



What Right Has This Man?



Editorial Projects for Education, a national group of alumni editors, has focused on the age-old controversy of academic freedom in its annual magazine supplement, **What Right Has This Man?**, page 9-24. The balance of this issue is devoted to academic freedom at the University of Oklahoma, where more than passing interest has been aroused in the past few months by two widely-separated incidents. The first concerned a government professor, Dr. Joseph C. Pray, who was subpoenaed by a federal court last summer to offer "expert testimony" in the legislative reapportionment hearings. In the strictest sense, academic freedom was not involved since Dr. Pray had no choice but to obey the subpoena. It did not become an issue until February 5 when a state senator, Bob Trent of Caney, publicly criticized the professor before the Senate Higher Education Committee for "using the prestige of the University" to lend weight to his opinions. The second incident involved the denial of tenure to an English professor, Dr. John Cutts, a student favorite whose disapproval by his department faculty was publicly attributed to "incompatibility." For the faculty in one case and the students in the other, these incidents quickly became questions of academic freedom and contributed enormously to the success of a previously scheduled panel discussion sponsored by the local American Association of University Professors—an event which would have drawn only token attendance a few months earlier. Excerpts from the statements by the panelists—Professors John Paul Duncan and Calvin Thayer, House Speaker J. D. McCarty, President Cross and Regent Mark Johnson—start on page 4. Some alumni add their views in the **Conversation Piece** in the Roll Call section. But freedom in university life is not guaranteed to the faculty alone; certain freedoms belong to the alumni and to the students. See page 25 and 32 for **What Right Has an Alumnus?** and **What About the Student?**



Professor of Government Dr. John Paul Duncan

the professors— I wish I could say today that our record as human beings has been very good with regard to recognizing the [principles of academic freedom], I must admit that it has been good enough that we have thus far managed to survive. But I don't think we have survived well enough. The creative Greeks made Socrates drink the hemlock. The legal justice-minded Romans forced too many men like Seneca to commit suicide. Medieval man, even with his eyes fastened on his Creator, persecuted too many intellectual saints, and his Protestant successors in America in misdirected zeal hanged too many nonconformists as witches, banned too many dances, stimulating plays and books.

I would certainly like to be able to say that the modern American university has done much better. It is true that we do not here today hang, burn or shoot scholars and professors. But we have driven out too many Ezra Pounds, Jerome Davises and Thorstein Veblins. Even college faculties themselves, who pretend to love freedom, let scarcely a year go by without betraying their ideals and intellectual heritage by denying tenure to some colleague in instances where such extraneous grounds as personal "incompatibility" or some kind of nebulous thing sometimes called simple "cooperation" are mentioned as considerations.

University administrations, under the pressure of outside interests, have been known at times shortsightedly to ask a given pro-

an institution must defend but the professor also must

A professor is an educational officer (to quote the admirably chaste prose of our faculty handbook), but he is not an institutional spokesman (same prose, same chastity), and he should make every effort to indicate this fact so that the public may know that while the professor is associated with the University, the University will perhaps not be associated with the professor.

Now, in view of fairly recent and fairly specific events, as recorded in our free and thriving press, one can see the point. Was it implied, for instance, that the University might suffer financially if a professor spoke on a rather touchy public issue on which his views were in disagreement with those of a senator? Incredible as it may seem, this was an inference which could in fact be made. It is worth noting, I think, that the reiteration here of the University's detachment from such matters does not appear to do a great deal of good. If a man is a professor on leave from Harvard or working overtime at the University of Oklahoma, that fact cannot be readily concealed and it should not be concealed.

The problem goes far beyond the ability or the inability, the willingness or the unwillingness of a university to defend the right and responsibility of its scholars to speak out on a public issue. It has become a very bad habit of our society to assume that one man's opinion is as good as another's because one man is as good as another. That the major and minor premises are manifestly wrong makes no difference.

The problem is not merely that professors are undervalued. It

*photos by Hugh Morgan
and John Yack*

fessor to confine himself to professing in the classroom or engaging in esoteric research, which it is hoped, I think, only other professors may read. It has been generally true, of course, that unlike the situation which seems to prevail in Russia, we in America are not pressured into adding a verse to our poetry or into writing rigged economic or political reports through threatened loss of employment—although we are often daintily tempted by special grants or generous financial treatment, plaudits from some influential interest if we will do these things. But we are often told to confine our research to facts and preferably to non-political, non-economic, non-controversial facts, and that we should not dabble in the realm of values, although it is believed by some of us that any fact worth anything must have some value and that values, if human life means anything, are also facts.

