

ZEDEK, a quarterly.

The official journal of the Social Activist Professors Defense Foundation, the only independent organization defending social activist professors whose basic constitutional and civil rights have been violated.

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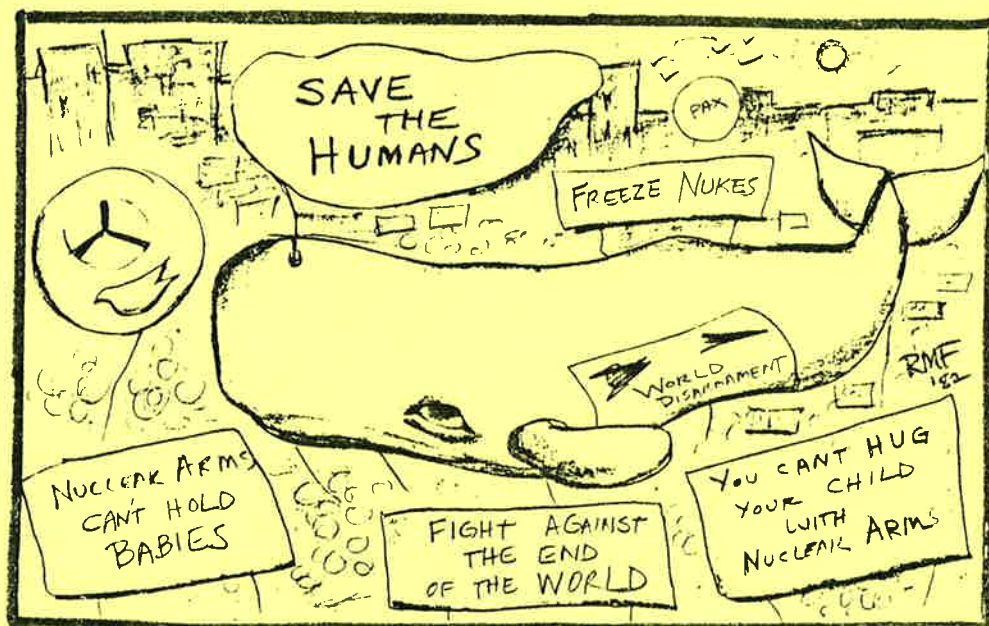
ZEDEK

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Save the Humans

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(See Editorial on pages 121-122)

EditorialsRUTGERS HONORS A NAZI COLLABORATOR

On May 26, 1982 Rutgers University awarded an honorary doctorate to French political scientist Maurice Duverger, professor at the University of Paris since 1955. His books translated in English, among them, POLITICAL PARTIES, THE FRENCH POLITICAL SYSTEM, THE IDEA OF POLITICS, MODERN DEMOCRACIES, and other works, are fairly well-known to American political scientists.

But some members of the academic and the Jewish communities have strongly protested Rutgers' action. The protestations were not against Duverger's conservative political writings. What they objected to was the fact that Rutgers was honoring a known Nazi collaborator.

During the Vichy regime, Duverger was an active member of a Fascist political party which helped the Nazis in rounding up and arresting an estimated 12,000 Jews, most of whom were sent to extermination camps. In his writings at that time he defended the anti-Semitic laws of the Vichy government as "measures of public interest." Duverger was in his middle twenties at the time of his Nazi collaboration.

Defenders of Rutgers' action feel that a person should not be castigated forever for sins of young adulthood. We agree to a point. That is, we feel that a distinction must be made between relatively venial as compared to mortal sins. Duverger participated in the Vichy government and collaborated with the Nazi occupiers who not only committed heinous crimes against Jews but other French people as well. Duverger had the alternative, as taken by such French contemporaries as Jean-Paul Sartre, Albert Camus, Jean Genet, and many more men and women, of risking his life in the Resistance Movement.

