

# Ellen Schrecker

## **Subversives, Squeaky Wheels, and “Special Obligations”:** Threats to **Academic Freedom, 1890– 1960**

TENURE DID NOT PROTECT THE THREE PROFESSORS THAT THE UNIVERSITY of Washington fired in the beginning of 1949. Even though there were no complaints about their research or teaching, because of their connections to communism, they were, the university’s president explained, “incompetent, intellectually dishonest, and derelict in their duty to find and teach the truth” (Countryman, 1951: 265). Two of the men were Communists—and had publicly admitted it—but the other, a social psychologist named Ralph Gundlach, was not. He denied it repeatedly and even sued the university’s president and won a retraction. He was, however, a political activist, who had joined more left-wing organizations than anyone else on the Seattle campus and may just have been too ornery for such a disciplined outfit as the American Communist Party (CP). Ralph Gundlach, in other words, was a squeaky wheel—and had been for years. On the Washington faculty since 1927, he was a prolific scholar and so well respected within his field that he became president of the Western Psychological Association the year he was dismissed. But he had only been promoted to associate professor after the chair of his department wheeled a shopping cart into the

president's office, full of Gundlach's writings and references to them in the works of other psychologists (Gundlach, 1962).

As a scholar-activist, Gundlach believed in applying his psychological knowledge to real world problems and did not hide his own views in class. This did not win him support—either from his colleagues or his students. Some undergraduates were so outraged by his lectures that they actually complained to the president about “his ranting and raving for the overthrow of the United States government” (Thompson, 1997). He had also gotten into a conflict with the administration over his use of what were seen to be overly partisan questionnaires. One set, which polled members of the press about the area's politicians, was then used by a local congressman in his 1946 reelection campaign; another asked about anti-Semitism; and yet another was related to labor issues. For the dean of the faculty, Edwin Guthrie, a psychologist himself, these questionnaires were “political,” which deprived them “of all possibility of being accepted as a scientific piece of work” (Countryman, 1951: 228-29).

Still, despite his run-ins with the administration, Gundlach would have remained on the Washington faculty had he not been called before the state legislature's Fact-Finding Committee on Un-American Activities in the summer of 1948. The committee's chair, an ambitious former deputy sheriff and first-term legislator named Albert Canwell, was determined to root out all vestiges of radicalism from the state. Since conservatives had long considered the university a nest of subversion, it was clear that Canwell's investigation would reach the campus. Even before the committee's formation, the university's president, Raymond Allen, had warned those professors who were Communists “to get off the faculty . . . before they were smoked out.” He promised Canwell his cooperation and, at a special faculty meeting before the hearings began, told the prospective witnesses to brief him about their political activities. Once Canwell's subpoenas reached the campus—and there were at least a dozen—Allen called in six of the future witnesses and asked them if they were Communists. Most denied it. Gundlach, however, refused to respond. “No one,” he

explained, “could prove that I was and I could not prove that I was not” (Countryman, 1951: 222, 228, 231).

He was no more accommodating before the Canwell committee, refusing to answer its questions about his political activities. The university responded at once. Publicly insisting that the school would “observe to the letter the due processes that are precious . . . to our academic traditions,” President Allen asked a special committee appointed by the faculty senate to authorize action against six faculty members. Three of those professors—Joseph Butterworth, Herbert Phillips, and Gundlach—had defied Canwell; the other three had admitted they had once been in the Communist Party, but refused to name names. In formulating the university’s charges against these people, Allen and his advisers strove to show that their past and present Communist affiliations had constituted academic misconduct. Whether or not the special committee believed that these men were unfit to teach, its members assumed that if they did not act, the regents and legislators would. Accordingly, the committee agreed to press charges, sending the case on to the Faculty Committee on Tenure and Academic Freedom for a formal hearing (Sanders, 1979: 39, 43).

Once again, Gundlach refused to cooperate. While all the other professors involved, including Phillips and Butterworth, who were still in the party, agreed to discuss their political activities and beliefs with their faculty colleagues, Gundlach did not. He stood on principle, insisting that his politics were his own business. The Tenure Committee disagreed. Though it opted to retain the more cooperative witnesses, it voted 7 to 4 to fire Gundlach on the grounds that he had not been sufficiently candid. Thus, despite his denial of party membership, the committee’s majority concluded that “if he is not presently a member of the Communist Party, his non-membership is either a deliberate effort to avoid the adverse consequences which he might fear would accompany Party membership or is caused by relatively minor personal ideological differences with the Communist Party.” Gundlach’s presumably “evasive” behavior before the committee, along with his previous conflicts with the administration, was, these committee members

believed, sufficient to warrant his dismissal on the grounds of “neglect of duty” that, they explained, “necessarily also includes . . . a reasonable measure of cooperation with the administrative officers of the University in matters affecting the welfare and reputation of the institution” (Countryman, 1951: 256; Schaerher, 1974: 95).

