

Rights

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ACADEMIC FREEDOM

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State "Sedition" Laws Struck by High Court

In a critically important decision that may affect and even invalidate sedition laws now in force in forty-two states, as well as Hawaii and Alaska, the Supreme Court has ruled in a 6 to 3 decision that Congress, through the Smith Act of 1940, had "intended to occupy the field of sedition" and that "no room has been left for the states to supplement it." The court's majority opinion, written by Chief Justice Earl Warren, upheld the Pennsylvania Supreme Court in reversing the conviction of Steve Nelson, Communist Party leader for Western Pennsylvania, for violating that state's anti-sedition law.

Attorneys feel that the decision is likely to void the nationally known Louisville case of Carl Braden and others, with which E.C.L.C. and its general counsel have been actively concerned since Braden's conviction in 1954. E.C.L.C. aided in raising most of the \$40,000 bond under which Carl Braden has been free to speak throughout the nation.

In part, Chief Justice Warren's ruling stated: "Out of all the voluminous testimony, we have not found, nor has anyone pointed to, a single word indicating a seditious act or even utterance directed against the Government of Pennsylvania." Commenting on Congressional statutes against advocacy to overthrow the Government by force and violence, the decision added:

"... the conclusion is inescapable that Congress has intended to occupy the field of sedition. Taken as a whole, they evince a Congressional plan which makes it reasonable to determine that no room has been left for the states to supplement it. Therefore, a state sedition statute is superseded regardless of whether it purports to supplement the Federal law."

Referring to the many and varied state anti-sedition statutes, criminal anarchy laws, criminal syndicalist laws, etc., Justice Warren's ruling continued:

"Although all of them are primarily directed against the overthrow of the United States Government, they are in no sense uniform. . . . Some of these acts are studiously drawn and purport to protect fundamental rights by appropriate definitions, standards of proof and orderly procedures in keeping with the avowed Congressional purpose 'to protect freedom from those who would destroy it, without infringing upon the freedom of all our people.' Others are vague and are almost wholly without such safeguards. Some even purport to punish mere membership in subversive organizations which the

Federal statutes do not punish where Federal registration requirements have been fulfilled." (Emphasis by ed.)

(This would seem to imply Supreme Court invalidation of convictions for membership in the Communist Party, such as in the cases of Junius Scales and Claude Lightfoot.)

In a special message to *Rights* following the Supreme Court decision, Carl and Anne Braden, Vernon Bown and Larue Spiker, among those charged with sedition under the Kentucky state law, stated:

"We are happy about this decision not only for ourselves, but for what it means to all Southerners who actively oppose segregation. This means that the State sedition laws cannot be used to prosecute them, as they were used in this case. However, the basic issue here remains—shall a man be protected in his right to live where he wants to—regardless of color? We cannot be too elated until this protection is assured."

"Immunity" Upheld

Opening the way for perhaps hundreds of persons to be haled before grand juries and Congressional committees and forced to testify against themselves, the Supreme Court in a 7-2 decision, upheld the so-called "immunity law" in the William L. Ullmann case, for which E.C.L.C. had filed a friend-of-the-court brief. Mr. Ullmann, a former Treasury Department economist, was ordered by a grand jury to testify in an espionage case, in exchange for immunity from prosecution, but had refused, pointing out that his answers might lead to an unfounded indictment for perjury. He was sentenced by a Federal judge to six months for contempt. Every member of a Court of Appeals subsequently expressed doubts. E.C.L.C.'s brief stressed that Mr. Ullmann was threatened with "entrapment" through "a stable of paid informers."

The dissenting opinion of Mr. Justice Douglas, with Mr. Justice Black concurring, stated: "The guarantee against self incrimination contained in the Fifth Amendment is not only a protection against conviction and prosecution but a safeguard of conscience and human dignity and freedom of expression as well. My view is that the Framers put it beyond the power of Congress to *compel* anyone to confess his crimes. The evil to be guarded against was partly self-accusation under legal compulsion. But that was only a part of the evil. The conscience and dignity of man were also involved. So too was his right to freedom of expression guaranteed by the First Amendment. The Framers,

therefore, created the federally protected right of silence, and decreed that the law could not be used to pry open one's lips and make him a witness against himself.