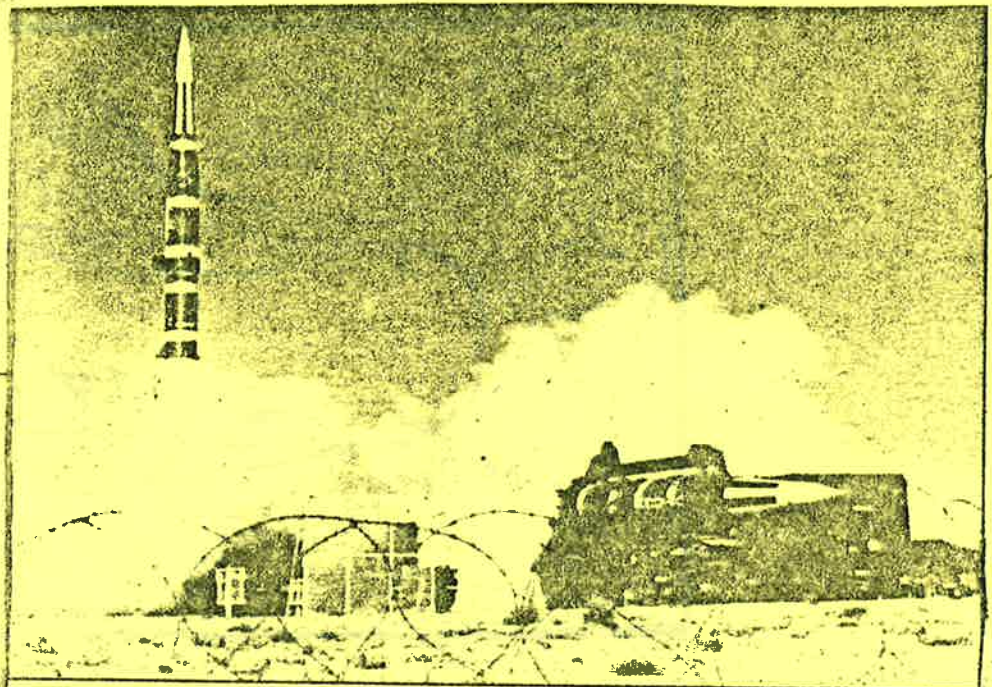
In the light of the above facts, we feel Rutgers erred in honoring Maurice Duverger.

THE "PRE-WAR" DEFENSE BUDGET

Over the next 5 years, President Reagan's proposed military budget will cost U.S. taxpayers an estimated \$ 38 million dollars per hour! That is only if the U.S. remains at peace. If the U.S. should go to war that figure would be greatly increased.

The "pre-war" defense budget submitted to Congress in February, 1982, appropriates \$ 263 billion for defense expenses for fiscal 1983, \$291 for 1984, \$338 for 1985, \$374.9 for 1986, and \$408.4 for 1987. The 1983-87 total would thus be about \$ 1.675 trillion dollars.

Just think, for a moment, what that kind of money might be able to do if put into various human needs projects. Something must be done about the defense budget insanity.



Pershing II nuclear missile shoots skyward—but not as fast as the nation's defense budget

Editorials (continued)DEATH OF A PEOPLE'S TEACHER AND PEACE-
MAKER: NAHUM GOLDMANN(1894-1982)

On July 2, 1982 three internationally prominent Jewish leaders issued a joint statement, now endorsed by progressive Jews all over the world, which called for mutual recognition between Israel and the Palestinian people, an end to the war in Lebanon, and for Israel to lift its siege of Beirut. One of those Jewish leaders was Dr. Nahum Goldmann, Founder-President of the World Jewish Congress and Former President of the World Zionist Organization. Goldmann died this month in West Germany. He was 87.

Although born in Vishnovo, Russia in 1894, Goldmann was raised in Frankfurt on the Main in Germany. From his youth he was an active, progressive Zionist. He saw Zionism as a revolutionary movement both politically and spiritually. He helped found the World Jewish Congress in 1936 in order to insure that Jews all over the world had some organization which would actively protect Jewish civic, political, and religious rights no matter where they lived. With the World Jewish Congress he waged a battle against the Nazi regime, trying to alert the world to its genocidal aims and to organize an economic boycott of Nazi Germany.

It is important to note that Goldmann's Zionism was not as that practiced by the current Israeli government. His Zionism was progressive. It sought Jewish-Arab co-existence in the tradition represented by Henrietta Szold, Martin Buber, and other Jewish humanists. In his efforts, Goldmann was a people's teacher in the best sense of the term, and like Socrates, often suffered the condemnation of those who did not welcome criticism of the status quo.^{1/}

Goldmann was one of the few prominent Jewish leaders who felt that Israel must be politically neutral, neither aligned with the East or West. He felt that the United States and the USSR must together participate in the peaceful resolution of the conflict between Jewish and Palestinian nationalism.