President Allen concurred with that finding, insisting that Gundlach’s defiant attitude, as well as his political activities, indicated that if not a Communist, he was at least as culpable. Allen also overruled the Tenure Committee by asking the Board of Regents to fire the two admitted Communists as well. Their dismissal was, he explained, an academic matter; they were “unfit for faculty membership” because of “their dishonesty and neglect of duty in maintaining secret membership in the Communist Party” (Countryman, 1951: 267-69). The Board of Regents accepted Allen’s recommendation and, on January 22, 1949, brought Ralph Gundlach’s academic career to an end. After serving a 30-day prison sentence for the contempt charge that stemmed from his defiance of the Canwell committee, Gundlach went onto the job market. Though he was a widely published scholar and had good connections in his field, he was never again to have another regular teaching position. Nor, it must be noted, did either Butterworth or Phillips (Gundlach, 1962; Sanders, 1979: 95).

Gundlach’s dismissal tells us a lot about academic freedom. To begin with, the case is important in and of itself. It was the first major test of academic freedom during the McCarthy era of the early Cold War. Other institutions soon followed; and, before the anticommunist furor abated in the mid-1950s, over 100 college teachers lost their jobs or were denied tenure because of their politics. Gundlach’s experiences are of interest as well because, unlike most of the academic victims of the time, including his two Communist colleagues, his case was not accompanied by violations of due process and shared governance. His dismissal had been recommended by two faculty committees; and the university gave him ample opportunity to defend himself. Moreover, even though it was obvious that Washington had sacrificed Gundlach, Butterworth, and Phillips because of pressure from conservative poli-

ticians, journalists, and regents, the university's leaders justified that action in academic terms. Not only did they claim that communism was incompatible with academic employment, but they redefined their conceptualization of the faculty's professional responsibilities to include preserving the reputation of the institution. That conceptualization was not unique to the University of Washington. All too often, such a concern for the university's reputation, along with lapses in due process, and a stated emphasis on the academic, rather than the political sins of the individual in question, came to characterize serious violations of academic freedom.

Gundlach deserves attention for another reason as well. He was a squeaky wheel. And squeaky wheels, especially political activists like Gundlach, who refuse to conform to the expectations of their peers and administrators, invariably get into trouble. They did during the McCarthy era, they did during earlier episodes of political repression, and, as we shall see, they do today. I was actually surprised to discover, as I looked back over the academic freedom cases of the late nineteenth and early twentieth centuries, how many of the protagonists were described by contemporaries as prickly or contentious (Veysey, 1965: 394-95; Gruber, 1975: 176, 193-95). Temperament does not figure significantly in the kinds of structural analyses that historians feel comfortable with, yet it may well be that someone with an affable and accommodating disposition has more wiggle room than a feistier character. At the least, colleagues may be more willing to come to that person's defense. Perhaps Gundlach could have kept his job if he had been less outspoken, and if he had conceded—as he did not—that the university's investigation was legitimate. But, he was simply too ornery—or perhaps too principled—to collaborate with a procedure that he felt violated his rights. Moreover—and this needs to be said—he was on the left.

Gundlach, though unusual, was not unique—even during the McCarthy period. The University of Michigan mathematician Chandler Davis was another squeaky wheel who lost his job in the 1950s and went to prison for contempt. He had refused to cooperate with the

House Un-American Activities Committee (HUAC) by taking the First instead of the Fifth Amendment at his 1954 hearing. He then repeated that refusal with the two Michigan faculty committees that were set up to investigate him. Again, as with Gundlach, Davis's refusal to go along with what he believed was an illegitimate investigation cost him his job. The same thing happened to Stanley Moore, a tenured full professor of philosophy at Reed College, a supposedly liberal institution that, one would have assumed, would have protected its faculty members, but did not. Moore, an unfriendly witness like Davis and Gundlach, also like them would not collaborate with his school's investigation and so was ousted (Schrecker, 1986: 219-40).

In none of these cases—and, in fact, in none of the academic freedom cases of the McCarthy era—was anybody's teaching or research at issue. It was the off-campus political activities of these three men and, particularly, their insistence that their institutions' investigations not only violated their academic freedom, but also interfered with their First Amendment freedom of speech and association, that cost them their jobs.

Those of their colleagues who did cooperate with their institutions' investigations did not fare much better. We've seen what happened to Joseph Butterworth and Herbert Phillips at the University of Washington, where, despite their candor with the faculty's Tenure Committee, they lost their jobs. The same happened at Michigan, where Mark Nickerson, a tenured biology professor who had defied the same HUAC subcommittee as Davis, cooperated fully with the school's investigation, but was fired anyhow when the president disregarded the faculty committee's recommendation to retain him.

In retrospect, most observers realize these dismissals were a horrendous mistake and that Gundlach, Davis, and Moore were right: universities had no business inquiring into the political views and activities of their faculty members. And, in fact, all three schools have belatedly tried to make amends in one way or another. Still, these men's stories are instructive. If a university is to maintain its academic freedom, it must protect the teaching, scholarship, and legitimate political

activities of all its faculty members, including those of its squeakiest wheels. Justice Oliver Wendell Holmes expressed this idea best in 1929 when he stated that “if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate” (Holmes, 1929: 655-56). The implications of Holmes’ admonition are clear. To mix a few metaphors, academia’s squeaky wheels are the canaries in the coal mine, perched at the edge of a slippery slope. To fire or censor such unpopular dissidents is to endanger the academic freedom of everyone on campus. This was a problem in the 1950s, it was a problem at the time the American Association of University Professors (AAUP) was formed, and it remains a problem today.

