El Salvador Teach-in (continued)

appreciates the political and social breadth of the panelists and participants, from Wayne State Provost Bernard Klein, former American Ambassador to El Salvador, Robert White, Detroit Councilwoman Maryann Mahaffey, U. S. Congressman George Crockett,Jr., U.S. Congressman John Conyers, historians of international and national and local note, church people of all persuasions, Maryknoll sisters and priests, FDR representatives, Michael Harrington, Bill Wipfler of the National Council of Churches, and the faculty, staff, and students of the Wayne State University.

An additional expression of the success of this teach-in was that, after all expenses, the collection netted sufficient surplus to send $400 to El Salvador. In the words of Professor Ronald Aronson* of the Wayne State University: "The 3-day event proved that we have a united campus, that people long holding back from participation came forth, that the tapping of this kind of energy uniting the total actdve community in a satisfying goal, serves to demonstrate what can come of the tremendous cooperation, enthusiasm, and support of a united community."

We join in the whole of this event and say: " No more Viet-Nams - The U.S. Out of El Salvador!"

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* One of the major coordinators of the teach-in, member of the WS faculty

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SMITH'S LOSS A VICTORY FOR ACADEMIC REPRESSION by Lisa Arouet

News Item: On July 17,1981, U.S. Magistrate David S. Perelman of the U.S. District Court for the Northern District, Eastern Division of Ohio, in Cleveland, ruled against F. Joseph Smith, in the case of Smith v. Kent State University, Case No. C-74-503,a case which initially began in the same federal court as Smith v. Hetzel, C-72-1086, in October,1972, following Smith's summary suspension at the Kent State University.

F. Joseph Smith

On June 4,1973 tenured professor F. Joseph Smith was illegally dismissed from the Kent State University by then President Glenn Olds(now President of Alaska Pacific University, formerly Alaska Methodist University). Dismissal came in the form of a registered letter. This dismissal was a direct violation of Ohio State law because, according to the OHIO REVISED CODE, sect. 3341.04, only the Kent State University Board of Trustees has the power to dismiss a professor and such dismissal must be in the form of a formal vote by a majority of a quorum of the Board. In spite of Dr. Olds' unilateral decision and his breaking of the law, Smith was dismissed and has been blacklisted from all college teaching assignments in the USA. To add insult to injury he was also denied unemployment compensation because his dismissal was allegedly for "just cause" in connection with his work. What was the cause? Allegedly it was for gross misconduct, that misconduct being the fact that he declined to teach a course arbitrarily assigned him (See a detailed account on this and other details on the Smith case in the November,1980 issue of ZEDEK)

Although we think that Smith's declining to teach an arbitrarily assigned course was not the real reason for his dismissal and that the real reason had rather something to do with his union activities and his speaking out on controversial issues, the federal courts have acted as if they would, at least, deal with the putative reason. This was the orientation of Magistrate David S. Perelman who on March 16,17, and 18, 1981 heard Smith and the Kent State University defendants plead their sides of the controversy.

The University tried to show that arbitrarily assigning Smith a course he did not want to teach was not unreasonable and his declining to teach that course was unreasonable, thus constituting serious misconduct and grounds for dismissal. In his July 17,1981 decision,Magistrate Perelman agreed with the Kent State defendants and lamented in a footnote(page 27) that "Considering the undisputed intellect, talent and ability of Dr. Smith, it is indeed sad if, as it appears from the record, his college teaching career has foundered on the shoals of contentiousness, obstinance, and ego." It is difficult to take Magistrate Perelman's lament seriously. To do so would be equivalent to accepting the lament of a well-fed cat which, after swallowing a prize canary, meowed for forgiveness.

In ruling against Smith, Magistrate Perelman acted as a lackey for the power elite in Ohio who enjoy making object lessons of dissident professors who dare to challenge the status quo and are critical of the

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Smith's Loss (continued)

injustices others might overlook. Smith's faculty peers, after reviewing his situation during hearings in 1972, unanimously recommended that he not be dismissed, that he should be promoted to full professor within two years, and that he need only accept course assignments on the basis of mutual consent, a basic AAUP principle concerning the relationship of professors and their teaching responsibilities. Kent State authorities, however, completely ignored those principles. Smith's faculty peers also felt that dismissal for declining to teach a course was much too severe a penalty because it was and still is a common practice at Kent State and all universities for course assignments to be made on the basis of mutual consent. The Kent State Trustees, a body composed mostly of business and professional, non-academic people, knowing little about higher education and/or AAUP principles, of course, saw Smith's declining to teach a course as "serious misconduct," "insubordination," and "grounds for dismissal," particularly since Smith's had a record as a social activist, union organizer, a man who spoke out on controversial issues, including the incompetence and dishonesty of the director of the Kent State School of Music, the director being a man whose sympathies and loyalties were very compatible with those of the Trustees.

An unusual feature of the Perelman decision was his use of the 11th Amendment to deprive Smith of any kind of monetary settlement if he did win his case. Perelman stated that the 11th Amendment provided immunity for the Kent State defendants against any monetary claims which would require the expenditure of public funds. This interpretation of the 11th Amendment is surely a perversion of the 11th Amendment as well as the 5th and 14th Amendments which state that no citizen of the United States shall be deprived of his property rights(his job in this case) without due process and that should such a loss occur without due process, redress would be made. It would appear that Magistrate Perelman ignored these constitutional principles in handling the Smith case.

He also did everything he could to avoid dealing with the merits of the case on an objective and fair level. Thus, he said nothing about the fact that Dr. Olds violated the Ohio State law when he alone dismissed Smith by sending him a registered letter. Perelman refused to hear the testimony which would have established the fact that many Kent State faculty have declined to teach courses without having had any penalties whatsoever made against them because their departments feel that the assignment of courses on the basis of mutual consent is the reasonable thing to do and that arbitrary assignment of courses is unreasonable and even unprofessional and antithetical to basic AAUP principles on academic freedom and tenure.

Magistrate Perelman also refused to hear a witness who would have been able to testify and provide incontrovertible evidence on several significant equal protection issues, namely, the fact that at least three Kent State faculty members, in the past decade, were guilty of plagiarism, academic fraud, and the misuse of state and/or federal fund These three faculty members, although clearly guilty of gross misconduc and moral turpitude, and whose behavior was known to the Trustees and the University Administration, have never suffered any penalties whatso ever. The evidence on these three cases is well-documented in R.M. Frumkin's THE KENT STATE COVERUP (Detroit, Frontiers Press,1980), Volum I and II, available through the SAPDF for a nominal fee.