Goldmann's was a strong, progressive voice, a minority voice, among a growing conservatism among Jewish world leaders. His vision of the Jewish people was expressed in these words: "The new Jewish youth must be a revolutionary World Jewry, inspired by an Israel of peace and justice, must become a revolutionary movement. Not with barricades, bombs, and terrorists, but as a champion of the war against poverty, illiteracy and inequality, for the abolition of the sovereign state, and for peace."

During these dark days in the Middle East, when Jewish and Arab blood is being spilled freely, Nahum Goldmann's voice of peace and humanity is greatly needed and missed.

^{1/} In spite of his progressive views, Goldmann was President of the World Jewish Congress from 1951 to 1978. For further reading on his life and his views, see his THE AUTOBIOGRAPHY OF NAHUM GOLDMANN (N.Y.: Holt, Rinehart, & Winston, 1969) and THE JEWISH PARADOX (N.Y.: Fred Jordan Books, 1978).



Editorials(continued)THE JUNE 12th RALLY AND MARCH

Like we said in our May, 1982 issue of ZEDEK, "We'll see you in New York" and no doubt we did.

June 12, 1982 will go down in history as the day when close to a million people's hearts, minds, and bodies were united for one purpose - to tell both the U.S. and the U.S.S.R. governments to freeze nuclear arms now. In one voice they were saying that we must not allow another Hiroshima/Nagasaki, a thousand fold, to end life and civilization on this planet. It was a day to remember as the fruition of one year of laying aside of political organizational differences in the name and under the banner of the June 12th Rally Coalition.

It was thrillingly reinforcing to see and to be a part of groups from Australia, Africa, the Netherlands, Tibet, and nearby Canada, among others; to also witness the reminding Hibakusha (survivors) as well as those of every U.S. state and political tendency. A conscience pang came over us with the knowledge that 400 Hibakusha were denied permission to enter the U.S. as "political undesirables." Perhaps, however, we got some comfort despite our immigration banning of those Japanese, when we saw about 400 Buddhist monks in their white and yellow robes and with their shaved heads marching solemnly following their reconvening from a cross-country walk where they had given their message against nuclear war to many Americans.

The 4½ hours it took to march from the United Nations buildings to Central Park where the culmination of it all was being expressed by speakers and marchers were well-spent in a beautiful sense of oneness. We knew the whole world was watching!

We undoubtedly all went home with even greater resolve to continue the messages and the pressure necessary to implement the potential political energy of that rally in our professional and personal arenas of activity.

This has been in evidence in those nine states where the efforts have been rewarded with referenda appearing on the November 2nd ballots. California required 300,000 signatures on their petitions to achieve that status and Michigan required 250,000 signatures. These two states respectively obtained 500,000 and 385,000 signatures, many more than required to get the referenda on the ballots. Referenda for a nuclear freeze are now real.

The coalition continues in most areas but work is actually being diligently pursued more within the Physicians for Social Responsibility (PSR) and the Nuclear Weapons Freeze Campaign which have pulled all stops in their tireless efforts. Many other groups and individuals are picking up head steam. And the most encouragement comes out of the fact that more and more people are being alerted and working for the freeze.

The big concern relative to the Rally is "for all that and all that": are we turning the government policy around? What really happened June 14th, after the magnificent June 12th rally, at the UN when the very pertinent issue of SSD II (Special Session on Disarmament II) was up for debate?

From June 14th on, when many of the militant pickets were protesting President Reagan's forthcoming UN appearance there was an observable change from officialdom's response. New York city police had given only high praise for the "washed intellectual" marchers whose sense of responsibility and litter conscientiousness made their job a cinch. There were no arrests and no need for arrests on June 12th.

The interpretation of this could be that a million people's message was heard and, then, as is usual in these days of Reaganism, is twisted into a "Yes, but.." and off into a rhetorical mish-mash that, on closer

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Editorials (continued)THE JUNE 12th RALLY AND MARCH(continued)

examination repeats a continuation of the smug satisfaction of their exclusive claim to special knowledge beyond the comprehension of us critical simpletons. Reagan's creation of START which, at best shows awareness of the Freeze Now Movement was such an insulting counter proposal. It would mean "freezing" after equivalency with the USSR and even speaks to down the road and years.