TO UNDERSTAND HOW THE CURRENT THREAT TO THE TRADITIONAL FORM of academic freedom operates, we need to examine how earlier generations of academics dealt with those members of the professoriate who took unpopular political stands. It would, of course, be satisfying if that history took a positive trajectory and revealed a growing understanding of and commitment to faculty autonomy and free expression both on and off the campus. Instead, the route meanders and even backtracks at times, without necessarily promising to get us where we should want to go.

Sometimes, it is true, there is real progress. We will not, for example, see the kinds of overt First Amendment violations that precipitated the dismissals of people like Ralph Gundlach and Chandler Davis. Courts, faculties, and most academic administrators now protect political speech as such, though they sometimes undermine that protection by invoking academic norms like collegiality or scholarly integrity to punish the squeakier wheels on campus. Since few ordinary citizens care strongly about academic freedom, such invocations of professional values are, no doubt, designed to win faculty support. In a sense, then, the fact that academic administrators seek to woo their faculties is actually a sign of progress, for it shows that professors have a stronger voice

in their institutions than they once had. It would be hard, for example, for the president of a major research university to overrule the findings of a faculty investigation as Washington's and Michigan's did during the late 1940s and 1950s.

Nonetheless, some things do remain the same. Except in situations that are institutionally specific—that is, where the cases arise because of a power struggle within the college or university—major violations of academic freedom have almost always involved the most fraught political issues of the moment: industrial unrest, racial discrimination, unpopular wars, or questions of national security. Professors do not lose their jobs over trivial matters. Nor, the record shows, do they lose them because they are conservatives. Again, internal power struggles excepted, the protagonists in the main academic freedom cases of the past 100 years have almost always (though not entirely) been on the left. There have also been moments when entire fields, not just individuals, come under attack. This usually happens when the subject matter of that discipline becomes enmeshed in broader controversies. Thus, for example, the labor struggles of the late nineteenth century created problems for economists; the Cold War and Chinese Revolution rendered East Asian scholars vulnerable in the 1950s; and the current war on terror is taking its toll on people who study Islam and the Middle East.

Whatever the content, these attacks on academic freedom have almost always come from outside the academy; they are not internally generated. Ever since the academic community underwent professionalization in the late nineteenth century, it has attracted criticism from all sides. Its members are too elitist, too socialistic, too partisan, too irrelevant. Whether the academy's critics attack the outspoken social scientists of the 1890s for poisoning their students' minds or the so-called tenured radicals of the 1990s who indoctrinate their students, their language is surprisingly the same. Especially intense during periods of crisis, those attacks have sometimes culminated in demands for the removal of this or that dissenter. In every case, however, those demands did not originate on campus; they came from trustees, politi-



cians, the FBI, or members of the media. Though there is evidence that during the McCarthy era, for example, some schools took precautions to avoid appointing political undesirables to the faculty, there is no evidence that any institution actually fired someone without pressure from outside.

What makes the history of academic freedom so confusing, however, is that public relations considerations require concealing that pressure. Although, as we have seen, the powers that be demanded “candor” from those of their professors who tangled with the investigating committees of the 1950s, they did not practice that candor themselves. No university president, for example, openly admitted that he had ousted a controversial professor because he feared the state legislature would reduce the school’s appropriations for that year. Politically motivated dismissals, therefore, came to be clothed in academic garb. Either they would be described as routine administrative matters or else the professors in question would be charged with some violation of the institution’s official code of conduct—incompetence, moral turpitude, or, at the very least, disloyalty and a failure to maintain their school’s reputation with the public. In addition, the institution would try to make these dismissals acceptable to the faculty.

Here due process comes into play. If an administration and board of trustees fired a professor in an arbitrary manner—either by flouting the machinery of shared governance or by overruling a faculty committee’s recommendations—it usually indicated that a violation of academic freedom had taken place. That person’s colleagues might protest or resign en masse. But, what if the majority of the faculty went along with the action? What if, as happened in the cases of Ralph Gundlach and Chandler Davis, the internal committees themselves recommended the dismissal? It is clear that procedural guarantees did not suffice if the political pressures of the moment were so overwhelming that it took both prescience and courage as well as considerable forbearance to recognize how seriously the proposed dismissal threatened academic freedom and to take a public stand against it, especially in the case of a fractious colleague. Since most professors are neither

geniuses, heroes, nor saints, it is unrealistic to expect that kind of independent action. And, as we look over the historical record, it is clear that such an effective stand rarely took place.

The first violations of academic freedom as we know it occurred in the late nineteenth century. There had, it is true, been earlier instances of religious dissenters ousted from denominational colleges and opponents of slavery fired from antebellum southern schools, but neither the protagonists in those dismissals nor their colleagues at other institutions sought to conceptualize those cases as a violation of professional norms. For such a conceptualization to occur, the nation's college and university teachers had first to develop their identity as autonomous professionals by adopting the beliefs and practices that fell within the rubric of academic freedom. The men (few women here) who did this were the leaders of their fields, the pioneering scholars who also established the disciplinary parameters of the modern American research university. Two tasks confronted these people as they began to grapple with the early violations of academic freedom. First, they had to disseminate the concept of academic freedom widely enough for the rest of the academic community to recognize when it was violated; and second, they had to develop enough confidence in their own professional identity to collectively enforce its norms.