"This right of silence, this right of the accused to stand mute serves another high purpose. Mr. Justice Field, one of the four dissenters in *Brown vs. Walker*, stated that it is the aim of the Fifth Amendment to protect the accused from all compulsory testimony 'which would expose him to infamy and disgrace', as well as that which would lead to a criminal conviction.

"The Fifth Amendment stands between the citizen and his government. When public opinion casts a person into the outer darkness, as happens today when a person is exposed as a Communist, the government brings infamy on the head of the witness when it compels disclosure. That is precisely what the Fifth Amendment prohibits."

Leonard B. Boudin, E.C.L.C.'s general counsel, and attorney for Ullmann, has asked the Supreme Court for a re-hearing.

In an editorial on the high court ruling, the *Wall Street Journal* said: "The purpose of the immunity law is to force people to talk; the immunity it grants from prosecution chips away at the immunities granted in the Fifth Amendment against self-incrimination. . . . The law may or may not make it easier for the government to catch them (Communists). But it does make easier further and future assaults on the Bill of Rights which was designed to safeguard the individual from trespass by the Government. And no reasoning, however logical, can escape the fact that to whittle down the least of those safeguards is to trespass on the rights of everyone of us."

Timidity Means Boredom

Stringfellow Barr

Professor in the Humanities, Rutgers University

The determination to make teachers avoid "controversial" subjects, which has been so widespread during these fat and disgraceful years, has corroded the teaching process. Much the same thing happened to the intellectual life of the slave states a century ago when one had to avoid seeming to criticize the Peculiar Institution of slavery. Our recent pressure to avoid "Communitistic ideas" has tended to make America more boring to live in. It also does too much honor to Communism and too little honor to the critical judgment of young Americans. With intellectual life gone timid, our national income may go on rising but ideas will remain in short supply.

Professors Uphold Right to Teach

In observance of Academic Freedom Week, April 9 to 16, the Emergency Civil Liberties Committee has received special statements from fourteen leading educators for publication in this issue of *Rights*. The educators were asked to give their comments on special academic freedom messages written for ECLC by Albert Einstein in March 1954, and by Corliss Lamont in March 1956. The messages from Dr. Einstein and Dr. Lamont are on pages 10-11.

The annual conference of the American Association of University Professors, representing 38,000 faculty members, met in St. Louis to consider the report of a special committee on academic freedom and tenure. The committee report recommends censure of six colleges and universities that have dismissed faculty members either for pleading the Fifth Amendment's guarantee against self-incrimination when called before Congressional investigating committees, or for refusal to cooperate with the committees. The report held that even Communist membership is not enough to warrant dismissal unless it can be shown that a professor is using his classroom to indoctrinate his students. The N.Y. City Board of Higher Education was criticized for its dismissal of teachers in the municipal colleges, and for its requirement that college administrators report each year whether any members of their staffs belong to "subversive" groups. The committee urges repeal of N.Y. State's Feinberg Law, which calls for dismissal of any teacher who belongs to an organization labeled "subversive" by the Board of Regents.

Six colleges and universities receive praise from the A. A. U. P. Committee for withstanding "pressures" of investigating committees—Cornell, Harvard, Massachusetts Institute of Technology, Sarah Lawrence College, the University of Chicago and the Johns Hopkins University.

By an overwhelming majority, the Association voted that a professor should be dismissed only on these grounds:

"Unfitness to teach because of incompetence; lack of scholarly objectivity or integrity; serious misuse of the classroom or of academic prestige; gross personal misconduct or conscious participation in conspiracy against the Government".

In another resolution passed by the group, colleges were asked to employ teachers who had been dismissed in recent years "without demonstrated cause or in violation of academic process." Still

another adopted at the meeting was a resolution urging that segregation be eliminated in both privately and publicly supported institutions of higher learning. Eight institutions in all were censured by the A.A.U.P.

Let's Be Positive

Mortimer Graves
Executive Director,
American Council of Learned Societies

I have an uneasy feeling that "academic freedom" is a kind of negativism. I shouldn't talk, as does Einstein, about the "right to search for truth;" I think that we have not merely a right, but a duty or a responsibility, to search for truth. Perhaps we ought to talk more about academic restrictions on the search for truth and its expression and put the onus on the other fellow.

Teachers for a Free People

Alexander Meiklejohn
President Emeritus, Amherst College

The Association of University Professors should tell us, more clearly than it has yet done, the relation between "Academic Freedom" and the "Freedom of the Citizen" which is guarded by the First Amendment to the Constitution of the United States. The professor must, of course, have the freedom of a citizen. But what more should he have?