The 1978 SSD-I gave promise but little else, due to much the same side-stepping, self-seeking, mutually condemning, mistrusting of the two superpowers as in this June/July SSD-II special UN session.

This is perceived as discouraging by some. However, the facts to be remembered are, we feel, encouraging. SSD-II did occur at least and was a form of progress since dialogue occurred. While no decisions were reached, SSD is on the 1983 UN agenda.

Also, more American people are aware of and stimulated into action with a greater realization of what must be done. There is an awareness that leaving the disarmament issue in the hands of self-created professionals in the inner sanctum of government is not in our interest for survival. The November 2nd elections provide us with immediate political clout with which to express the aims of the freeze movement.

It is our obligation to work with every available group(or create one) to get the electorate to vote for the referenda in those states where the freeze issue is on the ballot and work with candidates who are up for election or re-election. When votes are at stake candidates for office listen. A President who is a pro at arm twisting, cajoling, and Hollywoodism was able to win a vote of 207-204 on the MX missile and 204-202 on the Nuclear Freeze issue. These slim margins must be a positive challenge for us to act on for FREEZE NOW.

For us, one of the most subtle and forceful visuals at the June 12th Rally and March was a float of a large whale which bore what was perhaps a reciprocal whale-slogan: "Save the Humans."

CASES BEING MONITORED BY THE SAPDF

1. The dismissal of Leslie J. Carr at the University of Akron, Ohio.
2. The rejection of the appointment of Bertell Ollman at the University of Maryland, College Park.
3. The denial of Herbert Aptheker a regular appointment at any American university or college.
4. The dismissal of Clement M. Henry from the University of Michigan.
5. The dismissal of Paul Nyden from the University of Pittsburgh.
6. The dismissal of Staughton Lynd from Yale University.
7. The dismissal of F. Joseph Smith from Kent State University.
8. The dismissal of R.M. Frumkin from Kent State University.
9. The dismissal of Charles Stastny from Central Washington University, Washington.
10. The dismissal of David DeLeon from the University of Maryland, Baltimore.
11. The denial of tenure to John A. DeBizzi at St. John's University, Staten Island, N.Y.
12. The dismissal of Theda Skocpol at Harvard University.
13. The dismissal of Maija Blaubergs at the University of Georgia.
14. The denial of tenure to Shirley Nuss at the Wayne State University.
15. The denial of tenure to Nancy Stoller Shaw at the University of California, Santa Cruz.

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SHIRLEY NUSS IN TENURE STRUGGLE AT WAYNE STATE by Helen Samberg

Dr. Shirley Nuss, a Wayne State University (WSU) sociologist of considerable reputation, particularly in the area of women's rights and the struggle against racism, both in her professional role at WSU and with the United Nations' special research program, has been engaged in a very painful tenure struggle for the past year. In November, 1981, Professor Nuss was not recommended for tenure, and she was also denied the normal seventh year contract renewal.

The American Association of University Professors has accepted her case and filed grievances on her behalf based on the denial of due process and discrimination. The decision not to renew her contract was reversed recently and Professor Nuss will, therefore, be teaching at WSU this fall.

However, the key issue of tenure continues and Dr. Nuss will again apply for it before the end of this year. Under a special agreement between the AAUP and WSU, Dr. Nuss reserves all her rights to appeal, including, if necessary, taking her current tenure grievance to arbitration.

The Support Committee for Professor Shirley Nuss, chaired by Professor (WSU) and City Councilwoman Maryann Mahaffey, is quite an impressive one. It is a broad-based coalition, locally and nationally, and demonstrates the worthiness of Ms. Nuss and her struggle for justice.

Due to the present sensitivity of the Nuss situation at WSU, we are committed not to discuss this case any further at this time. We, of course, actively support SAPDF member Nuss. Future issues of ZEDEK will deal with Ms. Nuss' case in detail when the time is considered appropriate.

*The wheel of the law turns
without pause.*

*After the rain, good weather
In the wink of an eye*

*The universe throws off
its muddy clothes.*

*For ten-thousand miles
the landscape*

*spreads out like a beautiful brocade,
Light breezes, Smiling flowers.*

*High in the trees, amongst
the sparkling leaves*

*all the birds sing at once
Men and animals rise-up reborn.*

*What could be more natural?
After sorrow, comes joy.*



HO CHI MINH

(1890-1969)

The more savage the crimes they
commit, the louder they prattle
about peace and negotiations.