Most early academic freedom cases involved economists. Their field itself was evolving and many of its practitioners were activists who wanted their scholarship to deal with the main social problems of the day. That involvement, especially when it led to support for labor unions, government regulation, or the redistribution of wealth, brought criticism, especially from the conservative politicians and businessmen who were funding the nation's new universities and staffing their boards of trustees. Thus it was that in 1894, at the height of a nationwide railway strike, one of the most well-known academics of the day, the University of Wisconsin's Richard T. Ely, found himself in trouble, charged by a regent with encouraging strikes and boycotts and entertaining a union organizer at his home. Ely, who was a Christian reformer sympathetic to the goals if not the methods of socialism, was also a founder of the

American Economic Association and was prominent enough in his field, despite his apparently difficult personality, to enlist an eminent cohort of academics in his cause, including Wisconsin's president. As a result, although conceding that if the charges against him were true, they would show him "to be unworthy of the honor of being a professor in a great university," Ely was able to convince Wisconsin's regents that the charges were unfounded. The regents then reinstated him with an eloquent reference to the institution's steadfast support for "that continuous and fearless sifting and winnowing by which alone the truth can be found." Ely had saved his job, but at a price. After his vindication, the formerly outspoken economist became, in the words of one historian, "conspicuously silent" and was never again to speak or write about contemporary problems (Rader, 1998: 94-95; Hansen, 1998: 3; Schlabach, 1998: 37-50; Ross, 1997-78: 53).

Not every controversial academic had such a sympathetic president and Board of Regents. When Ely's student Edward Bemis lost his job at the University of Chicago the following year for advocating the public ownership of municipal utilities and railroads, he could not resuscitate his career. Instead of resigning quietly as similarly compromised scholars had done in order to find a new position, Bemis publicized his dismissal as the violation of academic freedom that it was. Chicago's administration retaliated by persuading the school's senior social scientists to raise questions about Bemis's competence, thus making it impossible for him to find another academic post. John R. Commons, another Ely student, learned from Bemis's mistakes; when he lost two jobs because of his allegedly radical views, he remained silent and was eventually rewarded with an appointment at Wisconsin. Significantly, as these early encounters illustrate, the successful resolution of an academic freedom case required the protagonist to find a new job. For that to happen, however, the individual in question had to win the collective support of his academic peers. That meant he had to keep his scholarship within the limits of permissible dissent, curry favor with the leaders of the discipline, and, above all, avoid unfavorable publicity (Furner, 1975: 163-204).

By the time Stanford University dismissed yet another Ely student, E. A. Ross, in 1900, the professoriate had more or less reached a consensus about the parameters of academic freedom within the modern university. Ross had been recruited by the new university's founding president, David Starr Jordan. Because some of his positions, like his support for free silver in 1896, were unpopular within the local business community, he was already under a cloud. Jordan tried to protect him, but when Ross hinted at the public ownership of railroads and condemned the importation of Chinese workers, the university's sole trustee, the imperious widow of Leland Stanford, cracked down. The controversial economist, she wrote to Jordan, "literally plays into the hands of the lowest and vilest elements of socialism. . . . I am weary of Professor Ross, and I think he ought not to be retained at Stanford University" (Metzger, 1955: 439). Though Jordan tried to defend his provocative faculty member, it was useless. Jane Stanford was determined that Ross should go; and believing that his institution's very survival was at stake, Jordan capitulated.

Ross did not leave quietly—or alone. The case was front-page news. Not only did Ross publicly announce that his forced resignation violated academic freedom, but several other faculty members left Palo Alto in protest and many of the nation's most prominent economists came to his support. Because Ross was not a radical, his colleagues viewed his dismissal as, in the words of one of them, "a blow at the position of all professional economists" (Furner, 1975: 236-59). They circulated a petition and even toyed with the idea of a boycott. Though their mobilization could not restore Ross's Stanford job (and he had to wait a few years before Ely could bring him to Wisconsin), the economists' collective action had reinforced the academic profession's growing commitment to its own autonomy. When, 15 years later, many of the same academic elites who had led the protest against Stanford established the AAUP to safeguard their professional status, it was no coincidence that A. J. Lovejoy, the key author of the association's founding document, was someone who had resigned from Stanford when Ross was fired.

By then, as the AAUP's 1915 statement made clear, Lovejoy and his associates were willing to defend even fairly radical faculty members as long as they retained the support of their colleagues, did not abuse their classrooms, and behaved in a professional manner outside them. Admittedly, the embrace of the essentially moderate Progressive movement by most reform-minded academics meant that they posed less of a challenge to the system than had been the case 15 years before. Thus, when the trustees of the University of Pennsylvania suddenly decided to fire the Wharton School economist Scott Nearing in the summer of 1915, the AAUP promptly investigated. Though sympathetic to socialism, Nearing had the firm support of his dean and colleagues. As was often the case in such situations, the university gave no official reason at the time for Nearing's dismissal. There was, however, a national outcry, leading to an AAUP investigation. Three months later, Penn's trustees finally responded that, because Nearing's "efforts—although doubtless perfectly sincere—were so constantly misunderstood by the public and by many parents of students," they felt compelled to let him go "for the good of the university as a whole." Firing a professor because of what people outside the academic profession thought about his work was, the AAUP's investigators believed, a clear violation of academic freedom—all the more so because the trustees had not only ignored the faculty's judgment, but had refused to grant Nearing a hearing ("Report of the Commission of Inquiry," 1977: 38, 27, 40-41). The association's condemnation may have had an impact; the university's trustees soon revised their by-laws to ensure that the protagonists of future cases would receive the hearing Nearing had been denied. As for Nearing, he soon found an ostensibly more congenial position at the University of Toledo, whose board was under labor union control.