In the university as in the nation, the needed freedom requires that the authority of a legally superior governing agency shall be kept within a defined limit. The agency which governs the colleges and universities is the Regents or Trustees, with their executive officers, including the President. In the case of the nation, the corresponding governing agency is the Congress and, by implication, its executive and judicial associates. In both cases, the governing bodies are given legal authority to provide for the security and welfare of the institutions committed to their care. But, also, in both cases alike, they are forbidden to use, in the doing of their work, any abridgment of intellectual freedom. There are many practical devices which they may use. But that device of intellectual mutilation, however immediately useful it might be, they may never use.

Here, then, is the question to which we need an answer. What is the relation between the freedom of mind of the professor, as defined by the Association, and the freedom of mind of the people, as defined by the First Amendment? And the answer which I suggest is that academic freedom is a

special form, a subform, of popular freedom. We, who engage in research and teaching, do so as agents of the People of the Nation. In virtue of special abilities and training we are commissioned to carry on for the people forms of intellectual activity which belong to them, are done in their interest, but which, in some specific forms, they cannot carry on for themselves. Just as some men make shoes and other men grow food, so it is our business to discover truth in its more intellectualized forms and to make it powerful in the guidance of the life of the community. And since we are thus acting as the agents of the people, they grant to us such of their freedom as is needed in that field of work. In a word, the final justification of our academic freedom is to be found, not in our purposes but in theirs. In the last resort, it is granted, not because we want it or enjoy it, not because we love truth and pursue it "for its own sake," but because those whom we serve need intellectual leadership in the thinking which a society must do in order to be free. May I state the principle bluntly and frankly? Our final responsibility, as scholars and teachers, is not to the Truth. It is to the People, who need the truth.

The above statement was adapted for *Rights* by Dr. Meiklejohn from an address that he gave at the annual meeting of the American Association of University Professors on March 28, 1952, and which was published in the *Association Bulletin*, vol. 38, No. 1, spring 1952. Dr. Meiklejohn and Prof. Zechariah Chafee, Jr. of Harvard Law School gave eloquent testimony in support of the First Amendment at the fall hearings of the Senate Subcommittee on Constitutional Rights.

Are We Frightened Rabbits?

Virginia C. Gildersleeve
Dean Emeritus, Barnard College,
Columbia University

I have read with much interest the two definitions of academic freedom which you sent me recently. Dr. Einstein's seems to me a very fine statement, but I should call what he is describing rather intellectual freedom than academic freedom. He seems to be talking about something wider than what we are concerned with in our academic halls.

My friend Dr. Corliss Lamont has also given an interesting definition, which shows that the question is rather wide and complicated and needs considerable analysis. Personally I believe that academic freedom cannot be defined in quite the same way in schools as in colleges and universities. Besides this, many of our schools and colleges are under the control of some religious sect. It is obvious that in these there must necessarily be

some restriction on the liberty of expression given to teachers.

During my own life, which was passed in a great university, I have thought of academic freedom as applying particularly to teachers of advanced students and to research workers. How I have felt about this I can best express by quoting from my own autobiography, published in 1954: "I well know from my own experience how essential it is for the survival of our democracy that scholars and teachers should have freedom of the mind to pursue truth 'with clear eyes and unafraid'. Now our witch hunters are trying to drive students and teachers into conformity with a rigid concept of Americanism defined by ignorant and irresponsible politicians. If we do not check this movement, we shall become a totalitarian state like the Fascist and Communist models, and our colleges and universities will produce frightened rabbits instead of scholars with free minds."

Liberal Means Free

William E. Stevenson
President, Oberlin College

First class liberal education has as its principal taproot or foundation, academic freedom. Without the unrestrained opportunity for every scholar to follow, within the self-imposed standards of his profession, his inquiry for ultimate truth wherever his imagination, intelligence and integrity lead him, true liberal education cannot exist. Without that freedom our academic efforts would not be genuine liberal education, but rather a counterfeit liberal education. It is indeed dubious if an academic program which is subject to any significant intellectual restraint should properly be termed education at all. Instead, the word indoctrination suggests itself.

