

Academic Freedom: Lessons from the Crisis at St. John's

Academic freedom and the supporting guarantees of faculty tenure and "due process" may be assuming a new importance in the accreditation of colleges and universities. If they are, the reason lies partly in the hard lessons learned during the past year from the crisis at St. John's University in New York, where 21 professors were summarily discharged from their teaching functions on 15 December 1965.

Presumably academic freedom always has been a major concern of the regional accrediting agencies, which, as voluntary membership associations of colleges and universities, fill the role in the matter of accreditation played by the ministries of education in some countries. Academic freedom has not, however, been given the high place many academicians think it deserves in evaluation of an institution's fitness to be accredited. In the St. John's case, though it involved a crisis deep enough to put the campus in turmoil, the Commission on Higher Education of the Middle States Association of Colleges and Secondary Schools was slow to intervene. Moreover, after entering the case the commission indicated that, while "reprehensible," St. John's flouting of due process by the mass dismissals was not grounds for disaccreditation unless the university's "educational effectiveness and integrity" were seriously impaired.

For months the commission seemed to regard the summary dismissals, admittedly a gross offense against academic freedom, as not of sufficient relevance to St. John's accredited status to warrant demands of redress. Recently, however, the commission has begun to deal sternly with St. John's, and, while its stated philosophy remains unchanged, the commission now seems to have a new view of the importance of due process, tenure, and academic freedom to an institution's fitness for accreditation.

In fact, there is reason to believe that, if the commission could relive the past, it would have insisted several years ago that St. John's liberalize its personnel rules and give the faculty a larger voice in academic affairs. St. John's

shortcomings in these respects were conspicuous. For example, only since the outbreak of the current crisis has St. John's established a university senate and adopted fixed rules of tenure (which used to be granted at the will of the trustees).

Whatever the Middle States commission's failures of foresight, it is apparent from the vantage of hindsight that closer attention to conditions of academic freedom at St. John's might well have prevented the existing crisis from developing. No accrediting body will willingly repeat an experience of the kind the commission has had with St. John's and suffer the criticism it has received. Indeed, at times it has appeared that the commission as well as St. John's has been on trial.

The crisis which began at St. John's a year ago came on dramatically. After a long period of dissension and faculty unrest, St. John's fired 31 of its professors, notifying 10 of them that their contracts would not be renewed but suspending the other 21 from their duties immediately. Although the dismissed professors were later accused vaguely of "unprofessional conduct," no specific charges were made against them individually and no hearings were held.

A root cause of the firings, it seems clear, was fear on the part of the president and trustees that the campus chapter of the United Federation of College Teachers (AFL-CIO) was seeking to take over the university. Among the professors discharged were the Reverend Peter O'Reilly, president of the UFCT chapter, as well as a number of other union activists. On 4 January, as UFCT began a strike in protest of the dismissals, the Reverend Joseph T. Cahill, president of the university, sent a message to New York's Mayor John V. Lindsay. Father Cahill said the UFCT chapter was a small, unrepresentative group with which St. John's would not deign to meet. "The demands the union has asserted are really aimed at destroying the identity of St. John's as a Catholic university," he said.

The union, never recognized by the university, and the St. John's chapter

of the American Association of University Professors, recognized only after union activities began on the campus in 1964, had been pressing to have the faculty given control over the curriculum and such matters as the election of department heads. In October 1965, the AAUP chapter, though it was later to fall under the domination of administration sympathizers, accused the university officials of having an educational philosophy "medieval in spirit."

The university's summary action against the 21 professors had led to an immediate protest by the AAUP's national office as well as to the UFCT strike. Despite steadily mounting pressure for it to intervene forcefully, the Middle States commission indicated, initially at least, that the dismissals were not its proper concern.

The commission issued a statement on 30 December which, in the light of the circumstances, was remarkable. Noting that it had just received from St. John's a report on the establishment of a university senate and on plans for other reforms, the commission said the promised changes were in the "spirit of the best practice in American universities." As for the rising clamor for an investigation of the summary dismissals, the commission observed: "It would not appear that an investigation by the commission is in order at this time, especially since the commission as a matter of long-standing policy does not deal with grievances of individual faculty members. It is regrettable that certain aggrieved faculty members have felt it necessary to resort to non-academic procedures, but this fact does not warrant calling into question the accreditation of the university, which is what a formal investigation by the commission would mean."

However, the firings at St. John's already were becoming a *cause célèbre* in academic circles. The commission's intervention was inevitable. In April, after a preliminary inquiry, the commission made a report that represented a new breakthrough in semantic confusion. Although the St. John's board of trustees had acted reprehensibly in the mass firings, it said, the board had acted "responsibly," without interference by church authorities, and had not wilfully flouted "sound practice."

The university's accreditation would be continued for the time being, the commission said, but the question of whether the firings and related events had led to an unacceptable loss of educational effectiveness would be investi-

gated by a team of visitors in the fall. While this was a warning of sorts, St. John's gave little outward sign of reading it as such. In the 16 September issue of *Commonweal* a letter appeared from St. John's executive vice president, in which he said that the commission's report "contained no implication that St. John's accreditation was in danger."