Thus, in ruling against Smith, Perelman established himself as a tool for the perpetuation of academic repression in Ohio and throughout the nation. The great tragedy in this case is that, after more than 8 years of terrible suffering, Smith is still out in the cold. Why hasn't Perelman lamented about what a great loss Smith's dismissal was to the

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Smith's Loss (continued)

hundreds of students deprived of his teaching at Kent State,what being unemployed for more than 8 years has done to Smith's health and happiness and that of his wife and two young daughters ?

What can Smith do now to struggle for redress? He and his attorney are now in the process of planning the next course of action. New developments in the Smith case will be reported in future issues of ZEDEK. Needless to say, over a period of 8 years, Smith and his family have accumulated staggering financial burdens and have a daily struggle for survival which warrants the concern of all of us. Any information which might lead to employment for F. Joseph Smith within the metropolitan area of Chicago should be sent immediately to us c/o SAPDF, 19329 Monte Vista Drive, Detroit, Michigan 48221.

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The United Fruit Co.

When the trumpet had sounded, all
was ready on the face of the earth,
and Jehovah divided his universe
among Coca-Cola Inc., Anaconda,
Ford Motors, and other entities:
The United Fruit Company Inc.
reserved for itself the juiciest item
of all, the central coast of my country,
the sweet waist of America.
It rebaptized its properties
as 'Banana Republics,'
and over the sleeping dead,
over the restless heroes
who conquered greatness,
freedom and flags,
it established an opera bouffe:
it took away all initiative,
gave out tin medals,
let loose envy, and devised
the dictatorship of the horseflies -
Trujillo the fly, Tacho the fly,
the flies called Carias, Martinez,
Ubico - flies wet with
the sticky blood of the downtrodden,
drunken flies buzzing
over the graves of the people:
circus flies, and scholarly flies
schooled in tyranny.

In the bloody domain of the flies
the United Fruit Company unloaded
coffee and fruits from its filled-
to-the-brim cargo boats that glided
like trays with the spoils
of our sinking dominions.

And meanwhile, in the sugary
stockpiles of our seaports,
Indians fell in the morning mist:
one body spun off, something
unnamed, a tumbling cipher,
a cluster of dead fruit
rolling into the garbage heap.

Pablo Neruda

Pablo Neruda

'I among men bear the same wounded hand,
suffer the same reddened cup
and live an identical rage.'

From a poem about the Spanish Civil War.

I have never thought of my life as divided between poetry and politics. I am a Chilean who . . . . has known the misfortunes and difficulties of our national existence and who has taken part in each sorrow and joy of the people. I am not a stranger to them, I come from them, I am of the people. I come from a working class family . . . .I have never been with those in power and have always felt that my vocation and duty was to serve the Chilean people in my actions and my poetry. I have lived singing and defending them

Pablo Neruda
Chile, 1970

BERTELL OLLMAN'S STRUGGLE: MANY CRUCIAL ISSUES FOUND IN THIS LANDMARK CASE

by R.M. Frumkin

[Excerpts from the decision of Judge Alexander Harvey II in the case of Ollman v. Toll, et al., U.S. Dist.Ct.(D., Md.,1981) Case No. H-78-1402]

Bertell Ollman

"Quite clearly, plaintiff has satisfied the first part of the burden upon him in a case of this sort. Dr. Ollman was a Marxist and was known for professing those political beliefs. Whether or not plaintiff's Marxist beliefs are popular ones and whether or not they have the approval of other citizens of this country, they are entitled to the full protection of the First Amendment. No more direct assault on academic freedom can be imagined than for school authorities to refuse to hire a teacher because of his or her political, philosophical or ideological beliefs." (page 10)

"Marxist or Communist beliefs, like other political beliefs, are protected under the First and Fourteenth Amendments, and such beliefs or one's association with others holding them is protected activity for which a state may not impose civil disabilities as exclusion from employment by a state university. Cooper v. Ross, 472 F. Supp. 802 (E.D. Ark.,1979)." (page 8)

Note: Both excerpts from Judge Harvey's July 27,1981 decision.

In 1977 the University of Maryland (College Park), henceforth referred to as UM, requested that a search committee find a new chairperson for its Department of Government and Politics. The hope was that the quest would lead to the appointment of a person who would help the UM to develop one of the very best departments in the nation. After reviewing the credentials of more than 100 candidates and interviewing the best of those, upon the recommendation of the search committee, on March 15,1978, Prof. Bertell Ollman, a known Marxist and then an associate professor at the New York University, as well as the author of the respected and influential book ALIENATION: MARX'S CONCEPTION OF MAN IN CAPITALIST SOCIETY, was offered the position by Provost Murray Polakoff with the full approval of Chancellor Robert Gluckstern.

While waiting for the expected approval of then President Wilson H. Elkins, there developed much protest over Ollman's Marxist beliefs. Conservative newspaper journalists throughout the nation attacked the pending appointment. But persons other than journalists opposed the appointment. Other, more powerful kinds of opposition swiftly came into action. At least three members of the University's Board of Regents, the acting governor, various legislators, citizens, alumni, and even several members of the UM staff and faculty raised strong objections to Ollman's appointment. Because Pres. Elkins was retiring on June 30,1978 and did not want to be drawn into any court battles which seemed a certainty if Ollman were rejected by him, and strongly feeling the pressures not to appoint Ollman, Pres. Elkins passed the buck to the Board of Regents and the new incoming president, Dr. John S. Toll. On July 20,1978, after officially being UM president less than one month, Dr. Toll rejected Ollman's appointme claiming that Ollman was not really qualified for the position and

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The Ollman Case(continued)

in turning Ollman down, he had not bowed to the pressures to either reject or to accept him. However, a national AAUP investigating committee which thoroughly examined the Ollman case stated that the UM was in serious difficulty because the delay in not presenting Ollman with a final decision by May 1,1978 was "unconscionably excessive and inconsiderate" and was a violation of the AAUP's STATEMENT ON RECRUITMENT AND RESIGNATION OF FACULTY MEMBERS, a statement which allegedly was accepted by the UM, as well as other members of the Association of American Colleges. The AAUP committee reportedly saw Elkin's delay as a de facto rejection of Ollman and a way of avoiding litigational liability.