When Patrick Henry proclaimed his preference for liberty even if death might be the alternative, he had in many ways an easier choice to make and a more obvious role to play than we have today. The threats to freedom in Revolutionary times were not only evident but imminent. A man's convictions were clear and firm, motivation was strong and issues were pronounced. Today we have lost many of those seemingly simple advantages. The threats to our freedom are subtle and obscure. Our rights are being diminished by imperceptible erosion. Hence, many are not even aware that a peril continues to exist. Therefore the problem of those of us who are conscious of the situation, and who recognize its import for our lives, is a most difficult one with which to deal. It seems clear, however, that if freedom and liberty are in any sort of pre-

sent danger, it is peculiarly the responsibility of educated men to keep sounding the alarm with all the patience, persistence and courage at their command. This time it is not the British who are coming, or not so much even the Russians, but ironically enough the greatest threats to our liberties too frequently of late are emanating from some of our own fellow citizens. And even worse and to make our problem more difficult, those responsible for such threats, however ignorant, emotional or misguided they may be, are frequently sincere in their patriotism. Thus our responsibility is complex and cannot be met adequately merely by spreading an alarm abroad in terse outcries like those of Patrick Henry or Paul Revere.

Don't Stunt Imagination

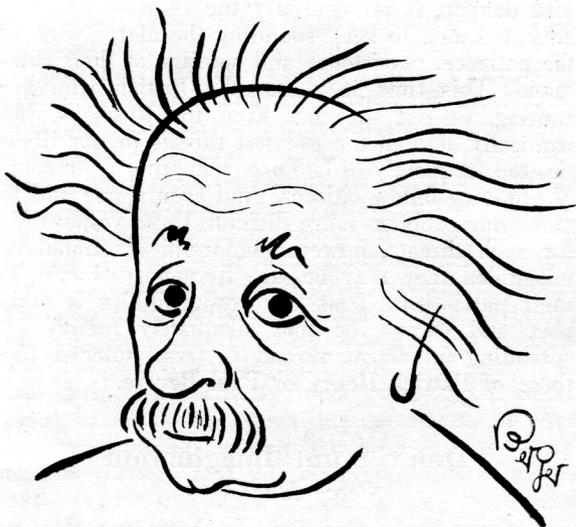
Percy MacKaye

An ever clearer definition of academic freedom, as that term was used by Albert Einstein, March 3, 1954, is of course very useful toward shaping the structure of society. It is eminently useful when directly related to the mysterious realm of imagination, from which all great concepts, insights, revelations of truth and beauty enter human consciousness. Whatever stunts freedom in any respect stunts the mental faculty which imagines; whatever stunts the imagining faculty stunts the destiny of mankind.

The inhibitions to academic freedom implied by the quoted statement of Dr. Corliss Lamont, March 16, 1956, clearly tend to stunt the imagining faculty, which is inseparable from individual thinking. Among the greatest menaces of our time are mass-emotion and mob-violence which education is instituted to prevent.

Accordingly, in seeking and maintaining their rights, teachers and students should be concerned with methods whereby mass-culture shall freely be leavened by individual capacity to imagine, so that mass-emotion and mob-violence shall be checked at source and shall not eventuate; for there is no such thing as mass-imagining.

In our age of colossal implications, hovering over all is the destiny of mankind—the fate of freedom. To contribute toward the survival of man and the growth of freedom is the duty of each of us, in accordance with our personal ability and opportunity. The conscious sense of being perfectly free, unenslaved by anything which limits imaginative thought, is the ennobling delight experienced by the mind that seeks the infinitely alluring goal of education.



From *The Nation*

To honor Albert Einstein on his 75th birthday, 200 persons held a conference on academic freedom, under the auspices of the Emergency Civil Liberties Committee, in Princeton March 13, 1954. To aid the discussion, Professor Einstein agreed to answer a series of questions submitted to him by ECLC. Two of his answers follow:

What is the essential nature of academic freedom and why is it necessary for the pursuit of truth?

PROFESSOR EINSTEIN: By academic freedom I understand the right to search for truth and to publish and teach what one holds to be true. This right implies also a duty: one must not conceal any part of what one has recognized to be true. It is evident that any restriction of academic freedom acts in such a way as to hamper the dissemination of knowledge among the people and thereby impedes rational judgment and action.

What in your view are the particular responsibilities of a citizen at this time in the defense of our traditional freedom as expressed in our Bill of Rights?