He did not keep it long. A pacifist, Nearing was ousted by Toledo's trustees once his opposition to American participation in World War I became an embarrassment (Nearing, 2000: 98-102). He was not alone. At least 20 academics also lost their jobs during the war. And it is likely that many more were quietly eased out of their positions or fired from such insignificant or isolated institutions that their dismissals did not

reach the historical record. In any event, their colleagues did little to help these wartime casualties. The conflict, as historian Carol Gruber points out,

exposed the repressive underside of majority sentiment on the campus; it exposed a lack of commitment to academic freedom within the profession at large and a willingness even of its chief defenders to bend the principle to the pressures of the moment; and it exposed an absence of collective consciousness and solidarity within the American academic profession (Gruber, 1975: 163-64).

The AAUP was less than helpful here. Just when it would have been crucial for the organization to take a strong stand against the wartime hysteria and defend faculty members against attacks on their loyalty, it capitulated. At a time when the federal government was already criminalizing dissent, the association, in a special report on academic freedom in wartime in December 1917, announced that the organization would not support anyone who ran afoul of the law. It further stated that professors had “special obligations” to refrain from saying or doing anything that even indirectly encouraged opposition to the war or discouraged people from voluntary activities in support of it. Academics from Germany or Austria-Hungary had an additional burden; they were warned to avoid all appearance of disloyalty and “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 and its government” (Gruber, 1975: 165-69). As the AAUP’s refusal to protect dissent reveals, the academic community was no more immune from the wartime frenzy than any other sector of society.

And, as expected, the war produced some serious violations of academic freedom. Predictably, the protagonists of those cases tended to be among their institution’s squeakiest wheels. Minnesota political scientist William Schaper had long tangled with both the state’s

corporate elite and his fellow faculty members. Similarly, the eminent psychologist James McKeen Cattell had long been critical of Columbia University's hierarchical structure and of his colleagues' allegedly spineless acceptance of it. Although both men had previous run-ins with their administrators and trustees, it was their presumed disloyalty that precipitated their dismissals. Like many Midwesterners, Schaper initially opposed America's entry in the war, but then abandoned that opposition. Minnesota's Board of Regents, nonetheless, called him to a special meeting where they quizzed him about his apparently equivocal stance on the war and then dismissed him on the grounds that "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." The university, the regents explained, required "unqualified loyalty on the part of all teachers" (Gruber, 1975: 176-79).

Columbia's president, Nicholas Murray Butler, made the same demand on his faculty. Concerned that faculty and student critics of the war would damage the university's reputation, he announced in his 1917 commencement address:

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. . . . This is 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 (Gruber, 1975: 199).

No doubt, Cattell was on Butler's mind. Though the unconventional psychologist did not publicly condemn the war, he had asked several congressmen to support a measure against sending draftees to

Europe against their will. That petition, as well as the highly publicized antiwar activities of Professor Henry Wadsworth Longfellow Dana, drew so much flak that Butler decided to ask the trustees to fire the two professors, which they promptly did (Gruber, 1975: 196-202).

Significantly, neither Cattell nor Schaper had been granted the slightest modicum of due process; they received no formal charges nor were they given the opportunity to appear before a committee of their peers. Such blatant violations of faculty prerogatives should presumably have spawned massive opposition; but, except for the resignation of the historian Charles Beard and a few other Columbia people, there were no organized protests on either campus. Both cases went to the AAUP, but its wartime report skirted the issues they raised, ignoring Schaper entirely and referring only in passing to Cattell's dismissal without mentioning the name of either the professor or the institution involved (Gruber, 1975: 179-87, 203-05).

Twenty years later, Minnesota's regents formally apologized to Schaper, rescinding the resolution of dismissal and reinstating him as an emeritus professor with \$5,000 in back pay (Gruber, 1975: 186). But, as the experiences of the McCarthy era revealed—when the University of Minnesota again dismissed a professor for political reasons—it is unclear how much the academic community learned from what had happened during World War I (Schrecker, 1986: 144, 148). True, the years between the wars found most campuses fairly placid. But with the exception of New York City, where the radicalism of the 1930s did lead to dismissals at the municipal colleges, the heavy outside pressures that had ejected people like Bemis, Nearing, and Schaper from academe had let up. With the Cold War, however, those pressures returned. Once again, the academic community came under attack. Once again, as we have already seen, it sacrificed its squeakiest wheels. But this time, in the most widespread political purge of the nation's faculties in the history of American higher education, not all the professors who lost their jobs were campus activists or cantankerous colleagues.