SAPDF MEMBERS IN THE NEWS

(from the NATION)

Maryann Mahaffey Runs for the
U.S. Congress

Maryann Mahaffey, a Wayne State University social work professor, two-term NASW past president, and second-term Detroit City council-woman, ran for the U.S. Congress (17th District, Michigan) this year. Despite the regional re-districting that placed her in a voting area where she was not well-known and where she might be considered, by some, as too liberal for this historically conservative region, she ran a strong third in the Michigan primary elections.

Maryann is an activist who manages to work for milk and bread issues locally and make connections between local, national, and international issues. She is known for her outspoken position and unafraid to support unpopular issues. She has been responsible for the Detroit "key of the city" honors being bestowed on many progressive, controversial visitors, from persons such as Pete Seeger to radical Chileans. She is chairperson of the Shirley Nuss Defense Committee at the present time.

Zolton Ferency Runs for
Governor of Michigan

Zolton Ferency, a Michigan State criminal justice professor, attorney, former chairperson of the Human Rights Party, and a long-time socialist activist who has more than once campaigned on a platform for a socialist democratic caucus within the Democratic Party (see the DSA article by Steve Shank in the May, 1982 issue of ZEDEK), ran for Governor in the Michigan primaries in August. His campaign led into many new inroads and good political discoveries throughout Michigan. His very open personality was no small factor in establishing new democratic ties with people who were uninitiated as to expressing dissatisfaction with the economy and various other social problems. Although he did
(continued on next page)

WRITERS CONGRESS RECORDThe Writer's Social Responsibility

"I would like in my opening remarks to make a pre-emptive strike against the possibility of this panel becoming involved in a debate over whether a writer does or does not have a social responsibility to fulfill. Every day we bear witness to how the language of the powerful justifies the populace in its most convenient assumptions of what is happening in this nation and trivializes the lives of the vast majority of people who do not have access to the channels of communication. And so at a time when loose talk is enshrined as enlightenment, when government and the economic interests behind it use language against people who must endure the consequences of their lives being reduced to 'expendable items' in a budget, debating whether or not a writer has any social responsibility is ludicrous.

"Writers who make their work a public gesture, by that very act, must take responsibility for the possible effect what they say may have on others. Kenyan writer Ngugi Wa Thiong'o has said:

A writer responds, with his or her total personality, to a social environment which changes all the time. Being a kind of sensitive needle, the writer registers, with varying degrees of accuracy and success, the conflicts and tensions in a changing society. Thus the writer will produce different types of work, sometimes contradictory in mood, sentiment, degree of optimism and even world view. For the writer lives in, and is shaped by history.

"So the question for a writer, it seems to me, is not whether there is a responsibility to his or her potential audience, but rather what he or she has chosen to be responsible to and for. In other words, where is the battleground? Where is the battleground for each of you as writers? And in what terms do you define it for yourselves? And for those devil's advocates among us who would question the existence of a battleground for writers, I'd like to read from a poem by Amiri Baraka, entitled 'Jitterbugs' "

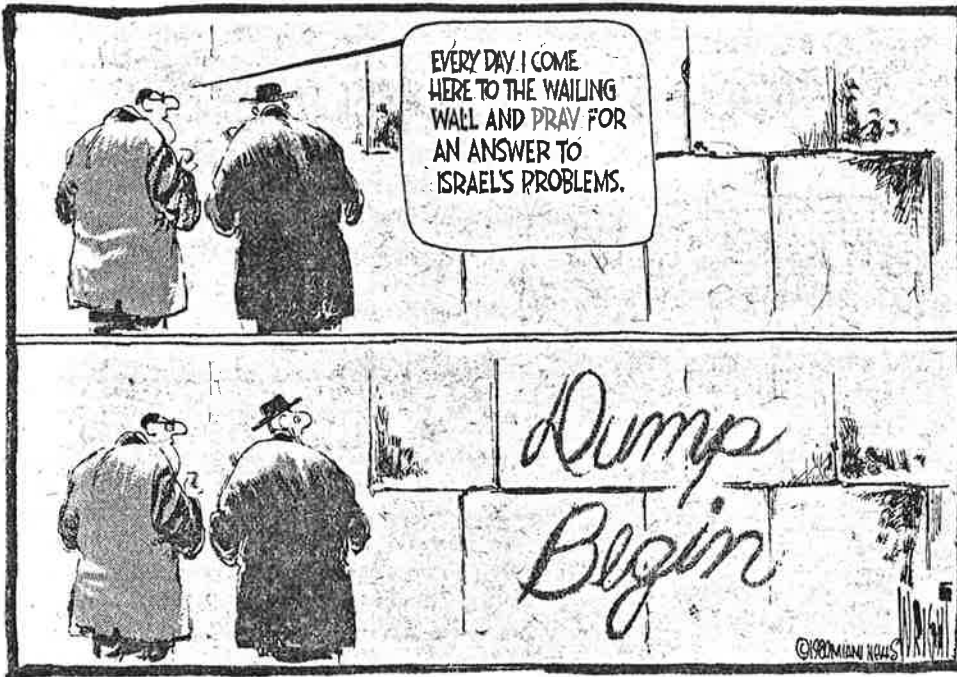
*The imperfection of the world
is a burden, if you know it,
think about it, at all . . .
You can't escape
there's no where to go
They have made this star unsafe,
and this age, primitive,
though your mind is somewhere else
your ass ain't*