PROFESSOR EINSTEIN: The strength of the Constitution lies entirely in the determination of each citizen to defend it. Only if every single citizen feels duty bound to do his share in this defense are the constitutional rights secure. Thus, a duty is imposed on everyone which no one must evade, notwithstanding the risks and dangers for him and his family.

On March 16, 1956, the Emergency Civil Liberties Committee asked its vice-chairman, the noted philosopher Corliss Lamont, to enlarge upon Dr. Einstein's definition of academic freedom.

DR. LAMONT: Academic freedom means that all teachers and other employees in school, college or university are entitled to full liberty of expression and association, as guaranteed under the Bill of Rights, without any interference or penalization on the part of the educational institution which employs them. The teacher has the right to say what he chooses in the classroom, as long as he maintains recognized standards of competence and scholarship and does not indulge in propaganda for any particular viewpoint. Students also have the right to express their opinions and join organizations, and to participate in extra-curricular activities that remain within the bounds of reasonable regulations established by the institution.



CORLISS LAMONT

Tolerance Is Essential

Albert Howard Carter

Professor of English, University of Arkansas

Like everyone else in the twentieth century, I have to build on Einstein. The right to teach what one holds to be true is important. But I could not possibly teach everything I hold to be true. And so I must also ask for the right to select from those things I hold to be true, those things I hold to be most important. I also have the right to teach free students and to learn from them what they consider true and important. And in this interchange we must all reserve the right not to tolerate intolerance.

Innovation Without Bias

Derk Bodde

Professor of Chinese, University of Pennsylvania

Throughout history, society has commonly greeted new and unconventional ideas with reactions ranging from skepticism and ridicule to hatred and active persecution. Yet were it not for the many individuals who have been courageous and original enough to formulate new ideas—ideas later proved to be wrong as well as those later proved to be right—it is obvious that mankind would still be living in the stone age.

The search for truth is, or should be, the major concern of the teacher, student, and scholarly or scientific research worker. Such search, however, becomes difficult or impossible unless the individuals concerned are protected in some measure against the pervasive pressures toward conformity to be found in every society. Academic freedom is the instrument that has been devised to provide such protection.

Academic freedom means the right of the teacher, student, or research worker to have full access to any and all available sources of information, to bring this information together into a form deemed by him to be most meaningful and closest to reality, and to teach, publish, or otherwise publicize the results of his findings. All this he must be permitted to do, free from any fear of interference or penalization on the part of his institution or of the community at large.

In return for this right, the teacher and scholar has a reciprocal obligation both to society and to himself to maintain, as far as humanly possible, the highest standards of intellectual freedom. This means that, at every step of his teaching or research, he must subject both himself and his data

to relentless scrutiny, in order to detect any motivations or biases, unconscious as well as conscious, that he or they may have which may affect the validity of what he is doing. He must be ready to follow his data wherever they may lead him, irrespective of personal preconceptions or the prevailing opinions of others. And, when making the results known to others, he must be careful to differentiate between what he honestly believes to be objectively ascertainable fact, and the views and interpretations he himself offers on the basis of such fact. Unless he conscientiously try to do all this, he is in danger of becoming a propagandist rather than a teacher or scholar.

The total freedom of a society depends directly upon the extent to which it and its teachers, scholars and students actively strive to maintain the great twin freedoms of the academy and of the intellect.

Not A Special Privilege

Paul Kirkpatrick

Professor of Physics, Stanford University

Freedom of expression in human society is often freely accorded to men with little or nothing to say but withheld in some degree from those inclined to say that which obstructs the prevailing orthodoxies, ecclesiastical, political, economic, or social. Such repression is especially injurious when it is brought to bear upon the teacher, for public communication is not whim or hobby with him but is the essence of his job and of his usefulness. The effect is similarly evil when free communication is denied to scientists laboring on the still unsolved problems of the universe, to scholars seeking to understand our history and patterns of life, and to philosophers whose fully reported insight might help us to make sense of our environment and conduct ourselves more wisely within it. The absence of such restriction is called academic freedom. It is a negative blessing, but worthy of the most positive defense.

Academic freedom is not adequately appreciated by those who think of it as special privilege for the academics. It is nothing of the sort: it is only the normal freedom which should be every man's possession, operating in the academic sphere. Its most important benefits are not for the academic man who directly exercises the freedom but for the students who receive his teaching, the readers who profit by his findings, and the whole of the surrounding society which derives cultural and material benefits from the freedom of thinkers to think, to publish, and to be heard.

