their expertise to solve technical problems.<sup>7</sup>

Another economist who also had to moderate his political views in order to save his job was Richard T. Ely. One of the most prolific and widely known academics of the late nineteenth century, Ely, who taught at Johns Hopkins and the University of Wisconsin, had almost single-handedly founded the American Economic Association (AEA) as a way to modernize the profession as well as to convert it into a force for social reform. Because of his outspokenness and his attachment to the Christian left, his colleagues in the AEA felt that he was an embarrassment to the field and ultimately eased him out of his post as secretary of the organization. Then, in 1894, a member of the University of Wisconsin's Board of Regents attacked Ely's writings and charged that Ely supported strikes and boycotts and had actually entertained a union organizer in his home. Such charges could not be ignored. The Regents convened a special committee and summoned Ely to justify himself before it.<sup>8</sup>

Faced with the prospect of unemployment, Ely caved in. Instead of turning his trial into a defense of academic freedom by denying that the Regents had any right to investigate his writings and extracurricular activities, Ely chose to prove that the Regents' specific charges were false and to demonstrate the conservatism of his thought. No doubt Ely's stature in his field and that of his many former students, as well as the per-



sonal support of Wisconsin's president and the Regents' own dislike of Ely's accuser, may have helped. Not only did the Regents reinstate Ely, but they did so with a grandiose statement affirming their commitment to academic freedom. Ely had won, but only by accepting the Regents' authority to censor his political views and, more significantly, by accepting a restricted notion of appropriate academic behavior. Were the charges against him true, Ely explained, they would "unquestionably unfit me to occupy a responsible position as an instructor of youth in a great university." And, careful to avoid further trouble, Ely published little after his trial. He stopped writing for a popular audience and developed an appropriately scholarly niche for himself in the relatively obscure field of land economics.<sup>9</sup>

The fate of Ely's own student, Edward W. Bemis, at the University of Chicago further reinforced the lesson of Ely's trial: that political controversy was not conducive to an academic career. Like many late nineteenth-century reformers, Bemis advocated the public ownership of railroads and utilities. His outspokenness on the issue earned him the hostility of the University administration, not to mention the conservative businessmen who had just established the University. And in 1895, a year after Chicago's president had specifically warned Bemis to "exercise great care in public utterance about questions that are agitating the minds of the people," he was fired. Although the University administration hoped to keep the matter quiet, Bemis decided to make a public issue of his dismissal. The response of the president and of Bemis's immediate superiors was significant. They attacked his competence, not his politics. They issued a public statement claiming that "the 'freedom of teaching' has never been involved in the case" and explaining that Bemis's agitation "has compelled us to advertise both his incompetency as a University Extension lecturer, and also the opinion of those most closely associated with him that he is not qualified to fill a University position." Though Bemis was no more radical than Ely, since he was both scrappier and less eminent, his decision to publicize his dismissal cost him his academic career. Bemis had trouble getting another teaching job and eventually had to make a life for himself outside the university.<sup>10</sup>

By 1895 it was clear that the academic profession was not going to accept the advocacy of controversial social or political reforms as legitimate scholarship. Academic victims of political repression could, it seems, retain their jobs if they kept quiet and gave up their political activities. Only if the victim was so eminent and the offense against him such a blatant affront to the autonomy and prestige of the rest of the profession could he afford to have his case become public and still remain employable. This is what happened in the last and most notorious of the turn-of-the-century academic freedom cases, that of E. A. Ross at Stanford.