The AAUP committee thought that Pres. Toll had the right to veto an appointment but rejected the idea that any use of his veto should be treated as "presumptively valid." Here the committee found serious fault because Dr.Toll's discipline is physics and not political science(Ollman's field) and he was far removed from the primary decision-making process. They found his procedure in dealing with Ollman's appointment deficient. Dr. Toll's procedure was deficient in that he never made a clear statement on Ollman's deficiencies in his administrative and/or professorial qualifications. As with a legal indictment, one cannot begin to make a case against someone without delimiting the charges so that they can be examined and challenged. Thus, an evaluation of the validity of his charges against Ollman remain impossible to ascertain . In legal language, Toll denied Ollman two significant due process rights: 1. The right to get a specific, clear statement on his alleged deficiencies(the charges against him). 2. The right of discovery, the right to ascertain the nature of Toll's past behavior relative to his appointments of department chairpersons, that is, how he made such decisions, what these decisions were, etc.

Ollman, not accepting Toll's explanation, filed suit against Toll, the UM Board of Regents, and former Pres. Elkins in the U.S. District Court of Maryland, claiming that the defendants violated his constitutional rights, specifically his right to his political beliefs guaranteed by the First Amendment, as well as other rights denied him by the defendants. The trial of Ollman v. Toll etal. (U.S. Dist. Ct., D., Md.,1981, Civil No. H-78-1402) took place between May 18,1981 and June 11,1981 before Judge Alexander Harvey II, allegedly a member of one of the elite, upper-class families of Baltimore. With Ollman as the plaintiff, a man whose origins can be traced to a working-class family, the drama in court became at once a class struggle as well as a legal one. It is a pity that superb and gifted writers and journalists such as the satirical James J. Kilpatrick, who made his views on the trial known in his piece entitled "Class Struggle: Marx and the University President" (BALTIMORE SUN, June 7, 1981), have not had the kind of progressive, general , that is, liberating kind of education and knowledge about people, society, and culture which would help them to see the significance of the Ollman case. Thus, the poorly educated Kilpatrick, when concludes his piece by stating "In a free society, Professor Ollman can peddle his class struggle wherever he can sell suckers on his snake oil philosophy. But politicians, presidents and those who pay the taxes also have a right to be heard," demonstrated he did not understand the critical issues in this case at all.

In his decision on July 27,1981 on Ollman v. Toll, Judge Harvey stated that the plaintiff Ollman's burden was threefold: 1. To prove his beliefs and/or associations are constitutionally protected. This Ollman did quite adequately. 2. To prove one of the defendants(namely Toll because the others were eliminated by the Judge) based their decision not to hire on the basis of his protected beliefs and/or associations. This Ollman was

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The Ollman Case(continued)

not really permitted to do and will constitute one of the bases of his appeal in the appellate court. 3. To prove that refusal to hire him was pretextual. Again Ollman was not permitted to demonstrate the pretext because Judge Harvey placed serious roadblocks into his right of discovery.

The legal issues stressed by Judge Harvey in this case tend to obscure the broader political and social issues involved in it. That is, one of the basic issues related to Ollman v. Toll is the one that has to do with the role of a public university in a free society. On that question, Thomas Jefferson, who worked toward establishing a Free University of the United States but did not succeed, stated that role very clearly. He said: "...if a nation expects to be ignorant and free it expects what never was and never will be.... I believe in the educability of the people. The tax which will be paid for this purpose is not more than the thousandth part of what will be paid to tyrants who will rise up among us if we leave the people in ignorance." (cited in M. Geiger,"The University of the United States," in D. Malone(Ed.), THE JEFFERSONIAN HERITAGE, Boston: Beacon Press,1953, pp.145-155.)

Conservatives and half-baked, poorly educated journalists, the likes of Kilpatrick, do not and cannot see that the public university,even more than the private one, in a democratically oriented society, has the responsibilityof creating educational environments which simply do not reflect, reinforce, and meekly bow to the status quo. Why do known Marxists so frighten the American power elite? If you can answer that question,and the answer is relatively simple, you can understand why Ollman is perceived as a threat to them. The power elite in the United States represents a part of and/or are supported by capitalists. Marxists critically examine capitalism and demonstrate how defective it is and how much better socialism could be for the majority of the people in this country.Professors, scholars, and administrators as competent as Ollman, are, therefore,rightly perceived as a bona fide threat to the values which capitalists cherish and wish to preserve at all costs, even resorting to murder, as seems to have been the case in the death of Karen Silkwood who tried to expose the dangers of the nuclear power industry.

Although Ollman had named former President Elkins and the Board of Regents as defendants, only President Toll was recognized by Judge Harvey as the defendant because Toll was the ultimate decisionmaker. Therefore, it was primarily Toll's testimony and evidence which was sought and utilized by Judge Harvey.And, the Judge, representing his class interests well, found justification for deciding on July 27,1981 that "First, the final deicision concerning the appointment of the Chairman of the Department of Government and Politics at the University of Maryland was in 1978 committed exclusively to the judgment of the President of the University. Secondly,the decision in this case was made honestly and conscientiously by President Toll alone for reasons which he believed would promote his goal of improving the standing of the University. Thirdly, his decision was not based upon plaintiff's political beliefs. President Toll so testified and this Court has accepted that testimony....For the reasons stated, judgment will be entered in favor of the defendants, with costs."