A Teacher's Pledge

C. Harris Daggett

*Assoc. Professor of English, University
of New Hampshire*

My comment on the statements by Albert Einstein and Corliss Lamont is that I agree with both fully, but would like to go further, in two or three directions. I should like to be a little more specific, and a little more assertive. I would like to challenge the teacher—and therefore the student—to recognize and proclaim his birthright. In order to make the problem personal, I have devised a kind of teachers' oath. I should like to make it clear at once that I do not like teachers' oaths. However phrased, they are designed to arrest the flight of the mind, to limit or stifle the thinking of teacher and student. An insidious feature of the teachers' oath is that it is imposed from outside the profession, and is usually the work of men who misunderstand, suspect, and fear teachers and their dedication to ideas. Any teachers' oath I should willingly sign would have to be composed by myself or some other teacher, just as Hippocrates, a doctor, devised an oath for himself and other doctors. The oath of Hippocrates is still valid and morally sound because it expresses the ideal which doctors have established for themselves.

I hereby pledge that I will keep before me the faith of the teacher; that men are emancipated and fulfilled by the truth.

That it is my duty and privilege to serve the community by presenting the truth as I see it; that I must do this not merely when it is safe but also when expression of the truth is threatened by the ignorant and the powerful.

That in times when freedom to teach is beleaguered, I will refuse to compromise with the enemies of freedom; but rather will defend the truth not only by teaching it, but also by working to persuade those who are confused that society is never endangered when men are free to read, hear, discuss, and debate.

I assert that my first loyalty is to life itself, second to my own integrity and to those I am privileged to teach. I will devote my talents and energies to guiding my students toward the light, that they may see it, not with my eyes, but with their own; I will encourage them to outdistance me, and to find the happiness and fulfillment that comes from developing their minds and talents.

I will keep the air of the classroom free by permitting and encouraging all points of view on all subjects, recognizing only the boundaries imposed by time, appropriateness, and good taste. I will never discriminate in any way against a student who disagrees with me, or favor a student who sees things as I do. I will never use the classroom as a vehicle for special or personal pleading, but I claim the right to express my own opinion whenever I feel it appropriate; and will, in the classroom, use my own opinion never to impose or indoctrinate, but only to enlighten and stimulate. I will never withhold ideas or opinion through fear of being criticized or labelled.

I will fulfill my responsibility to the institution which hires me. I recognize my obligation to fulfill the tasks

properly assigned without a selfish preoccupation with the time spent, and also the obligation to grow in knowledge and in professional effectiveness.

But I will insist that a teacher would do great disservice to his school or college as well as to society if he permitted school or society to intimidate or silence him. No man is owned by the institution which hires him. No man is owned by society. Every man is a man first, a citizen second, and an employee only third. As an employee I must see that my employer imposes no burdens or restrictions that interfere with my responsibilities as a citizen and as a man. The teacher who is intimidated or silenced by his superiors is disloyal to himself and to his profession.

It is the teacher's duty not only to provide freedom within his own sphere of activity, but to promote and defend civil liberties in society at large. It is his duty—both as teacher and as citizen—to help provide the atmosphere of freedom without which he cannot teach.

I will never regard money as the primary object of my professional activity, but will work for a dignified wage as part of the recognition which the community owes for a service which it considers indispensable.

Finally, I will always remember that the teacher, though not a propagandist or special pleader, should work for what all decent men believe in, the creation of a society of free men.

Academic Freedom

Frederick K. Beutel

Professor of Law, University of Nebraska

Academic freedom to its fullest extent is essential for a number of reasons:

First, freedom of speech, press and religion is guaranteed by the Constitution of the United States to our most lowly citizen. It cannot do less for faculty members and students of institutions of learning.

Second, it is essential for progress in all fields that there be freedom of discussion, exchange of ideas, and comparison of the results of research. Security programs, such as those set up in this country and in Russia, have interfered with this exchange of ideas between scientists both at home and abroad, and so have done irreparable damage to the progress of physical sciences.

Third, in social science, where methods of proof of the truth of a theory are less advanced than in exact science and where, therefore, there is no fast proof of any teaching or theory of government, it is fundamental that all ideas should be given the widest circulation in order that their validity may be tested in light of reason and experience. Truth will prevail if given this chance. Stiffing of freedom of expression makes it possible for fallacious ideas to be propagated and to grow. This may in fact account for the reason that communism, with its suppression of discussion, has spread to over one-fourth of the world's population.