A student of Ely's, Ross was such a respected economist that he was chosen to replace his mentor as secretary of the American Economic Association. Like Ely, he, too, was concerned with the important social is-

sues of the day and, since he was a gifted public speaker, he frequently lectured outside the University. He probably would not have gotten into trouble anywhere else, but Stanford was under the control of an imperious one-woman Board of Trustees, the widow of Leland Stanford. She had already forced President David Starr Jordan to fire a young sociologist whose religion was too pessimistic and whose politics too pro-Bryan. Ross supported Bryan and free silver as well, but Jordan managed to shield him from Mrs. Stanford's wrath—for a while. Two well-publicized speeches Ross gave in May 1900, one denouncing the railroads, and the other Chinese immigration, were too much for Jane Stanford. Jordan, who apparently felt that the University's very existence was at stake, caved in and forced Ross to resign.<sup>11</sup>

The case became a sensation. The dignified and respected chairman of the History Department protested, and he, too, was fired. Six other faculty members quit in sympathy. The controversy spread beyond Palo Alto. The American Economic Association set up a special investigating committee; there was even talk of a nationwide boycott of Stanford. These measures had little practical effect. Institutional loyalty and the economic facts of life induced the majority of the Stanford faculty to sign a public manifesto in support of their president, and the shortage of good academic jobs made it easy for the University to replace the dissidents. Ross was fortunate in being able to find a temporary position at the University of Nebraska, one of the few institutions willing to hire such a controversial figure, but he had to wait five years before his mentor, Ely, felt it safe to bring him to Wisconsin.<sup>12</sup>

The next decade and a half was a fairly tranquil period on the nation's campuses. The social and political turmoil of the 1890s had died down, and in the sunnier climate of the Progressive era, professorial politicking did not seem so threatening. It is also possible that the nation's college professors had themselves learned the lessons of the Ely, Bemis, and Ross cases and were avoiding controversy. The handful of academic freedom cases that occurred—at Duke, at Columbia, at Lafayette College—were generated by local circumstances and individual frictions; as such, they constituted the ordinary background noise of academic life, the kinds of conflicts that were endemic to the heterogeneous nature of American higher education. Accordingly, despite an important academic freedom case in 1913, the small but distinguished group of academic leaders who founded the American Association of University Professors (AAUP) in 1915 were not particularly worried about protecting colleagues from politically inspired dismissals. "Such cases," the organization's first president, John Dewey, explained, "are too rare even to suggest the formation of an association like this." The AAUP's mission was the typically Progressive one of "developing professional standards."<sup>13</sup>

But, though the urgency was gone, the memories of the late nineteenth-century academic freedom cases could not have been far from the minds of the Association's founders. To begin with, many of them had



been personally involved with those cases. Arthur O. Lovejoy, the AAUP's first secretary, had left Stanford over the Ross case; E. R. A. Seligman, the first chairman of the organization's crucial Committee A on Academic Freedom and Tenure, had organized the abortive American Economic Association investigation; and the rest of Committee A included, among others, a member of that AEA panel, another Stanford émigré, and Richard T. Ely. In addition, the AAUP's stated concern with the special vulnerability of social scientists was an obvious reflection of what had been, until then, the main threat to the professoriat's position.

The organization's founding document, the 1915 Report of Seligman's committee, reveals how deeply enmeshed the notion of academic freedom was with the overall status, security, and prestige of the academic profession. The function of academic freedom, as the AAUP's early leaders defined it, was, thus, in part to protect that status and, in particular, to ensure that outsiders did not meddle with a scholar's teaching and research. It was, the Report emphasized, "in any case, unsuitable to the dignity of a great profession that the initial responsibility for the maintenance of its professional standards should not be in the hands of its own members." The AAUP's task was, thus, to define those standards and to do so in a way that would ensure widespread acceptance by professors and laymen alike.<sup>14</sup>

1915 standards  
Accordingly, Seligman's Report offered a set of norms for college teachers which, if followed, would entitle them to the protection of academic freedom. They must behave in an appropriately scholarly way; their conclusions "must be the fruits of competent and patient and sincere inquiry, and they should be set forth with dignity, courtesy, and temperateness of language." Above all, professors should be careful about dealing with controversial matters and should take pains to give all sides of an issue in order, so Committee A insisted, to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has an opportunity fairly to examine other opinions upon the matters in question." This proscription—which most academics still accept—was, of course, a codification of the results of the Ely, Ross, and Bemis cases. By focussing on a problem which had long since been settled, this version of academic freedom was, in many respects, obsolete. As a result, when new issues challenged the academic profession, the custodians of academic freedom had to scramble to come up with new rules.<sup>15</sup>