WHAT DISTINGUISHES THE VIOLATIONS OF ACADEMIC FREEDOM during the McCarthy period from both earlier and later ones is that the academic community developed such a narrow political test for employment that it was possible to rationalize firing dozens of college and university teachers merely because of what it was assumed they believed. Admittedly, most of the people involved were or had once been in or near the Communist Party; but by the time they came under attack, few were still politically active. They lost their academic positions because they were unwilling to name names and identify their former comrades. They were, in the jargon of the day, "Fifth Amendment Communists," uncooperative witnesses who had relied on their constitutional privilege before HUAC or some other investigating committee. Though there were a handful of rebels and militants, most of the men and women who lost their jobs were hardworking scholars and scientists who had no previous problems with their colleagues or administrations. Even so, the institutions that employed them cut these people little slack, since it was clear that, given the turbulent atmosphere of the early Cold War, having an unfriendly witness on the faculty could be a public relations disaster. At the same time, however, most of the schools involved claimed to support academic freedom and had developed other formal or informal rules and procedures designed to protect the security and status of their faculty members. As a result, the generally moderate individuals who ran the nation's colleges and universities could not simply fire someone because of the damaging publicity he or she attracted; they had to find an academically acceptable rationale for doing so.

The 1949 dismissals at the University of Washington inaugurated the first phase of developing that rationale: the disqualification of Communist Party members. Adopting the argument of Washington's President Allen, the academy's leaders claimed that, because of the party's secrecy, professors who joined it had flagrantly violated their professional obligation to openly search for the truth. This formulation constituted a highly selective vision of American communism. The CP had, it is true, expected its members to remain secret, both because of

a Soviet requirement that it retain the potential for clandestine revolutionary work and because the party was so unpopular that, even during its heyday in the 1930s and early 1940s, belonging to it could destroy someone's career. Even so, it had attracted a small but active cohort of college students and teachers who were concerned about the rise of fascism, sympathetic to the labor movement, and convinced (most later conceded wrongly) that joining the CP was the most effective way to pursue their social and political goals. The leaders of the nation's institutions of higher learning, however, did not acknowledge the nuanced nature of these party members' political commitment; instead they embraced the negative stereotypes of American communism then in vogue. Communists were devious, disloyal, and under the thumb of their Soviet masters. Exhibit one was the party's clandestine character, which made it possible to charge its academic members with dishonesty. Even more damning was their adherence to the party line. Communist professors had, in the words of Cornell's president, repudiated the "free and honest inquiry after truth" and were "thereby disqualified . . . from belonging on a university faculty devoted to the search for truth." Stanford's president agreed: "I doubt very much that a member of the Communist Party is a free agent. If he is not a free agent, then it would seem to follow that he cannot be objective. If he cannot be objective, he is by definition precluded from being an educator."

According to this formulation, excluding Communists from the nation's faculties was not a matter of politics, but simply a case of enforcing the academic community's own professional standards (Schrecker, 1986: 104-12). Of course, the advantage of such a formulation was that it seemed to preserve the university's autonomy and, thus, might keep external witch hunters like Albert Canwell off the campus. Accordingly, in the months immediately following the Washington dismissals, the nation's leading educators rushed to assure the public that the academic community would police itself. "There will be no witch-hunts at Yale," President Charles Seymour announced in June 1949, "because there will be no witches. We do not intend to hire Communists" (Seymour, 1949). There is no reason to question the

sincerity of such statements. Most academic leaders embraced the anti-communist consensus of the early Cold War and found nothing uncongenial in the ban on Communist teachers, even if it had been forced on them by the pressures of the moment.

Within the next few years, however, the problem that faced the nation's colleges and universities was no longer that of excluding Communists from their institutions. Rather, the issue now became how to deal with those former Communists on their faculties who invoked the Fifth Amendment before HUAC and the other anticommunist investigating committees. By the early 1950s, most of the academics who were to become unfriendly witnesses had become disillusioned with communism and dropped out of the party. But they had not repudiated all their earlier ideals. In particular, they viewed the anticommunist inquisition as, in the words of one of them, "utterly inconsistent with American traditions of freedom" and, thus, had no intention of cooperating with it (Furry, 1977).

For the institutions that employed them, the problem was, once again, one of public relations. As the congressional committees refined their tactics in the late 1940s and 1950s, the only way that witnesses could legally avoid naming names and not go to prison for contempt was to rely on the Fifth Amendment's privilege against self-incrimination. The problem here was that the Supreme Court had ruled that people could not talk about themselves and then not talk about others; they had, the court explained, waived their privilege. Thus, many former Communists, including many academics, who would have been willing to tell the committees about their own experiences, had to refuse to answer any such questions if they were to avoid becoming informers. The committees recognized the dilemma their witnesses faced—and they took advantage of it. Knowing that these people had to remain silent if they were to avoid a contempt citation, the committees purposely asked them embarrassing questions and then trumpeted their failure to respond. "A witness's refusal to answer whether or not he is a Communist on the ground that his answer would tend to incriminate him," Joseph McCarthy explained, "is the most posi-

tive proof obtainable that the witness is a Communist” (Gillmor, 1954: 46; Donner, 1961, *passim*). Of course, it wasn’t; but few members of the general public understood the legal issues involved. And, having a “Fifth Amendment Communist” on the faculty could be as potentially damaging to a university’s public image as having a real one.