The record in Ollman v. Toll literally includes thousands of pages of materials. In the space available in ZEDEK it would be impossible to even begin to get into the details revealed in the record. The SAPDF, in cooperation with the Frontiers Press, an independent, progressive publisher, will, however, try to publish some of the significant documents in this important case and make them available at a nominal cost. For the

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The Ollman Case(continued)

moment, however, the best we can do is to discuss the importance of the judge's decision in the Ollman case and summarize the critical issues as we see them.*

Negative Implications of the July 27,1981 Decision and Crucial Issues Raised in Ollman v. Toll

1. Politicians will feel freer to interfere with academic matters,since, despite much open support for the Ollman appointment, they succeeded in preventing the appointment.The politicians' role seems to be one of making sure that the university is the guardian of the right ideas, that it supports the status quo. In this view, the university is a tool for the American power elite, no matter how totalitarian. This view is antithetical to the view of Jefferson who believed that the public university must be the center for the exploration and examination of new ideas, where people might be free to pursue the truth,where the spirit of science, the critical spirit, would insure a democratic society. The Ollman case points up the need for the kind of Free University of the United States which Jefferson felt our country needed in order to be free of tyrants and despots the likes of Reagan.
2. Higher university administrators will feel freer to do as they wish with controversial professors, knowing that such professors can do little to effectively defend themselves. Such administrators will begin to recognize that as guardians of the status quo, the courts will regard the universities they run as sovereign entities not required to pay any attention to the U.S. CONSTITUTION or the BILL OF RIGHTS. It will be recognized that professors and other radical staff members of universities do not have the same rights as other American citizens, that university officials can deny them those rights with impunity.The issue here is a very serious one: is the university a sovereign entity to which the U.S. CONSTITUTION, BILL OF RIGHTS, and the laws of the land do not apply? More specifically, does Bertell Ollman really have the right to free speech, freedom of association, the right to protest peaceably against matters which he feels are unjust or undemocratic, the right to due process and equal protection of the law?
3. Ollman's loss on July 27,1981 will lead many university departments and lower administrators not to nominate radical professors for chairmanships, and possibly not even recommend them for tenure or promotion, fearing that to do so will cause the same kind of developments which arose in the Ollman case. The chilling effect on college campuses is already apparent as reports of new cases of academic repression every week come to our attention.
4. As a result of Ollman's loss, many radical faculty feel increasingly insecure, and rightly so. Radical faculty are, in fact, now less likely to get appointments, get tenure, get promotions, and treated fairly.
5. Because of the enormous publicity which the Ollman case has received, editorials in leading newspapers throughout the country(NEW YORK TIMES, WASHINGTON POST, etc.), as well as many articles and mention in all the mass media, the general public has learned a lot of what it knows of Marxists in the universities from this particular case. The negative verdict, if permitted to stand, will confirm most people in their view that universities treat their radicals fairly because the unfairness in this case has, relatively speaking, rarely been discussed. If Thomas Jefferson were President today he would, in all probability, support Ollman's right to an appointment at the UM. But President Reagan, as demonstrated in his California governorship, if asked about

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* Many of these points arise out of discussions and/or communications with Bertell Ollman and others familiar with his case.

The Ollman Case(continued)

the Ollman appointment, would surely oppose it because, in his simple mind, as in the simple minds of those who helped to send the Rosenbergs to the chair, Marxists "are Communists, subversives, enemies of our country" and the statement made by Judge Harvey that "Marxist or Communist beliefs...are protected under the First and Fourteenth Amendments, and such beliefs or one's association with others holding them is protected activity for which a state may not impose civil disabilities as exclusion from employment by a state university" is a dangerous statement,even though, in his heart of hearts, Judge Harvey knew that what he stated in his decision about these matters he really did not mean because his decision against Ollman and his conduct during the trial demonstrated that,like Reagan,he believes Marxists have no place in our public universities.

6. For the elements on the Right, for the Moral Majority, KKK, the America Nazi Party, for the nativists, the Ollman case was an object lesson, a test-case for their anti-Marxist crusade in the universities. Ollman loss will stimulate them to new efforts along these lines.
7. As for the judge's decision, it rests heavily on the credibility of Presidents Elkins and Toll and UM Vice-President Hornbake. These men manifest distinguished appearances which exemplify their class allegiances and they have long, outstanding records of service to higher education. Their records are not blemished, as is Ollman's, with involvement in protest movements or publications in radical publications or known affiliation with radical ideas and/or movements. In short, Ollman, in this context, is a man with credibility much below that of the defendants who have denied him his basic rights. University presidents throughout the country will ask for no more when their controversial decisions against radicals are called into questio
8. In the course of the trial, Judge Harvey ruled out as "irrelevant" all evidence pertaining to the standards President Toll used in appointing department chairmen in his 16 years as university president (13 years at the State University of N.Y. at StonyBrook and 3 years at the UM), depriving Ollman of a base from which to show that he was being treate in a unique manner and judged from a standard that did not apply in other similar appointments. Establishing differential treatment norms in order to show nepotism, bias, and discrimination is essential in cases where radicals are denied tenure, promotion, etc.Ollman was clearly denied the right of discovery in this case and this denial must be one of the bases for his appeal to the appellate court. If permitted to stand, Judge Harvey's decision against Ollman will give important support to administrators who wish to deviate from the ethic of fairness when dealing with radicals. So not only is the matter of the right of discovery at issue here, that is, a due process, Fifth Amendment right, but also the right to equal protection, a Fourteenth Amendment right. Ollman's appeal must deal forcefully with these issue
9. Also, in the course of the trial, Judge Harvey refused to hear any testimony on the expertise of the various experts relied upon by the Search Committee (who chose Ollman for the job) and President Toll respectively. The result was that the evaluation of such world famous political theorists as Isaiah Berlin and Sheldon Wolin (Ollman is a political theorist) weighed the same on Judge Harvey's scale of justic as the few minor theorists and majority of non-theorists, most of whom had not read Ollman's works and were chosen by Toll on the basis of undetermined and/or suspect criteria. This allowed the Judge to say that the "political scientists" disagreed about Ollman's scholarship.

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The Ollman Case(continued)

Again, radicals often challenge negative decisions on their tenure or promotion on the grounds that people who are not qualified to judge their work were asked to do so. Judge Harvey's decision in this matter will give important support to administrators seeking to counter this objection. The legal issue here is one concerning the right to be judged by peers in proceedings concerning the potential deprivation of one's rights. This is a basic due process right guaranteed by the Fifth Amendment. Another due process right here is the right to unbiased decisionmakers at every significant stage of the decision-making process. If the judge and the so-called experts he calls in are biased persons then there is a due process right violated here.These due process issues must be raised in Ollman's appeal to the appellate court.