Just as important as Committee A's guidelines for faculty behavior were the specific procedures it set forth for dealing with cases in which academic freedom issues arose. The crucial element, of course, was to ensure faculty participation in all personnel decisions. The Report also recommended tenure after ten years and the provision of adequate notice before dismissal. In cases where an institution wants to remove a professor with tenure, the Report demanded that it formulate the grounds for that removal and provide the professor with a fair trial before a committee

of his peers. As the events of the McCarthy period were to prove, such procedural safeguards could not protect a professor against unsympathetic colleagues or an administration that was determined to remove him. Nonetheless, these procedures were not totally worthless and did, in a few cases, provide enough of a buffer to save the endangered instructor's job.<sup>16</sup>

In any event, at the time of their promulgation, these guidelines were largely of symbolic importance, for the academic profession was too fragmented, too economically insecure, and thus too worried about its public standing to let the AAUP do more than issue statements. The new organization recognized its weakness. In its annual report on academic freedom in the spring of 1918, Committee A admitted that two and a half years of experience had shown pretty clearly that "we can rarely expect to obtain the actual redress of an individual grievance, and we do not believe that we should intervene merely to secure the professional rehabilitation of one unjustly dismissed." Instead, it hoped that by accumulating reports on actual cases, it might eventually create general principles upon which the force of professional opinion would prevail. Given the universities' growing concern with public relations, this was not completely unrealistic. In fact, however, the AAUP's preoccupation with developing principles instead of helping individuals simply reinforced the standard practice. For, despite the existence of the AAUP, academics who lost their jobs for political reasons could only rarely get them back or, in many cases, find new ones.<sup>17</sup>

Such was the outcome of one of the earliest and most important cases the new organization investigated, that of Scott Nearing at the University of Pennsylvania. Unlike Adams, Ely, et al., Nearing was a genuine radical, a socialist whose outspoken opposition to industrial abuses did little to endear him to Penn's conservative alumni and trustees. At the same time he was an extremely effective teacher, and his chairman in the Economics Department of the Wharton School of Business, where he had been teaching for nine years, considered him "a man of extraordinary ability, of superlative popularity, and . . . the greatest moral force for good in the University." Nevertheless, despite his superiors' unanimous recommendation that Nearing be reappointed, the Board of Trustees overrode that advice. On July 14, 1915, Nearing was abruptly notified that he would not be rehired for the following fall. Nearing's sudden dismissal, as well as the trustees' unexplained refusal to abide by the faculty's recommendation, infuriated Nearing's colleagues. They issued statements, signed petitions, and even raised money to pay him a semester's salary. Though they did not share Nearing's political views, they fought his dismissal because, as the chairman of the English Department was reputed to have said of the trustees, "Gentlemen do not do such things!"<sup>18</sup>

Since Nearing knew full well the value of the mimeograph machine, his firing got enormous publicity. Within two weeks the AAUP had entered the case and appointed an investigating committee headed by



Arthur O. Lovejoy. At first, Penn's trustees ignored the furor and refused to say why they had fired Nearing. Then, on October 11, the board released a statement which claimed that Nearing's

efforts—although doubtless perfectly sincere—were so constantly misunderstood by the public and by many parents of students that, much to the regret of the trustees, they felt unable to give him the promotion to a professorship which would otherwise have obtained.