—Wesley Brown, novelist,
American Writers Congress, October 9-12, 1981.

SAPDF MEMBERS IN THE NEWS(continued)

not win the primary(bucking the UAW and other formal, traditional Democratic party support was quite counterproductive), he did manage to get 17 percent of the vote and, he feels, was able to stir up the thinking , and, hopefully, activism of many formerly untapped sources.

It is important to explain to non-Michigan folks that the election campaign funding in Michigan is a boon to progressives who would never otherwise be able to raise sufficient monies to run were it not for the matching funds which Michigan law provides. Maryann Mahaffey and Zolton Ferency were able to take advantage of this significant democratic law.



Jessica Mitford

Today all of us, Gentile and Jew, come after Auschwitz . . . and we have the sad privilege of a new sophistication. We no longer doubt what the media tells us of massacres. Does this openness to horror make us any better prepared, any more willing to act? Or has it, on the contrary, made even thicker the skin of our indifference? And all are accomplice to that which leaves them indifferent.

GEORGE STEINER
Churchill College, Cambridge

← The Jessica Mitford battle at San Jose State will soon be told in ZEDEK.

BERTRAND RUSSELL'S ORDEAL WITH AMERICAN ACADEMIC REPRESSION:
IMPLICATIONS FOR ACADEMIC FREEDOM TODAY

by R. M. Frumkin

Horace M. Kallen and John Dewey edited a fine book on how Bertrand Russell (1872-1970), one of the foremost philosophers of the 20th century was denied a teaching position at CCNY (The City College of New York) in 1940. The book, THE BERTRAND RUSSELL CASE, was published by the Viking Press in 1941. The Kallen-Dewey book is essentially a symposium dealing with different aspects of the Russell case. If one wants details about Russell's ordeal and various viewpoints on his case at that time, this is the book to read. However, if one simply wants a short, concise picture of the case, I'd strongly recommend reading the Appendix of Russell's WHY I AM NOT A CHRISTIAN (New York: Simon and Schuster, 1957). In that Appendix, Paul Edwards does a good job of explaining "How Bertrand Russell Was Prevented From Teaching At The City College of New York."



Bertrand Russell

But my purpose is different from the works mentioned above. I will discuss the Bertrand Russell case in terms of the issues, both legal and socio-political, which relate to academic freedom in the light of such current cases as those of Bertell Ollman (ZEDEK, May-August, 1981), F. Joseph Smith (ZEDEK, November, 1980, & May-August, 1981), and Charles Stastny (ZEDEK, May-August, 1981).

A Brief History of the Russell Case

After two distinguished full professors of philosophy at CCNY, namely, Morris Raphael Cohen and Harry Overstreet, had retired, the members of the Philosophy Department and the Administration agreed to invite one of the world's most eminent living philosophers, Bertrand Russell, to teach at the College. The invitation to Russell was endorsed by all relevant bodies at the College and the Chairman of the Board of Higher Education, Ordway Tead, sent a letter to Russell stating that his appointment as Professor of Philosophy at CCNY would be for the period February 1, 1941- June 30, 1942. It was agreed that Russell would teach three courses, namely:

- Philosophy 13 : A study of modern concepts of logic and its relation to science, mathematics, and philosophy.
- Philosophy 24B: A study of the problems in the foundations of mathematics.
- Philosophy 27 : The relations of pure to applied sciences and the reciprocal influences of metaphysics and scientific theories.