More specifically professors at times have been urged not to write letters to the newspapers, or if they do so to either pretend that they are not professors of anything or at least professors on the loose with no institutional ties. We even warn ourselves in our own AAUP statements to “be careful as professors” although our whole education has already placed such stress on being careful that we often overdo this to the point of dullness and the boredom of our better students—who have a curious way of knowing when they have not gotten a stimulative, imaginative, speculative, critical lesson.

It may be suggested that we are not really punished too much

when we do not toe the mark in these things, that we are not really often dismissed, since so many of us are in schools where they have tenure, and we have it. But even professors have learned that as the old saying goes “there are more ways than one to skin a cat.” There are ways of influencing us, by which we influence each other, through systems of promotion and pay increments, through ostracism in the making of appointments to important committees, through the use of unusually inconvenient class schedules and finally by gentle but insistent pleas that we act in the interest of a whole university. Most of us, being gentle folk really, are wont to harken to such things. We’re not really very rough and tough people usually, and we have wives and families. So we sometimes flush without and agree with some embarrassment to behave ourselves even though we may burn with humiliation within at our loss of personal courage and integrity.

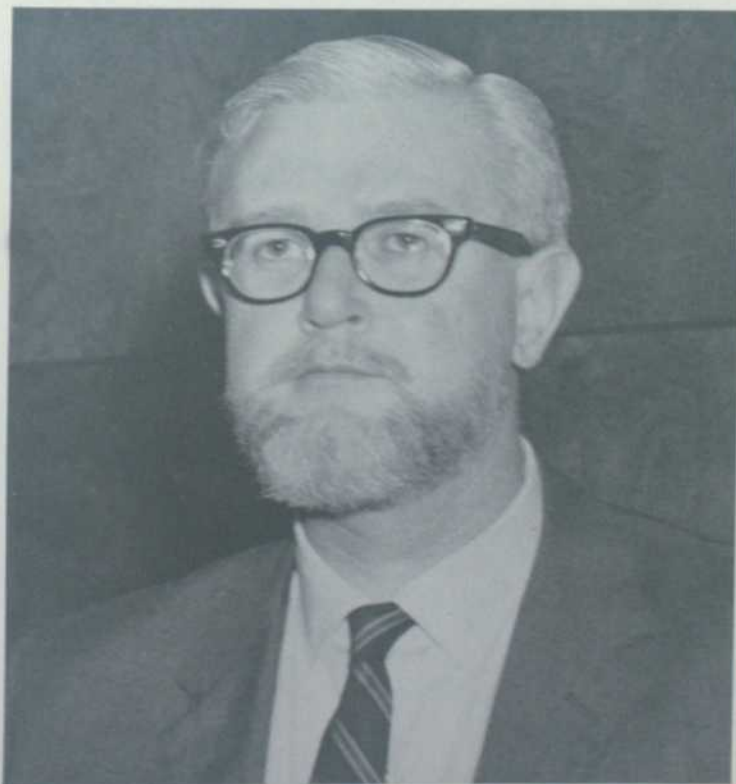
Yes, these and other urgings and actions to enforce them do occur. While they have not been devastating, when they have happened and wherever they have happened they have been degrading and destructive to the individual creative mind. They have built an atmosphere which makes us less than the persons we might have been and less able to be the professors we think we should be and to perform our function for the civilization that our calling suggests that we ought to perform. And though we may understand sometimes why they occur, they are not to the advantage of our country or to the human race. —Duncan

Faculty's right and obligation to speak out protected from censorship by the faculty itself

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is not merely that their motives are unfairly impugned. It is not merely that their role in society is not clearly understood, as though there were a basic difference between a professor and a citizen. It is that people who have their own opinions do not much care for the opinions of others, and many who have opinions have not arrived at them in a sufficiently objective way. A citizen by virtue of his citizenship is required to form opinions carefully, and a professor by virtue of his profession is required to profess opinions.