This admission, that public opinion rather than academic considerations had caused Nearing's removal, as well as the lack of any peer review or judicial procedure, led the AAUP to condemn that dismissal as "an infringement of academic freedom."<sup>19</sup>

The publicity surrounding the case had its effect. In December 1915 the University of Pennsylvania's Board of Trustees issued new guidelines for faculty tenure and for the judicial review of dismissals. Not, of course, that Penn's contrition did much good for Nearing. He received messages of support from all over the country, but only one job offer. That was from the University of Toledo, a municipal school with a strong labor contingent on the Board of Trustees. He taught there for two years, until he was fired for opposing the First World War.<sup>20</sup>

In many ways what happened to academic freedom during the First World War was similar to what would happen to it after the Second. Both times, the entire nation was aroused against an external enemy whose alleged agents seemed both particularly menacing and readily identifiable. Both times the academic community sought to purge itself of such dangerous souls. Though the ranks of academe held few, if any, German or Soviet agents, they did contain professors who for one reason or another were controversial enough to find themselves excluded from the protection of academic freedom in accordance with what the community, under the stress of hot and cold war, had redefined as the limits of that freedom. In a 1917 commencement address, Columbia University's president, Nicholas Murray Butler, described those new limits:

What had been tolerated before becomes intolerable now. What had been wrongheadedness was now sedition. What had been folly was now treason. . . . There is and will be no place in Columbia University . . . for any person who opposes or counsels opposition to the effective enforcement of the laws of the United States or who acts, speaks, or writes treason.<sup>21</sup>

Sentiments like Butler's were common among his administrative colleagues, and it was not long before the young AAUP found itself besieged by casualties of the wartime hysteria. One historian lists over twenty such dismissals and admits that, given the academic penchant for secrecy, this is probably only the tip of the iceberg. The AAUP's response was suitably academic: it set up a special committee, again under Lovejoy, to report on the crisis. In order to protect the autonomy of the academic profession,

the AAUP had to reassure the public that professors could be counted upon to police themselves. It sought, therefore, to ensure that it would not be caught defending any teachers whom the outside world would consider unpatriotic. This meant, of course, a new definition of academic freedom, one which added loyalty to the roster of professional qualifications for academic employment.<sup>22</sup>

Lovejoy's report, "Academic Freedom in Wartime," reflects the underlying insecurities of the academic profession as well as the frenzy of wartime America, for it imposed restrictions on the professoriat's freedom of speech that go far beyond existing laws. Essentially, it refused to protect professors who indulged in any type of anti-war activity, whether that activity was legal or not. Thus, draft resisters and people who counselled draft resistance were beyond the pale of academic freedom, but so, too, were people who merely discouraged "others from rendering voluntary assistance to the efforts of the government." In other words, the AAUP would not defend teachers who were fired for refusing to let fund-raisers for the Red Cross interrupt their classes. In addition, Lovejoy's report went along with the prevailing phobias, by imposing special restrictions on professors of German or Austrian descent who, in order to avoid all ground for suspicion, must "refrain from public discussion of the war; and in their private intercourse with neighbors, colleagues and students . . . avoid all hostile or offensive expressions concerning the United States or its government."<sup>23</sup>

That Scott Nearing, a radical pacifist and vociferous opponent of the war, should lose his teaching job eleven days after America entered the fighting is not surprising. But not all of the other wartime casualties were as deeply committed to anti-war activities as Nearing was. The more notorious academic freedom cases tended to involve people who were already unpopular with their colleagues and administrations and whose less than enthusiastic attitude toward the war provided an excuse for firing them.