10. The net effect of points 7, 8, and 9 , discussed above, is that it diminishes the usefulness of the First Amendment as a basis for defending radical academics in the universities and points to the need of challenging the courts to support and defend the fundamental due process rights guaranteed by the Fifth Amendment and the equal protection right guaranteed by the Fourteenth Amendment, that is, demanding that the courts grant professors the rights other citizens take for granted but universities, with their immunity from the law, continue to deny radical professors in particular.It is more than the First Amendment that is in danger on our campuses, other basic rights, all basic rights are in jeopardy as far as professors are concerned. An essential question here is: is there a place for Marxism in the American university? In the Mar.26,1979 issue of the CHRONICLE OF HIGHER EDUCATION, page 19, PROF. BERTELL Ollman answers his critics on this question in the piece reproduced below. In a Feb.20, 1979, Thomas M. Magstadt, in an article entitled "Can a Marxist Be a Political Science Chairman?", appearing in the CHRONICLE OF HIGHER EDUCATION, forcefully spoke in behalf of a lot of like-minded persons who think Marxists cannot be political science chairpersons. Two full pages of letters to the CHRONICLE followed his provocative, anti-Marxist piece, including reproduction of Ollman's article below which originally appeared in the NEW YORK TIMES.

Bertell Ollman replies

The role of Marxism in universities is only slightly less obscure than the role of universities in Marxism, but perhaps some light can be shed on both subjects by examining Marx's little-known response to an ancient Roman myth.

Cacus was a Roman mythological figure who stole oxen by dragging them backwards into his den so that the footprints made it appear they had gone out from there. After quoting Luther's account of the story, Marx exclaims: "an excellent picture, it fits the capitalist in general, who pretends that what he has taken from others and brought into his den emanates from him, and by causing it to go backwards, he gives it the semblance of having come from his den."

Capitalists present themselves as producers of wealth, providers of jobs, donors, and public benefactors. The press (their press) usually refers to them as "industry." Is this an accurate description of who they are and what they do? What stands out clearly from the example of Cacus is that what Marx (and Marxists) call bourgeois ideology does not so much falsify the facts as misinterpret them so as to reverse what has taken place: The footprints are there for all to see, but if we limit ourselves to what is immediately apparent (the subject matter of "empirical" social science) we will arrive at a conclusion that is the exact opposite of the truth.

Only if we examine what led up to the event in question and its surrounding circumstances—that is, its real history and the system of events in which it resides—can we hope to understand what really happened and why.

In the case of the capitalists, only by examining how they got their wealth from the surplus labor of previous generations of workers (history) and how our laws, customs, and culture are biased in their favor (structure) can we see it is not the capitalists who are serving society but the rest of society that is serving them.

Though many have criticized Marxism as one-sided because of its emphasis on economic processes, Marxism is really our only all-sided analysis of capitalism as a social system, including its real history, actual workings, and future possibilities. Lacking the perspective provided by this analysis, the different events studied by political science, economics, psychology, etc., appear disconnected and arbitrary, and often acquire a meaning that is the exact opposite of how these events function inside capitalism.

Yet some people continue to ask: Should Marxism be taught in a university? If we let our eyes wander away from the footprints left by Cacus's oxen, then we can see the correct question: Does an educational institution that does not teach Marxism deserve to be called a university?

Serious non-Marxist scholars in every field appreciate the contribution Marxism makes in posing the bigger questions, at least. And enough have come to accept its holistic explanations to make Marxism the major alternative to orthodox approaches in history and economics (political science is soon to follow).

And the capitalists, and those Marx called their "ideological handmaidens," who are protesting that teaching Marxism constitutes "indoctrination" . . . ? Well, Cacus, too, had an interest in keeping people from finding out what went on in his cave.

The Ollman Case(continued)

Positive Implications of the Ollman Case

1. The Ollman case offers an excellent opportunity to demonstrate to a wide audience the hypocrisy of higher education officials, their collaboration with politicians, the precarious condition of academic freedom in America, the function of "academic freedom" talk as ideology, and, now, the role of the courts in securing and legitimizing all this. However, educating the public on these matters cannot be expected to be assumed by most of the mass media in this country because most of the media are tightly controlled by anti-Marxist capitalists who take every opportunity they can to hide the truth from the public.That the power elite who are in control of the mass media are also involved in the control of our universities and colleges, as that control is manifested in the composition of Boards of Trustees, Regents, and other comparable university decisionmakers, has been well-documented in such recent works as Bettina Aptheker's THE ACADEMIC REBELLION IN THE UNITED STATES(1972), Kenneth Seib's THE SLOW DEATH OF FRESNO STATE(1979 and the writer's recent monographs, THE KENT STATE COVERUP, Volumes I and II (1980).Thus, while the opportunity to talk about the Ollman case is presently before us and full of all kinds of exciting issues, and very relevant issues for discussion, reaching a wide and large audience in the light of current realities, will take the hard, sustained work of a lot of dedicated people to accomplish that goal. Some cases of academic repression have been completely blacked out by the mass media in spite of intensive efforts to get them reported. Other cases which have been reported, with few exceptions, have been reported with the biased reporting of media controlled by the power elite.

2. The Ollman case offers an opportunity for radicals to put pressure on liberals, especially in the universities, to live up to their stated beliefs in academic freedom and to forge an alliance on this issue and other crucial issues found in the Ollman case.Such alliances might strengthen the hand of radicals politically and serve as an occasion to raise the consciousness of many liberals on the functioning of universities, courts, mass media, etc. Unfortunately, however, there are few universities and colleges where radicals have the power to pressure their liberal colleagues to live up to their beliefs. The conservative alliances on most campuses are so strong that radicals and even liberals are unable to influence colleagues on even those issues which are basic to their own welfare. Anyone who has tried to organize and build a faculty union on an average American campus knows that the radicals and even the liberals are in the minority and wield very little real power. The Melvin Rader case reviewed in this issue of ZEDEK demonstrates very clearly that raising the consciousness of liberals is not an easy task. See Samberg's review of Rader's FALSE WITNESS, an important case in the history of academic repression.

3. Given the widespread interest , the Ollman case offers an excellent opportunity to ask again and again: "What does Marxism have to say that some groups find it so threatening?" It is also an opportunity to supply the beginnings of an answer to that question. And this question and answer gets carried, sometimes, in the bourgeois media, as did Ollman's NEW YORK TIMES article reproduced on a previous page of this issue of ZEDEK.

4. Finally, this is a case which can still be won if there is an alliance of progressive professors and non-professors working together to see that justice is done in this case and every case of academic repression which comes before the courts. A victory in the Ollman case would be a victory for the First Amendment, for other basic rights, for Marxist scholarship, and for some realization of the kind of free university which Thomas Jefferson hoped would come to pass in the United States.