Last, the leadership of a free community must,

if it is to be intelligent, be founded upon the ideas of educated people. For this reason, students and faculties of all institutions of learning should insist upon complete freedom of expression not only for their own selfish comfort, but for the benefit of the society in which we all live.

For a Free Speech Strike

William Appleman Williams

Asst. Professor of History, University of Oregon

Professors Einstein and Lamont have stressed the *rights* of academic freedom. This emphasis is understandable and valid. In this, the eleventh year of the Cold War, there can be no doubt that academic freedom has been the victim of a general political and economic aggression. Indeed, the initial assault was so successful that the enemies of academic freedom have now turned to the work of legally and ideologically institutionalizing their basic victory.

Despite these circumstances, or even, perhaps, because of them, it seems vital to place our present emphasis on Einstein's remark about the duty "to publish and teach what one holds to be true." I am not at all sure, in short, but that the conservatives and reactionaries who call our attention to the lack of wholesale and militant dissent do not have a strong point. The fact that disturbs me is the evidence which supports the view that the only dissidents worthy of the name are the communists.

Hence I should like to suggest that the old International Workers of the World had something of the proper outlook on this problem of free speech. When some members of the I.W.W. were arrested and imprisoned for openly challenging the status quo, the rest of the organization did not, as have so many in present day America, slink away in silence or hasten to avow their abject loyalty to the existing state of affairs. Rather did they take to the street corners to declare their true beliefs and to protest the imprisonment of their fellow citizens. By this action they did two important things: They maintained their own individual and collective integrity; and they confronted the suppressors with the choice between allowing free speech or building new jails to hold all the violators. These free speech strikes, as they were called, did much to preserve the *fact*, as well as the tradition, of American liberty.

It seems to me that we students and professors have a clear and present duty to go on a free speech strike of our own. Such a policy will clarify three primary issues. First, do the suppressors of the Cold War Era dare to accept the challenge and imprison everyone who speaks out against the Cold

War and the concurrent infringement of civil liberties? Second, do we who protest these policies have the courage to act on our convictions? And third, do we actually have any positive policies to offer in place of the Cold War program? Let us find out where we stand on all counts.

One of the popular clichés of the suppressors and their fellow parasites asserts that the price of freedom is eternal vigilance. This is a wholly negative proposition. Let us substitute the positive declaration that freedom depends upon its constant exercise. And we might add that those who rely on informers for their liberty are free only in their exercise of power.

Doubt Must Be Encouraged

Dirk Jan Struik

Professor of Mathematics,

Massachusetts Institute of Technology

Einstein's and Lamont's definitions express well what most of us mean when we speak of academic freedom. It is an ancient and honored term conveying a concept dating back to the medieval universities: professors and students should seek for truth without the police sticking its nose into the classroom. Centuries of experience teach us that without it science and scholarship work under great handicaps. The fate of Galilei has not been without reason upheld as an example for teachers and authorities. The Dutch, British and French revolutions have added new and deeper meaning to the ancient concept. The present inquisitions, backed up by the secret police, and despite their illiterate anti-communist cant, are essentially an attack on the liberating principles of these revolutions. In their fury against Marx and Lenin they hit with equal force at Locke and Jefferson, yes, even at Thomas Aquinas.

Einstein points out that academic freedom imposes duties on the teacher. I do not believe that he meant that every scientist must publish his results, even if he finds them thoroughly sound. I rather believe that he thought of the moral compulsion in his own actions when he warned President Roosevelt that science had so far advanced that Hitler might plan atomic war, or when he spoke up against inquisitions. Academic freedom, by the same token, demands that the scientist be not indifferent to the fact that his activity or non-activity may bring destruction to man and his freedoms, or add new joy to life.

Lamont will forgive me if I like to substitute the work "indoctrination" for his "propaganda". Our best teachers have usually been good propa-

gandists, but indoctrination is the ambition of small minds, and utter impartiality is not even given to the Gods. Let the philosopher be partial to Kant, the historian to Turner, the economist to Marx, the geneticist to Weisman. But he should point out that the issues in question are controversial, give his students full access to other approaches and encourage intelligent doubt. Both the doctrinaire and the man who perceives evil but does not act do harm to academic freedom. He who does not feel the duties of his profession is in a poor position to defend its rights.