The problem of academic freedom goes far beyond the relationship between the professor and the institution. Within the institution, there may well be cases of violation of professional responsibility, violation of decorum and discretion and borderline cases that require painstakingly careful adjudication, but where the public is involved there should be a single face, a united front, not indeed with respect to opinions as such but with respect to the obligation to form and disseminate opinions. Any university subject to any kind of pressure tactics from without should make it its business, not to defend its faculty's opinions forcefully, but to assert the intellectual and moral integrity of its faculty—to say to the public systematically and truthfully, forcefully and eloquently that a professor is not a mirror of institutional opinion, because institutions don't have opinions, that he is the mirror of a much larger truth which is the responsibility of every citizen and particularly of every professor to reflect as accurately as possible. —Thayer



Associate Professor of English Dr. Calvin G. Thayer



Dr. Mark Johnson, President G. L. Cross, Speaker of the House J. D. McCarty

it is unrealistic to expect to exercise academic freedom without receiving criticism

the president— The purpose of academic freedom as I see it is not to preserve the dignity of the professor in any way, not to do any thing for him at all, as a matter of fact, except in so far as it shall insure for the people the right to hear what the professor has to say, the right to hear and evaluate what a professor thinks. It is in the best interest of society to have academic freedom so that the benefits of such thought as may go on in a university of this kind may be brought to the attention of the people for evaluation. Now in the exercise of academic freedom on the part of the faculty and in the administration of academic freedom by the president of a university, some difficulty develops from time to time.

My first adventure with academic freedom came about 30 years ago when I was a professor of plant sciences at the University of South Dakota. The farmers up there had plowed too much of the country. It was too dry, and there were heavy dust storms. I had taken the position that some of the land should be allowed to go back into prairie, to be planted to grass. Then I indiscreetly mentioned that in my opinion the Indians who had roamed that area in earlier days had managed the land better than the white people. Three of the major newspapers of the state immediately took the position that Indians and college professors drew their sustenance from the white people of the state, and that if the professor in question was not satisfied with the way things were going, he might move to some other state. I came to Oklahoma.

Now let's take a look at the Pray Case. Vice President Brown,

the politician— Oklahoma, as well as the rest of the United States, has made giant strides in the last two decades toward giving academic freedom to teachers and professors in various universities and colleges. And that is as it should be. I would like to turn it around now and pose a question, and also this thought, to the professors and teachers themselves—that they may have been the more guilty by not taking advantage of the academic freedom that is available to them in our colleges and universities in America.

Too many of them have relegated themselves to the sidelines unnecessarily, and the brains and the power of thought and persuasion that many of them have as their attributes are actually being wasted in this free society. My challenge to the teachers and professors in this my own university—to me the greatest school in the entire Southwest—is that for it to become even greater its teachers and professors must take a far more active part in local affairs and state government, in national government, in discussing the issues at hand, in order that their abilities and their backgrounds may be transmitted to the citizenship of this state.

I certainly do not think they should have any fear of just one state senator. If they would serve just one session with us lowly house members, I'll assure them they will get over that fear. That is facetious, of course, but the point is that just because one person or one small group or several small groups of people holler about a professor's entering into the public life, it does not reflect the opinion of all of us in public life, nor of the great,

(business manager) Dud Giezentanner and I had gone to appear before a committee of the state senate to talk about some other matters. We had been supplied with a list of questions which we honestly thought we would answer. We answered some of them, not many. We got diverted a bit onto what you know as the Pray Case. Now we were ill-prepared to cope with this. In the first place I had not known Professor Pray had testified anywhere to anything, since I had been out of the state and had not read of it in the newspapers. Our interrogator, the senator, did not know who had been involved in this matter he wanted to ask about. He could not think of the name; I could not think of a name; nobody suggested a name. Finally the name came out; it was Joe Pray.

We talked very briefly about Joe Pray. I, knowing nothing about the testimony or the fact that he had appeared, could make little by way of comment. But Dr. Brown, who had been in the state at the time Dr. Pray had become involved in this, was able to suggest that Dr. Pray had appeared and had no doubt given expert testimony. This was fine.

Then the senator decided to pursue the matter a bit further and to explore with me the matter of academic freedom. I thought of some other cases. I thought of the session of the legislature two years ago when a distinguished member of our faculty referred to the members of the legislature in a derogatory manner. There were protests. But for his excellence in teaching that professor received a merit increase in salary that fall, which in my mind rather clearly demonstrates that academic freedom does exist.

great majority of the people of Oklahoma. I believe by the more active realization that academic freedom is really theirs, the teachers and professors can do a great service.

But you know that it takes a great deal of time and effort for any of us to move out of the life we make for ourselves. I know that those who are the teachers and professors at O.U. have active schedules. Their background is such that they are just a little more sensitive than I who have been raised in the political turmoil since I was 16 years old and making speeches off the back end of a truck. When I am assaulted with harsh words and vigorous statements, I have to make vigorous denials. A teacher or professor, being unused to attacks, is naturally a little more thin-skinned than those of us who are in public life.