The Ollman Case (continued)

After having spent more than six years in the state and federal courts with my own and a colleague's case I am very pessimistic, at this time, about whether a Marxist has a real chance of winning in our courts as they operate today. The decisionmakers in our courts, particularly our appellate courts where there are no juries, are persons who represent the interests of the power elite. These judges, these decisionmakers, do and will break every rule in their professional code of ethics, in order to sustain the continued power of the class they represent. Only the kind of public support found in the Angela Davis trial can hope to gain a victory for Ollman or any person like him, and that kind of support is relatively rare. I have been to a number of trials in academic repression cases and the thing which struck me most was the fact that few people came to those trials. There was little interest in them by anyone. Little interest shown by academic people as well as the mass media. The most consistently interested persons seemed to be sophomore student reporters from the colleges located in the vicinity of the courts. That is a sad but true fact which must be faced at this time so that the academically repressed might not think they have a good chance of winning when, in reality, they have very, very little chance of winning no matter how well they argue their case, no matter how many reliable witnesses they have testify in their behalf, no matter how much valid evidence they present before the court, the reality, the hard reality is that they will probably lose their quest for justice at every level of the legal process. This note of pessimism is injected here not to make us give up our struggle but only to make sure we know if we are to win in the future we have much hard work to do to insure that our universities might really be the way Jefferson so rightly envisioned them.

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A Special Note to ZEDEK Readers from Supporters of Ollman

Dear Colleague:

Professor Bertell Ollman of the NYU Department of Politics lost the first round in his law suit against the University of Maryland. Ollman must come up with $15,000 to $20,000, which he does not have, in the next three to four months to launch his appeal on this decision. (Most of this money will pay for typing and printing up the month long trial transcript) For launching that appeal and producing that transcript, he needs our help. The issue of academic freedom affects us all, directly or indirectly, now or potentially. Give generously so that this crucial case does not suffer for lack of funds.

Signed: Ted Lowi(Cornell University)*
Sheldon Wolin (Princeton University)
M. Parenti (Institute for Policy Studies)
Jim O'Connor (University of California)
Harry Magdoff(MONTHLY REVIEW)
Sidney Gluck(The New School)
Emmanuel Wallerstein(State University of New York)
Bert Gross (City College of New York)
and others.....

Please make checks out to the OLLMAN ACADEMIC FREEDOM FUND and send to Professor Michael Brown, 210 Spring St., N.Y., N.Y. 10012.

Thank you for your help in this urgent appeal.

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* Affiliations are for identification only.

Part I. THE STASTNY CASE: ACADEMIC REPRESSION IN THE WASHINGTON HINTERLANDS by Avi Adnavourin


Stastny

The dismissal of tenured professors for cause is a rare phenomenon in the history of American higher education. Thus, when it does happen, persons with a radical and/or progressive perspective, have an obligation to examine such phenomena very carefully. One such recent case was the dismissal of tenured associate professor of political science Charles Stastny at the Central Washington University in Ellensburg, Washington, in February,1980.

Charles Stastny was born on November 1,1928 in Seattle, Washington. He received his B.A. at the University of Washington, where he made Phi Beta Kappa, and earned his M.A. and Ph.D. at Harvard. In 1965 he came to Central Washington State College, now Central Washington University (and henceforth referred to as CWU), as an assistant professor, and, after receiving his Ph.D. in 1967, was promoted that year to associate professor and granted tenure.

A brief summary of the Stastny case was published in a 1981 issue of the NEW YORK REVIEW OF BOOKS. That summary is reproduced here with a request that readers concerned about supporting Stastny's struggle make contributions to the National Committee for the Defense of Academic Rights, a committee dedicated to helping Stastny win his suit against those at CWU responsible for his dismissal, denial of unemployment compensation, deprivation of his constitutional rights,etc.(See the next page for that summary and where to send contributions)

Since the issues in this case are important to all academics and those who support the idea of free and open universities, and since the record, thus far, in this case is voluminous, in Part I, I will only present the background of the case and some of the major issues which are of concern to us, without going into any great detail.As we stated above, Stastny was officially dismissed in February,1980. Shortly after that he filed a suit in Kittitas County Superior Court against CWU. In October,1980, Judge James Dore ruled against Stastny, affirming the CWU dismissal. In December,1980 Stastny filed an appeal directly to the Washington State Supreme Court. After briefs on both sides were exchanged between May and August,1981, in September,1981 the Washington State Supreme Court sent Stastny notification that his case was being transferred back to the state court of appeals in Spokane, a court with a reputation for being ultra-conservative. That action does not seem to be in Stastny's best interests. We will have more on this legal action and its implications in the next issue of ZEDEK.

Background and Issues in the Stastny Case*

Background

The National Context. The Stastny case developed in a national academic scene in which there were declining enrollments, surplus academic labor, and the rise of administrator-managers, many of whom see tenure as an obstacle to a controlled and cost-efficient operation. The rapid growth of faculty unionism represents an additional threat to university managers

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* Most of this material was provided by Gabrielle Tyrnauer and the NCDAR.

Stastny Case Summary Reprinted from the NEW YORK REVIEW OF BOOKS,1981

THE CASE OF PROF. STASTNY

To the Editors:

We want to bring to your attention a case, now in the courts, which we regard as of great importance to the future of academic freedom and civil liberties in the United States. We represent the membership of the National Committee for the Defense of Academic Rights, a group of more than sixty academics from all types of institutions of higher education and all parts of the country. We hold diverse views on many social and political issues. But we are united in our belief that the dismissal of Professor Charles Stastny by the trustees of Central Washington University constitutes both an individual injustice and a highly dangerous precedent in higher education.

Professor Stastny had been a member of the Political Science Department of Central Washington University for fourteen years, eleven of them with tenure. He was dismissed in February 1980, ostensibly for refusing to obey an arbitrary and, in our view, unjustified order of a dean, which would have forced him to cancel a professional trip to deliver a lecture on his research at the Hebrew University Law School in Israel.

To Professor Stastny, the order appeared to be the climax of a campaign of administrative harassment against him and a threat to well-understood faculty rights. He had already prepared videotaped lectures to cover the four days of classes he would miss, and had invited a guest lecturer to one of his classes. After unsuccessful attempts to enlist the mediation of newly appointed President Donald L. Garrity, Professor Stastny filed notice of a grievance and carried through with his trip.