Freedom Must Be Used

James M. Williams

Emeritus Professor of Sociology, Hobart College

I agree with Dr. Einstein's statement and Dr. Lamont's definitions as far as they go. However, Dr. Lamont's use of the term "association" is not explicit enough for the social scientist who not only has the right of freedom of association for himself but needs to take his students with him into his laboratory, which is the local and wider community, where they all work together in demonstrating scientific method in the social sciences, in discovering truth and modifying alleged principles and theories in the thick of the struggle between labor and management, between economic-packaged man and his freer total self; and the struggle of the propaganda, deceit and bitterness of political strife. This right of participation of students with their teachers in community action, "without any interference or penalization on the part of the institution which employs them" needs to be explicitly stated in a definition of academic freedom. I think Dr. Lamont could do it better than I. One might say: the social scientist has the right and responsibility to take part with his students in community activities for these are of the very data of social science and the principles are statements of collective attitudes and action.

I know that community action puts a much greater strain on relations between the social science teacher and the college administration than mere class-room teaching, and writing books, which itself may produce tension. However, strain is a good deal alleviated if the administration has become convinced of the teacher's singleminded search for truth. Anyway, freedom of community action with students is a test of the sincerity of an institution's profession of academic freedom.

The social scientist has not only the right but a duty to investigate communities and express the meaning of the truths of social science in commu-

nity action because that is vital to the progress of science and also for these reasons: First, personal integrity requires a realistic facing of facts and the expression of truth in appropriate action. Second, students enjoy facing facts with a sincere teacher and testing principles through community action, and do not fully respect a teacher who, because of indifference or fear, hesitates so to act.

The duty to take responsibility for the truth and for freedom to express it in action as well as words cannot be too strongly emphasized. First, taking responsibility causes us to center critically on the truth for which we stand and to spare no pains to make sure it is the truth. Second, responsibility causes us to center on ourselves in utterly sincere self-analysis to make sure that no motive, conscious or unconscious—no personal ambition or lurking dislike of another, no undue, hidden aggressiveness or fear—is tricking our sane disinterestedness in a way to warp our judgment as to the truth. This problem of what it means to be a truly dedicated scholar and teacher is basic in academic freedom and would require a book by itself.

Once we are convinced of our own humility and purity of heart, and of the truth in question as relevant or vital, we shall find that we need freedom in testing it in the crucible of community action. If we use the freedom used and won for us by our forefathers and guaranteed in the Bill of Rights we shall come to value it, and *fully* to value it we *must use it*. If we value it we shall be dedicated to preserve it. If we preserve it, then we shall be able to continue to take responsibility. Otherwise we shall sink back into submission to arbitrary limitations on freedom, under the false lure of "security" until we lose both freedom and security, for only freedom makes security secure.

We regret that space has prevented us from publishing all of the statements sent to us. The May issue of "Rights" will include statements from Professor Broadus Mitchell, of Rutgers University, Professor John F. Dashiell, of the University of North Carolina, Professor Lee Lorch, of Philander Smith College, and perhaps others.

SPECIAL TELECAST

Academic Freedom—Dr. Harry Slochower

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Teachers' Victory

The Supreme Court on April 9th started off Academic Freedom Week with a great boost. In the case of *Dr. Harry Slochower vs. Brooklyn College*, the Court held that Dr. Slochower had been improperly dismissed after he invoked the Fifth Amendment in refusing to answer questions put to him by the Senate Internal Security Subcommittee in 1952. The College had relied on a city ordinance (903), which has been used by the N. Y. Board of Education to dismiss many teachers. The Court ruled the ordinance unconstitutional and removed one heavy burden from the teachers' backs.

The ECLC is glad to have played a small part in this case. Dr. Slochower came to the Committee in 1952 before we had a general counsel and was referred by us to Ephraim London who took the case at a sacrifice and carried it through to victory. The Teachers Union of New York raised money for the legal costs. (Ed. note)

The May issue will contain a report on the 40th anniversary "Rebirth of Freedom" conference of the N. Y. Teachers Union, March 24.

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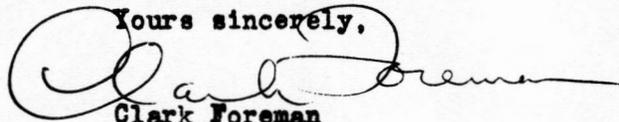
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