As for Dr. Pray at the reapportionment hearing—I was there at the federal court, and I testified. My testimony differed somewhat from Dr. Pray's but certainly he made a fine dissertation based upon his intense study—and it was his belief. I can say this: there were many representatives and senators in that audience the day he testified in federal court, and I did not hear a single one of them even question his right to testify to his belief because he was a professor at the University of Oklahoma. I for one admired him. I admired that he had taken the time and the interest to participate in public affairs and do what he thought was right for this state.

In my opinion, if we had more Dr. Prays at the University of Oklahoma—and at the colleges, the 18 of them, throughout this state—we would make this a greater state of which we could all be proud.

—McCarty

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On another occasion a member of our faculty, for me unhappily, presented an argument which he sent to a newspaper, and he wound up his discourse with the suggestion that the people of Oklahoma were probably too disinterested or ignorant to appreciate what he was talking about. This caused considerable reaction. I got to thinking about these things during my visit with Senator Trent—that the members of our faculty do have academic freedom and that sometimes in the exercise of their academic freedom the president is embarrassed. Now this reference was not in relation in any way whatsoever to Dr. Pray's expert testimony. It was in reference to a general discussion of academic freedom and some of the things that happen to a college president in the administration of academic freedom. Professor Pray's expert testimony in no way embarrassed anybody to the best of my knowledge, and I think you should remember in this regard that only one senator was pursuing this matter. In my opinion only one senator was interested in this situation.

I think in the matter of academic freedom we must expect a certain amount of trouble and embarrassment. It would be very unrealistic of a college faculty to think that in our society academic freedom can be exercised freely without some unpleasantness. It is just inevitable. It will be unpleasant for the professor when he exercises academic freedom but this is the price we all pay for the privilege. The president must expect a lot of unpleasantness, expect to be embarrassed, expect to be called upon to interpret situations to persons who may choose not to accept those interpretations.

—Cross

the regent—


Academic freedom to me means that a teacher, professor, instructor, one who can inspire the act of learning, will have his rights as a citizen protected by the society in which he lives—not threatened, not abrogated, not encroached upon, but preserved so that he can, through his ability and talents, propagate all sorts of individual freedoms. After all, isn't academic freedom one way we can guarantee the extension of civil liberties and human rights generation through generation? If we preserve the individual and civil rights of one who is teaching, I think we can rest more comfortably and allay our anxieties about the freedom of subsequent generations. Once we give ground in academic freedom, we shortly and too soon will yield ground in the infringement of other civil freedoms. Every right which we are so anxious to protect for ourselves, we should in our good citizenship preserve for our teachers, and thereby lend an air of freedom to our universities.

The difference between freedom of speech and academic freedom can be described, at least in my mind, as simply a matter of extension. In a teaching activity one has a captive audience; one has certain authority, power and prestige that comes almost as a package deal with the professorship or the instructor's position. Therefore the exercise of freedom of speech in this position is somewhat unique when contrasted with an individual's right to freedom of speech on the street corner or on the courthouse lawn or in his own living room. The question becomes crucial, critical and sometimes antagonizing when it pertains to freedom of speech of a professor as far as it concerns a professor's student's parents—who are in violent disagreement with the professor. This I think is a healthy situation. Our offspring have been exposed to our views, our convictions, our commitments. It's time to shed this provinciality and if possible avoid the development of intellectual cliques.

This is not a rampant, unfettered expression of unconventional ideas. This is not a propagation and exercise of radicalism. Every organization that is comprised of more than a few individuals has a tendency to regulate itself. It has in it its own governors, accelerators, its own motivators and its own brakes. An institution—a large group of individuals—that is free will of its own nature pursue principally the truth, will stand principally for the truth, will have much less difficulty in differentiating fact from fancy and prejudice. It will in its own energy and in its own time do what its citizenship feels is proper or what its citizenship desires.

Perhaps through the exercise of academic freedom, we non-professors or non-academic people develop a deeper understanding of the significance of all the freedoms. It is no easy matter for any individual in administrative hierarchy to differentiate between personal whim and objective right. It isn't something that comes naturally to any human individual. It is something that is gained only through conscious effort—knowledge of one's self, one's own prejudices, one's own desires, one's own beliefs, to be sure that your personal convictions do not infringe upon another's and do not result in an alteration or deprivation of academic freedom. But academic freedom itself, if not smothered, if not suppressed, if not altered severely, will see to it that it is much easier for any of us as individual citizens or as administrators not to devote ourselves to the deprivation of right for any individual inside or outside any group.

—Johnson



this man has the right
of any other man and his
right must be protected

University Regent Dr. Mark Johnson