Upon his return from Israel, he found all his classes had been canceled over the objections of the students. Within two weeks, President Garrity had recommended dismissal to the Board of Trustees. The principal charge against Stastny was "insubordination," the first of eleven grounds for the dismissal of a tenured faculty member under a controversial faculty code.

Two more charges were added. "Willful and grievous violation of published institutional rules" was also related to the Israel trip. An attempt was made by the university administration to transform this clearly professional trip into "personal travel" in order to invoke other, nonapplicable sections of the code.

The third charge, "gross misconduct," was explained by the university's attorney to mean "excessive" absences and latenesses in Stastny's fourteen years at the university in the context of his trip to Israel. These, only later divided into "excused" and "unexcused," included: attendance at professional meetings, a sabbatical leave, several brief—and authorized—leaves without pay, and one sick leave. Representative of the six "unexcused" absences or latenesses in fourteen years was one late return to campus in 1974 from a professional meeting because of an overbooked plane, an exchange of summer school registration hours with a colleague in 1967, etc. All such details were catalogued in a dossier for future use.

No one familiar with academic norms in this country can fail to suspect a hidden agenda here. Professor Stastny's personnel file, which he obtained during the administrative hearings on the case under the Freedom of Information Act, contained more than 1,000 entries. It included evidence of covert surveillance of an off-campus class, with weekly reports to the campus administrator and memos from the chairman to the dean about Stastny's class activities.

Stastny was clearly perceived by the administration as something of a "boat rocker." He had founded the first ACLU chapter in this conservative eastern Washington county, and had on numerous occasions come into conflict with administration and town officials over civil liberties and human rights issues. He was on the executive board of an administratively unrecognized union and had strongly backed his wife's discrimination complaint when she was administratively removed from a joint research grant for reasons of marital status.

We are convinced, from careful examination of the record, that Professor Stastny's behavior did not violate professional standards. If he can be dismissed, so could the bulk of the faculty at most of our institutions of higher education. Some of us see this case as a trial balloon for broad administrative claims, leading to the imposition of an increasingly authoritarian mold on our universities.

Two leading professional organizations have expressed dismay at what is occurring in the Stastny case. The American Political Science Association Committee on Professional Ethics and Academic Freedom has investigated the case and issued a report sharply criticizing university authorities, and concluding that their action represents a threat to the tenure system. The American Anthropological Association unanimously passed a resolution at its most recent national meeting endorsing the APSA's finding and urging moral and financial support for Stastny.

The case is now on appeal to the Washington State Supreme Court. Stastny's principal attorney is Professor David Danelski, a political scientist at Stanford University and constitutional law specialist. Danelski is challenging the constitutionality of the Stastny dismissal and of the faculty code provisions under which it took place. The cost of the appeal is high and Stastny has no resources to pay legal expenses. We are confident that, understanding what is at stake, the American intellectual community will give its generous support. Without it, the Stastny case cannot be won.

Please send all correspondence and contributions to:
The National Committee for the Defense of Academic Rights(NCDAR)
P.O. Box 177
West Somerville, Massachusetts 02144.

Background and issues in the Stastny case are continued on the next page. Part II of this article will appear in Volume II, No.1 of ZEDEK.

Book Review

" I AM NOT NOW, NOR HAVE I EVER BEEN...": A CRITICAL REVIEW OF RADER'S FALSE WITNESS

By Helen R. Samberg

Melvin Rader, FALSE WITNESS (Seattle: University of Washington Press,1979), 232 pp. $ 6.95 paperback.

Melvin Rader (1903-1981)

In the name of national security some of this nation's most blatantly cruel violations of its citizen's constitutional rights have been committed. Following World War I, the Palmer Raids destroyed professional careers and even the very lives of many persons accused of being "subversive", a "threat to national security" during that historical period. Those who spoke out in opposition to that war as one of expansionism of power rather than a mission to "make the world safe for democracy" were declared enemies of the state and therefore targets of the Palmer Raids(search and seizure). Many professors suffered. Outstanding examples are Scott Nearing and Carl Haessler. For their outspoken convictions both endured academic blacklisting. And Haessler also endured a jail sentence. That they never did swerve politically nor philosophically only bemoans the loss of their teaching presence to students.

To understand the repression then and derive heed from the period Rader speaks of and our own historical moment in time, we must examine briefly the political climate of that period and hopefully comprehend the nervousness of our government.

The USSR had just been established as the first socialist state in the world. There was much unrest universally following World War I and that revolution might prove inspirational and contagious both here and abroad to those friendly to such a political and economic solution. The USA was then undergoing a severe post-war economic depression due to the sudden halt of manufacturing war goods. At such times smoke screen

Book Review(continued)

go up in the form of scapegoats. Sacco and Vanzetti, two alien anarchists and a payroll robbery in their work vicinity provided the heavy diversional drama. Only years after their execution did the truth come out.

It is important to note the formula: divert and thereby disarm many would-be dissenters by personalizing problem issues extant thereby obscuring the real culprits.

All this occurred fifty years ago. Then some twenty five years ago we had the House Unamerican Activities Committee circus. This purge, in the name of anti-Communism, took its very heavy toll in the ranks of the intellectuals, the educators, and labor leaders. The number of professors is very large. One thinks of people such as John Beecher, William Rowe, and Barrows Dunham. The crime was to refuse to "cooperate by betraying colleagues." Whether the "were now....been" ploy actually intimidated them, if they refused to cooperate with the Committee, they were declared the "enemy within."

Today we see a whittling away of hard-won rights. We see an ominous build-up of the cold war (again) with nuclear holocaust potential. Combined, this means threatened repression of those who would speak out, particularly in the campus world (where dissent and some unity are re-emerging). So we try to ring out the clarion call of "DANGER"!

Because we see a galloping conservatism that would repress free speech, free press, free thought, we see educators as the first target. Remember that too many educated people who want to think for themselves means too many boatrockers.

When one reads Victor Navasky's NAMING NAMES or David Caute's THE GREAT FEAR, or, as we are doing here, Melvin Rader's FALSE WITNESS, we only begin to recognize the incredible number of victims of persecution from committees like HUAC. Only then can we moan about "Man's inhumanity to man." We find the silence/condoning, not always through ignorance but intimidation; where there should have been unified protest and support there was retreat and abandonment. Victims have themselves often been indirectly, unwittingly, supportive to the perpetuity of HUAC-like ferrets. A disclaimer to the Big Question, "Are you now or have you ever been...?" , does harm and disservice to the disclaimers and their peers. And worst of all it validates these un-American committees in their gross work of search, infer, and destroy.