But how was an institution university to rid itself of such individuals while still retaining its stated commitment to academic freedom? Here, it is hard to believe that the well-meaning and intelligent gentlemen who ran the nation’s colleges and universities really thought that the unfriendly witnesses on their faculties—none of whom, it must be emphasized, were ever accused of indoctrinating their students or slanting their research—were unqualified to teach. They did, however, pose a political threat that had to be confronted. The issue became acute in the beginning of 1953 when the main congressional investigators, who had previously ignored the academy, announced they would hold hearings on communism in higher education. At that point, the nation’s academic leaders scrambled to find a formula that would allow them to transform the political sins of their prospective unfriendly witnesses into academic ones. They found it by invoking what came to be called an “obligation of candor.” According to that formulation, because professors had a special commitment to freedom of speech and the search for truth, they had a corresponding duty to speak out and, in the words of the president of an institution that had just fired two Fifth Amendment witnesses, “render an explanation . . . whenever such an explanation is called for by duly constituted governmental bodies.” The most authoritative such conceptualization came from the Association of American Universities, a group whose membership consisted of the presidents of the nation’s thirty-seven leading universities. A professor who was called before a legislative inquiry, the AAU explained, not only had an “obligation to maintain [the university’s] reputation,” but

above all, he owes his colleagues in the university complete candor and perfect integrity, precluding any kind of clandestine or conspiratorial activities. He owes equal candor to

the public. If he is called upon to answer for his convictions, it is his duty as a citizen to speak out. It is even more definitely his duty as a professor. Refusal to do so, on whatever legal grounds, cannot fail to reflect upon a profession that claims for itself the fullest freedom to speak and the maximum protection of that freedom available in our society. In this respect, invocation of the Fifth Amendment places upon a professor a heavy burden of proof of his fitness to hold a teaching position and lays upon his university an obligation to reexamine his qualifications for membership in its society (Association of American Universities, 1953).

Since by 1953 almost everybody (or at least everybody in the circles within which these university presidents traveled) knew that most unfriendly witnesses were just trying not to inform, the hypocrisy of that statement is still stunning. Its function, of course, was to urge the prospective witnesses to cooperate with the committees.

Some did, though we do not know how many there were, since the testimony of friendly witnesses with nothing newsworthy to say was usually kept secret. Still, with only one exception (a cooperative witness at a denominational institution where even having once been a Communist was unacceptable), all the academics who named names retained their jobs. The fate of the others was less auspicious. Though not all of the unfriendly witnesses were fired, they were all subjected to some kind of internal academic investigation. Not all those investigations granted the accused professor procedural due process or respected the autonomy of the faculty. At the municipal colleges of New York, for example, the authorities simply invoked a provision of the city charter originally designed to punish corrupt officials to automatically fire all the unfriendly witnesses on their faculties. At Ohio State, the president suspended a physics professor named Byron Darling as soon as he took the Fifth before HUAC. Formal charges came a few days later and, after a perfunctory hearing before an ad hoc committee composed mainly of administrators, the president then asked the Board of Trustees to

fire the physicist. Though he had tenure and had cooperated with the university investigation, Darling's "public refusal to answer pertinent questions" was sufficient grounds for dismissal. There was no appeal, nor, because his behavior was supposedly "insubordination" and a "lack of candor and moral integrity," did he receive the year's notice that Ohio's by-laws required (Schrecker, 1986: 207-09).

The speed with which the Ohio State authorities whisked Darling off the faculty was unusual. But the school's administration had displayed little previous regard for academic freedom and was, in any event, under considerable political pressure from a legislature that had its own little HUAC. Most other schools with unfriendly witnesses on their faculties adopted more leisurely procedures, though ones that ultimately produced the same results. Temple University, which had also delegated its investigation to an administrator-heavy panel, spent several months examining Barrows Dunham before recommending his dismissal. Dunham had invoked the Fifth Amendment at an exceptionally early point in his HUAC appearance and, so, was under indictment for contempt at the time. Temple's trustees cited that unwillingness to testify as a sign of Dunham's "intellectual arrogance" as well as of his failure to fulfill his "cardinal duty" as an academic to display "complete candor and perfect integrity." Though the Supreme Court ultimately exonerated Dunham, Temple did not. Like Gundlach and the other defrocked Washington professors, he was never to teach again (Schrecker, 1986: 209-212; Zimring, 1981, *passim*).

At schools where there was more genuine faculty input, the results were mixed. As we have seen in the cases of Ralph Gundlach and Chandler Davis, when campus nonconformists confronted their fellow faculty members, formally correct procedures did not always allow room for dissent. Moreover, as in the case of Davis's colleague Mark Nickerson, administrators and trustees sometimes overruled the favorable findings of a faculty panel. This had happened at Rutgers, at the end of 1952, when the president and trustees ignored the recommendations of a special faculty committee and dismissed two Fifth Amendment witnesses. This was the case as well at Reed, where, as

was noted earlier, Stanley Moore, although unwilling to testify about his relationship to the Communist Party, was nonetheless cleared by a faculty panel that considered such matters irrelevant to an academic hearing. The president and trustees, however, did not; they believed that membership in the party was such a disqualification for an academic position that Moore's refusal to discuss it was an act of "misconduct" that demanded dismissal. Significantly, the Reed case may have involved the McCarthy era's only unqualified defense of academic freedom by a faculty committee, in that, unlike the panels at schools like Rutgers and Michigan, Reed's did not question Moore about his politics (Schrecker, 1986: 236-40). At every other institution, faculty panels, whether recommending retention or not, operated under the assumption that someone's political beliefs and activities were somehow relevant to that person's fitness to teach. In other words, even when the individuals in question passed their political tests, simply by administering those tests, the McCarthy-era faculty committees had undermined academic freedom in a very significant way.