William A. Schaper, the apparently prickly chairman of the University of Minnesota's Political Science Department, had already antagonized some of the state's leading businessmen by calling for stricter regulation of public utilities and railroads. Schaper had initially opposed the war, but he had tempered his opposition once the United States became involved. Nevertheless, in September 1917 an anonymous informant charged him with disloyalty. The Board of Regents investigated. It gave Schaper fifteen minutes' notice before it questioned him in secret about his attitude toward the conflict. Then, two hours after what had apparently been a highly acrimonious session, the Board fired him, stating, "his attitude of mind . . . and his expressed unwillingness to aid the United States in the present war, render him unfit and unable rightly to discharge the duties of his position." His colleagues, most of whom shared the Regents' patriotic fervor and few of whom liked Schaper, did not protest. The AAUP investigated but never issued a report.<sup>24</sup>



At Columbia, Nicholas Murray Butler hoped that his patriotic remarks to the class of 1917 would reach faculty ears as well. The address was, he explained, "the University's last and only warning to any among us who are not with whole heart and mind and strength committed to fight with us to make the world safe for democracy." President Butler proved to be a man of his word; four months later he convinced the Board of Trustees to fire two men, James McKeen Cattell and Henry Wadsworth Longfellow Dana, whose commitment to the fight for democracy was insufficiently wholehearted. Dana's lack of tenure and his support for Scott Nearing's anti-war People's Council for Peace and Democracy were clearly fatal. But Cattell was neither so junior nor so radical. In fact, however, his tenure had been shaky for years. An eminent psychologist, Cattell was also a serious critic of the way universities were run. He decried the power of trustees and administrators and advocated greater faculty control, while, at the same time, castigating the code of "gentlemanliness" that kept professors from demanding the necessary reforms. Butler and the Board of Trustees, on the verge of firing him several times before, had been prevented from doing so only by the intervention of his colleagues. But Cattell took his fellow professors on as well, and after he had tangled publicly with E. R. A. Seligman, the most powerful and respected member of the Columbia faculty, that support began to wear thin.<sup>25</sup>

In August 1917 Cattell sent a petition to several congressmen, urging them to support a law which would exempt unwilling draftees from having to fight in Europe. Already sensitive to charges that the highly publicized activities of its more radical students and teachers made Columbia a haven for sedition, the University's establishment, trustees and professors alike, decided to act. The faculty's quasi-official Committee of Nine, which included both Seligman and philosopher John Dewey, recommended (over Dewey's objections, it must be noted) that both Cattell and Dana be dismissed. On October 1, the trustees did just that. Even though most of the faculty felt that the two men's behavior had been improper, there was some opposition to their dismissal. Dewey quit the Council of Nine and, in the most publicized response to the firings, the historian Charles Beard, who had long been unhappy with the trustees' intervention in faculty matters, resigned from the University. The AAUP investigated Cattell's case, not Dana's; instead of producing a special report on it, the organization merely appended to Lovejoy's larger report the observation that "an important university" had fired "a distinguished man of science."<sup>26</sup>

The academic world of Schaper and Cattell, Ely and Nearing, was to change considerably over the next few decades. Especially in the years following the Second World War, the American system of higher education was to expand in size and to become a more democratic and less genteel place. Yet its treatment of political dissidents changed little. The same pattern of pressures and responses that set the early precedents determined the later cases as well. There were some differences to be

sure, especially in procedural matters. There was more faculty participation, for example. This was largely the result of the academic profession's success in establishing the principle of tenure. Though its possession did not invariably protect controversial professors from being fired, by the 1940s and 1950s it did usually ensure that they got some kind of a faculty hearing.<sup>27</sup>

Procedures apart, however, there were fewer differences than we might assume. Institutional loyalty was the overriding concern. In almost every situation, faculty members and administrators responded to outside pressures for the dismissal of dissenting faculty members in accord with what they believed would best protect or enhance their school's reputation. The rhetoric of academic freedom obscures those concerns, as, in many instances, it was designed to. After all, even the famous academic freedom statement that the University of Wisconsin released after the Regents reinstated Richard T. Ely in 1894 was planned in part as a piece of institutional promotion—as, in the words of the man who suggested it, "an excellent advertisement for the institution." Stripped of its rhetoric, academic freedom thus turns out to be an essentially corporate protection. And, as we trace its development during the Cold War, we should not be surprised to find that it was invoked more often to defend the well-being of an institution than the political rights of an individual.<sup>28</sup>