Just prior to the commission's report, AAUP had voted to censure St. John's and to recommend that none of its members accept appointment there. Never had any violations of academic freedom and tenure, the AAUP suggested, "more profoundly shocked the academic community" than the violations at St. John's. The association said that the Middle States commission's failure to disaccredit St. John's or to put the university on probation was "deeply disappointing."

Later, AAUP's Committee D (on accrediting) wrote the commission to protest its apparent interpretation of "responsible governance" as simply uncoerced action by a serious body aware of its responsibility to make university policy. "The very community of higher education designed to provide leadership in our democratic society cannot reject principles indispensable to such a society by accepting as 'responsible' the arbitrary actions of the trustees and administration of St. John's University," the committee said.

As promised, investigation of conditions at St. John's was undertaken after the opening of the current school year by a team of commission visitors. On 20 November, as the commission was preparing to report on the St. John's crisis to the Middle States Association's December meeting, the New York *Times* carried a full-page advertisement entitled "Is Censured St. John's Worthy of Accreditation?" The advertisement, in the form of a petition to the commission, was sponsored by the "National Citizens Committee to Defend Academic Freedom at St. John's University," co-chaired by John Leo, editor of *Commonweal*, and Richard Hofstadter, the Columbia historian. Arthur M. Schlesinger, Jr., City College of New York's superstar, and nearly 300 other professors from various institutions (mostly in the Northeast) were listed as petitioners. They declared their support of the UFCT strike at St. John's and expressed "deep displeasure" at the commission's not revoking the university's accreditation.

Shortly before this petition appeared, the American Civil Liberties Union had

urged that St. John's accreditation be revoked and recommended that all regional accrediting bodies pay greater attention to academic freedom. "Specific criteria have not been established in this area either to guide the accrediting teams or the institutions themselves," an ACLU committee said.

The commission's report, when finally issued on 1 December, was by no means wholly satisfactory to those who had been unhappy at St. John's escape from probation or disaccreditation, but, for some of the commission critics, it represented an advance. St. John's was ordered to "show cause through a full reevaluation of all aspects of the university's life and work not later than December 31, 1967, why its accreditation should not be revoked." Though calling for no specific action to redress the grievances of the dismissed faculty members, the commission said it would look for evidence of a "sincere attempt to alleviate the consequences" of the dismissals.

St. John's accepted the report and indicated it would try to satisfy the commission. The commission's chairman, Albert E. Meder, vice provost and dean of Rutgers University, told the press that St. John's "should stop making generalized charges and deal with the dismissed faculty members individually. . . . They [the university officials] have done wrong and must admit it in their actions."

(In remarks before the Middle States Association, Meder said the St. John's case is complex and involves much more than the issues of due process and academic freedom. In part, he said, "this controversy represents a skirmish in what might well become a major battle in the near future to determine whether collective bargaining has a role in higher education and whether college teachers will choose a professional organization or a labor union as their most appropriate voice.")

William P. Fidler, AAUP's general secretary, said the commission had taken an "appreciable step forward" in dealing with the St. John's crisis. "However," he added, "we in the AAUP have deep concern about some of the [commission's] principles and premises."

In its report, the commission had again indicated that it was interested in the dismissals only as a manifestation of institutional weakness. "Accreditation," it said, "is not an accolade or certificate of merit to be awarded to exemplary institutions to be removed

by the commission when an offense that seems heinous to some portion of the academic public has been committed. Loss of accreditation," the commission added, repeating a familiar theme, "comes about because of loss of educational effectiveness."

Despite this defensive official rhetoric, not surprising in view of the sharp criticism the commission has received, one can find evidence of a change of outlook concerning the importance of academic freedom as a standard for accreditation in the private remarks of some commission members. Moreover, the lessons of the St. John's crisis should not be lost on the other five regional accrediting agencies. The accrediting agencies keep in touch through their Federation of Regional Accrediting Commissions and have the opportunity, at least, to learn from one another's experiences.

Meder, chairman of the Middle States commission, is the federation's immediate past chairman and has taken part in discussions with AAUP about the possibility of the federation's adopting an AAUP draft statement on academic freedom and the role of faculty in the accrediting process. The statement, prepared by Committee D but not yet formally adopted by the AAUP Council, includes a number of recommendations expected to stir up little or no disagreement. For example, one is a recommendation that any institution, in order to be accredited, must adopt a policy on academic freedom and tenure consistent with the 1940 statement by AAUP and the Association of American Colleges.

However, the AAUP draft ends with a provision likely to require revision before it will be acceptable to the federation. "A gross violation of academic freedom, of tenure, or of due process," it says, "should be considered grounds for probation or disaccreditation." By "gross" it is meant that only major offenses, such as the mass dismissals at St. John's, should put an institution's accreditation in jeopardy.