Rader quotes DEUTERONOMY in his belief that it is equally false to bear false witness against oneself as against another. While in full agreement it would appear that we each interpret differently. From this perspective it is quite difficult to review a work such as FALSE WITNESS, but this was a committed promise to our readers in an earlier ZEDEK.

FALSE WITNESS is well-written in a forthright manner and has been called a "courageously" written book. One gets the feeling of an intelligent person with a penchant for commitment and deserving of our attention. Rader paid some dues as a victim of the pre-McCarthy witch-hunt. While he lost no job, nor prestige, he did endure the sliminess of the witch-hunting committee personnel and its Judases. One reviewer has said that FALSE WITNESS is not only a book of dissent but also of affirmation. While reading the book with its minute details, one senses

Book Review(continued)

the ugliness and the ever eager-beaverness of "catching witnesses on the hip" and one is filled with the lying betrayals which must have been an affront to Rader's morality even beyond the telling of it.

I long for the witness whose book or essay will not use as a springboard a knee-jerk response to "Have you been...or are you now..? " Lillian Hellman's SCOUNDREL TIME comes close to that kind of witness. FALSE WITNESS responds as though this is a character slur and an affron to one's quality of citizenship (although many of the author's best friends obviously were Party members). It is, I believe, at the moment of falling for the (Red) bait so cleverly dangled before the "good " liberal witness whom the Committee knows (beforehand) is not now nor ever, that the witness becomes part of the problem by succumbing to the relentless intimidation.

Melvin Rader lived a life deserving recognition of his participation as a political and social activist in causes beyond liberalism, certainly left of center. However, his disclaimer and his need(hindsight to defend the right of an American citizen to be a Communist Party member by stating that "laws served only to validate the Committee's right to exist and invade the privacy of political thought, converting this into a crime against the state ----by inference, not by trial!", seemed, to this reviewer, to be out of step and basically antithetical to the Jeffersonian principle of free speech, academic and political freedom to which Rader professed his allegiance. Rader was not alone in this kind of antithetical behavior. Many thousands of his colleagues also suffered from this essentially self-defeating behavior because they were so thoroughly intimidated by the activities of HUAC and other such investigative committees.

Rader tells of his father, an attorney, defending a man who was a member of the Wobblies IWW, which was "illegal" in that community.Good lawyer and person that his father was, he defended the man on his constitutional right to freedom of thought and political belief. One wonders if Melvin Rader missed the message when he, unlike many HUAC-like un-"friendlies", sought a private audience with Chairperson Canwell to "clear" his name. The list is long, the histories are painful stories of the many Communists, Socialists, affiliated and non-affiliated professors down from the post World War I period to the present who stood up to these ruthless, anti-enlightenment committees. The cost comes high, as is always the case, in times of inquisition. Many professors not only lost their current positions but were blacklisted forever, or, like Barrows Dunham, reinstated thirty-five years later as emeritus professor.

So long as good fellow travelers fail to stand up for constitutionality, remaining not-so-innocent bystanders to repression, they continue to allow growing numbers of boatrocking professors, including those tenured, to be fired for veiled, spurious, and/or trumped-up charge This is usually in the service of conservative, nativistic administrations and trustees of colleages and universities. One wonders at the senti ment among colleagues at the University of Washington who were punished for various degrees of "guilt" for outright affiliation while politically having done no more nor less than Rader. The line, one might speculate, between their "card-carrying" and his not is a mighty thin one.

If the governmental tool of red baiting could be understood for its deceptiveness to divert the general population from the real issues

Book Review(continued)

ather than working for social change, then we could better understand why so little energy, relatively speaking, is put into working for social change and peace and social justice. If struggling for such causes as world peace, non-intervention of the USA in Latin American internal struggles, racial justice in South Africa and at home, economic justice, etc., is considered subversive and threatening the common good then democracy in the USA is certainly a myth. And these were the kinds of causes which Rader described as his social activist pursuits and these were also those controversial activities of his colleagues who were fired because they were disclosed as "having been been members..."

One must ask: if one had been a Communist Party member and had enjoyed a good reputation as a professor up to the moment of the HUAC and related kinds of committees, what is the valid conclusion? Can a valid conclusion be that the professor had suddenly become unfit to teach? It is not a crime to have political freedom of choice unless a given congress during a given historical(and hysterical) period deems it so and then, after all the furor and life-blood and years spent in prison for this "crime" are almost forgotten, the lowered vigilance of civil libertarians permits the witch-hunters to return again. Let us not overlook the fact that the Smith Act is still on the books and may be useful to the enemies of the Bill of Rights until social activist coalitions get that act off the books.

Melvin Rader's FALSE WITNESS serves two purposes for me. One purpose is a personal one, to absolve himself from false accusations. In his clear, well-written style he accomplishes this aim. But more importantly he shows us the evil extant in our nation, wherein every law, devious , anti-human, constitution-defying means was practiced by government-sponsored committees to unscrupulously harass and even academically hurt and assassinate those accused, those they considered "unfriendly." Rader's description of Canwell and his pursuit of Hewitt (the double traitor) again must have given him some measure of redress, some sense of justice finally done. The second aim was to sound a warning of the danger which we must all understand. The Canwells and the Hewitts are not the problem because they are willing tools, creations, or merely vehicles to deliver the heavy circus-like investigations, all legal and supported by our government. The problem was and still is that our government continues to support and encourage such anti-democratic activities.

Rader must be forgiven for his self-righteous oil on water when dealing with his activities parallel with those who were, were or once were Communist Party members. I am certain that Melvin Rader believed as ardently as we that the true meaning of University included a place where one should be open to all concepts, to discuss, to impart and above all to allow all to practice their credo, as guaranteed, although often denied, by our CONSTITUTION.

to more

To Melvin Rader who actively believed in making the world closely approximate its potential for human decency we say "Right on!" If only he had not been hung up on labels. We are truly saddened by Rader's death this spring. To be or not to be? have been ? These are not the questions. It is rather to those who travel along the same track, in the same direction, to recognize the mutual roadblocks as well as the mutual goals. That is THE QUESTION!