Of course, not every academic who defied an anticommunist investigation lost his job. A few tenured professors at schools like Harvard, Cornell, and the University of Buffalo, as well as Clement Markert at Michigan, were able to convince their administrators and trustees, as well as their fellow faculty members, that they had left the Communist Party and so could be safely retained. Some of these people, like Cornell's Marcus Singer, had opted for the so-called diminished Fifth at their congressional hearings, answering questions about themselves, but refusing to talk about other people. Though that strategy risked a prison term for contempt, it had the propaganda value of enabling the witness to deny party membership. It was hard to fire someone—or even send someone to prison—for simply refusing to become an informer; and, to my knowledge, most of the people who waived the Fifth but refused to name names managed to ride out the storm.

Besides the highly publicized academic freedom cases of the 1950s, there were other, less obvious assaults on the academy's political

autonomy and freedom of speech. Loyalty oaths were ubiquitous. They had been around during the 1930s and by the early Cold War almost every state required them in one form or another. They had the great advantage of allowing their sponsors to boast that they had eliminated the subversive threat from the nation's classrooms—without costing a penny. Many of these oaths caused little furor, but the one that was imposed on the University of California in 1949 tore the institution apart. Sensitized to the Communist issue by the firings in Seattle, California's Board of Regents adopted a special "disclaimer oath" that required all faculty members to swear that they not only upheld the Constitution (which they had been doing since 1942), but also that they did not belong to the Communist Party. At that point, what had initially began as a kind of pro forma adherence to the anticommunist consensus of the times escalated into a conflict over the regents' power to impose a political test for employment. Before the controversy ended, 31 nonsigners were fired. They were soon reinstated by the California Supreme Court, which ruled that the loyalty oath which the legislature imposed on all state employees superseded the university's one (Gardner, 1967, *passim*).

Speakers bans were another mechanism that sought to enforce political orthodoxy on the nation's campuses. Like loyalty oaths, they had been around for years and had been sporadically enforced against controversial individuals or partisan politicking—usually at vulnerable public universities or second-tier institutions. The anticommunist furor spread such prohibitions to just about every campus. Needless to say, Communists were barred from speaking at most colleges and universities, as were, in many cases, such controversial individuals as the physicist J. Robert Oppenheimer and the China scholar Owen Lattimore. There was also an informal blacklist that lasted until the Red Scare eased in the early 1960s, making it almost impossible for the men and women who lost their jobs for political reasons to find academic employment. Moreover, because, as Edward Bemis learned to his distress, public attention can prove deleterious to one's career, people tried to keep their troubles to themselves. As a result, we may



never know how many other college teachers were quietly eased out of their posts. Nor, despite the contemporary buzz about the chilling effect of McCarthyism, can we know what its intellectual fallout was. There is anecdotal evidence about people abandoning controversial projects or changing the focus of their work, but we will never know what books were not written, what research was abandoned, or what courses were not taught.

Could the academy have done a better job of protecting its members? I'm not sure. It is asking a lot of a politically vulnerable institution for the academic profession to have stood up against such strong forces of repression. Admittedly, it was operating under some unique disadvantages. To begin with, during the 1950s, the American Association of University Professors was missing in action. The organization, which might have warded off some of the damage by condemning the purges at the University of Washington and elsewhere, did not issue a report on them until 1956. There were internal organizational reasons for that delay, but political vacillation may also have been a factor (Schrecker, 1986: 315-37). Moreover, the academic profession was only just beginning to expand beyond its narrow social origins to admit Jews and other types of outsiders; and it is possible that the new cohort of professors still felt too vulnerable to challenge their institutions' leaders. A final obstacle is the professional culture of the academy, with its emphasis on caution, rationality, and judiciousness. Since most professors subscribed to the anticommunist consensus of the era as well as to the prevailing code of civility, mounting a serious protest on behalf of the academy's political pariahs would have risked ostracism, social isolation, or worse.

To what extent the McCarthy-era purges imposed institutional and intellectual damage on American higher education remains unclear. Studies of individual disciplines have uncovered instances of individual and even collective self-censorship, but the life of the mind is so variegated that it would be a mistake to attribute all the scholarly developments in an affected field to McCarthyism's fallout (Novick, 1988: 320-60; Price, 2004, *passim*; McCumber, 2001, *passim*).

How it affected people's teaching rather than their research is even less well known, since documenting the Red Scare's impact on the nation's classrooms would probably require the intensive examination and comparison of course catalogues and syllabi that, to my knowledge, has yet to be undertaken. In any event, as the raucous doings of the following decade reveal, academia's timidity during the 1950s certainly did not prevent the emergence of the most radicalized few years in the history of American higher education. As a result, it is intriguing to speculate that the apparent paucity of major violations of traditional academic freedom during the 1960s and after may well indicate that the nation's colleges and universities actually learned a few lessons from the McCarthy era's travails.

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