In an interview with *Science*, Meder indicated that the AAUP draft should be acceptable if the final provision is revised to make it clear that an accrediting agency, even though faced with what seems a major violation of academic freedom, may exercise discretion in deciding whether disaccreditation is in order. Without such latitude, the accrediting agencies could not follow their customary approach of

examining weaknesses in the perspective of the total institutional environment, Meder noted. He observed, moreover, that difficulties will arise in defining which offenses are gross and which are not. (Agreeing that a problem of definitions will exist, an AAUP staff member said, "If there were a word more gross than *gross*, we'd buy it.")

The AAUP believes that, through further discussion, its draft statement can be put in acceptable form. The accrediting federation's present chairman, the Reverend E. J. Drummond, vice president for medical affairs of St. Louis University (a member of the North Central Association), told *Science* that, while he was not yet familiar with details of the AAUP draft, he shared AAUP's concern. Father Drummond suggested that, when major violations of academic freedom occur, the accrediting bodies should intervene at an early stage, provide consultant services, and do whatever they can to restore a healthy situation.

The AAUP draft is not, of course, a revolutionary document. Most members of regional accrediting commissions doubtless would contend that their bodies deeply appreciate the importance of academic freedom. Nevertheless, it seems clear that, had the Middle States commission been guided by the spirit and principles of the AAUP draft, it would have intervened in the St. John's case sooner than it did, and with less confusion about the legitimacy of its interest in the mass dismissals.

"Accrediting agencies across the country will be noticeably more watchful because of what happened at St. John's," said a member of one regional commission. "If the AAUP draft is adopted, I think they will be more alert still."

A new emphasis on academic freedom as a standard for accreditation seems especially timely now when high-

er education is in a state of rapid growth. New colleges and universities are springing up, and many small colleges are developing into sizable institutions. For example, St. John's, though founded in 1870 by the Vincentian Fathers, has achieved its present size (more than 12,000 students) and complexity largely since the mid-1950's, when its Jamaica campus, in Queens, was developed.

St. John's had undertaken an ambitious program of self-evaluation well before last year's crisis arose, and, indeed, it was partly because of tensions generated by that effort that the crisis occurred. Some persons familiar with the situation at St. John's believe that the university's growth has outstripped the administrative capacity of the Vincentian Order, which, with only a few hundred priests in its Eastern province, has undertaken to run two universities (St. John's and Niagara University), plus a number of seminaries, high schools, and mission houses. St. John's problem of reconciling its religious identity and purposes with the demands of academic freedom has been a further difficulty. In short, St. John's has been a prime example of an institution in need of expert advice, sometimes from a Dutch uncle.

The ability of accrediting agencies to intervene decisively when their standards are flouted has been demonstrated repeatedly. The Southern Association commission's success a few years ago in getting state officials to stop trying to force their segregationist policies on the University of Mississippi is but one example of such a body's showing its muscle. The power and influence of the accrediting agencies, though often constructively applied in the past, will be still better used in the future, many academicians believe, if the lessons of the St. John's crisis are well learned.

—LUTHER J. CARTER

The Space Treaty: A Step in Easing U.S.—Soviet Tensions

Like a department store Santa Claus too impatient to obey the rules prohibiting early disclosure of gifts, President Johnson confirmed on 8 December that the United States and the Soviet Union had agreed on a treaty insuring

the peaceful uses of outer space. Initially, at least, the Soviet leaders were left speechless by President Johnson's quick disclosure.

The contents of the treaty came as no surprise; in effect, the treaty codi-

fied resolutions passed in previous years by the United Nations General Assembly which were supported by both the United States and the Soviet Union. What is significant is that the two superpowers are able to make a major agreement, despite the tensions produced by the war in Vietnam.

"It is the most important arms control development since the limited test ban treaty of 1963," the President euphorically stated. Since there has been little arms control progress since the treaty banning atmospheric tests in the Kennedy-Khrushchev era, no one is likely to dispute his analysis. Since early 1964, President Johnson has displayed a willingness to ease tensions with the Soviet Union in a number of areas. However, his initial efforts did not bear immediate fruit, partly because of the fall of Khrushchev in October 1964 and, even more importantly, because of the beginning of the bombing of North Vietnam in February 1965.

In the past few months, President Johnson has renewed his efforts to seek areas of agreement with the Soviet Union. In May, he instructed Arthur Goldberg, U.S. Ambassador to the United Nations, to take the issue of a space treaty before the United Nations Outer Space Committee. On 26 August and 7 October the President made significant speeches in Idaho and New York City stressing his desire for peaceful relations with the Soviet Union. In early October, the two nations achieved a long-delayed agreement permitting commercial air flights between New York and Moscow. On 9 October, the President met for 1 hour and 40 minutes with Soviet Foreign Minister Andrei A. Gromyko. The space treaty marks the most impressive achievement to date in the President's campaign for better relations between the two great powers.

To some extent, the Soviets and the Americans gain common dividends from their agreements—not only do they enhance their international prestige but they also help protect their flanks against the seeming belligerence of Communist China. Because of the widespread current distrust of the Chinese leadership, the Soviet Union is now better able to make such agreements with the United States without losing face in the Communist camp.

Basically, the new space treaty guarantees that the moon and the other celestial bodies will not be used for bases or other military purposes and