

*W. and K. Hoover's
work
W.S.*

Statement on Academic Freedom
in Relation to Legislative Investigations
of Colleges and Universities

adopted by the
Faculty of Political Science
of Columbia University

May 21, 1953

Current legislative investigations of colleges and universities raise issues of fundamental importance for everyone concerned with education and the advancement of knowledge, and in consequence with the welfare of the nation. It is therefore appropriate that those who are actively engaged in free inquiry and teaching should take a stand on these issues.

1. The current investigations of American educational institutions are unnecessary and unwise. We do not question the legal right of legislative bodies to investigate educational institutions, and we recognize that such investigations may be necessary for securing information upon which to base legislation. However, we believe that the colleges and universities of our country are vigorously and in the main successfully pursuing the great ideals which are their proper and historically recognized goals. Accordingly, we deplore the current investigations because the method and form of these investigations are creating, both within as well as outside academic communities, an atmosphere of apprehension and distrust that is doing untold harm to the cause of free inquiry far outweighing their possible benefits and is threatening the right to dissent which is the foundation of civil liberties in a free society.

2. The refusal of a witness to testify before a legislative investigation is not in itself a proper cause for dismissal from an academic post. The surrender of rights which are guaranteed by the law of the land is not a condition for membership in the teaching profession. If a member of an educational institution invokes the Fifth Amendment of the Constitution of the United States, as ground for not replying to questions put to him by a legislative committee, we do not believe that such an act is a valid reason for his dismissal. Moreover, we respect the scruple which may lead a teacher under investigation to abstain from pleading the Fifth Amendment, but at the same time to decline on moral grounds to reveal the names of his past or present associates in any lawful activities. However, a decision not to testify involves complex legal and ethical considerations; and hence the principles just expressed are not to be construed as advising or generally approving such action by teachers under investigation.

3. Fitness to teach must be tested solely by an individual's actual conduct. The basic test of the fitness of a teacher should be his professional competence and personal integrity as demonstrated in his teaching and research. No one is fit to continue in the teaching profession who employs his classroom, or any other relations he may establish with his students, as an opportunity for biased propaganda or for the advocacy of any legally defined subversive activity. However, failure to satisfy standards of professional competence and propriety must be proved by evidence based on a man's actual conduct. Present active or long-continued membership in a totalitarian party creates a certain presumption against the member's ability and desire to exercise full use of academic freedom, and evidence of such association should be considered in determining his fitness to be a member of the academic community. Membership in any lawful organization does not, however, in and of itself, constitute sufficient ground for disqualifying a person from continued membership in an academic community.

Resolution on Procedure for Termination of Appointments

where Academic Freedom may be Involved

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"Whereas the preservation of the free intellectual atmosphere of the Columbia community of scholars is a common concern of the administration and Faculty of the University, and

"Whereas this Faculty believes that there should be Faculty participation, through some Faculty committee representative of the University at large, in decisions involving the termination of appointments if any question of academic freedom is or may be involved, and

"Whereas it further believes that in such cases the procedures now available to review the cases of members of the teaching or research staff who have appointments without limit of time should be extended to members with term appointments, therefore,

"Be it resolved that:

"The Faculty of Political Science of Columbia University would welcome assurance that in the event that termination or non-renewal of the appointment of any member of the teaching or research staff of the University is contemplated, the University administration will, upon the request of the member concerned, delay final action until the Committee on Conference has reviewed the proposed action; as it relates to issues of academic freedom."

At its business meeting on April 14, 1953, the Columbia Chapter of the American Association of University Professors expressed strong dissatisfaction with the recent statement by the Association of American Universities on "The Rights and Responsibilities of Universities and their Faculties", on the ground that the statement is a wholly inadequate formulation of those rights and responsibilities, and on the further ground that by accepting the essential assumptions of current Congressional committees investigating education the statement in effect surrenders basic principles of academic freedom.

The meeting of the Chapter adopted by unanimous vote a statement on four issues made focal by these investigations.

It was also announced that a number of members of the Law Faculty had individually indicated their willingness to confer with any Columbia teacher who may wish legal advice in connection with a legislative inquiry, and to discuss with him the rights, duties, and responsibilities of a witness in such an inquiry. Among them are Elliott B. Chestam, Walter Gellhorn, Harry W. Jones, John N. Kernochan, Herbert Wechsler, Jack B. Weinstein, and Howard R. Williams.