In the light of what was to happen it is important to note that only men could attend such courses at CCNY in 1940.

On February 24, 1940 CCNY issued a statement to the press about the Russell appointment. This press release immediately triggered a strong reaction from the anti-humanistic forces in the community. Bishop William T. Manning of the Protestant Episcopal Church led the

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Bertrand Russell's Ordeal(continued)

way in the attack. He denounced CCNY for appointing a man who was "against both religion and morality and who specifically defends adultery." Manning's charge was but one basic public charge against Russell. The other less explicit charge against Russell was that he was anti-American, pro-Communist, an avowed socialist.

Although the leaders of the academic community and progressive persons and organizations from all over the USA came to support Russell, the charges made against him led to the Board of Higher Education taking a second vote on his appointment. The first vote of the Board in February, 1940 was unanimously for his appointment. The second on March 18, 1940 was 11-7 in his favor and reflected the fact that some Board members had been significantly influenced by public opinion.

This defeat for the anti-Russell forces led to a most unusual taxpayer's suit, one obviously engineered by a coalition of reactionary religious and political forces in the community. In behalf of a Mrs. Jean Kay of Brooklyn (see photo), a suit was filed in the New York Supreme Court requesting that Russell's appointment be voided on the grounds that (1) he was an alien and (2) he was an advocate of sexual immorality. Her concern was that if women, such as her daughter, Gloria (standing to Mrs. Kay's left in the photo), were permitted to become students of Russell (even though that was impossible at CCNY at that time), she feared what might become of them. Later her attorneys added two other grounds: that (3) he had not been given a competitive examination and that (4) it was against public policy to appoint a teacher believing in atheism.

It couldn't be readily determined who was paying for Mrs. Kay's suit but the educated guess was that Bishop Manning had little difficulty getting his kindred spirits to raise the monies needed.

Justice John E. McGeehan heard Mrs. Kay's suit. Nicholas Bucci, the counsel for the Board of Higher Education, in defending Russell made the initial mistake of confining himself to one legal point, namely, that an alien could not teach at CCNY.

On this point he asked Justice McGeehan to dismiss the suit but Justice McGeehan, a well-known arch conservative, said he was going to examine the books which Mrs. Kay's attorneys introduced as evidence and determine whether they advocated the things suggested. The Judge warned Bucci that if the Russell writings were what some have characterized them as being that an example would be made of Russell.

Only two days after Bucci's motion to dismiss the suit, on March 30, 1940, Judge McGeehan allegedly, having "examined" Russell's EDUCATION AND THE GOOD LIFE, MARRIAGE AND MORALS, EDUCATION AND THE MODERN WORLD,



Mrs. Jean Kay
(seated)

United Press International Photo

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Bertrand Russell's Ordeal (continued)

and WHAT I BELIEVE, rejected Russell's appointment and concluded that the Board, in appointing Russell, had established a "chair of indecency." The McGeehan decision was published without giving Bucci an opportunity to respond to the other charges against Russell even though these charges were at the core of his decision.

McGeehan's written decision listed three grounds for revoking the Russell appointment: 1. Russell was an alien. 2. He had not been given a competitive examination. 3. Russell was a man of "immoral character" and guilty of "salacious" teachings.

The first two grounds were specious ones indeed. The distinguished French Catholic philosopher Jacques Maritain was an alien who was on the faculty of one of the city colleges and never had taken a competitive examination. Clearly, it was the third ground, Russell's "morality"; his alleged religious and sexual immorality, and the less often but real fact that he had a socialistic orientation in his philosophy, which was the focus of his enemies.

During this period the country's most influential newspaper, the NEW YORK TIMES, was playing



The NEW YORK POST Cartoon of
April 2, 1940

its typical chameleonic role of kowtowing to the strongest pressure groups of the moment. Instead of defending the Russell appointment and its supporters, a TIMES editorial stated that "The original appointment of Russell was impolitic and unwise; for wholly aside from the question of Bertrand Russell's scholarship and his merits as a teacher, it was certain from the outset that the sentiments of a substantial part of the community would be outraged by the opinions he had expressed on various moral questions." The TIMES went so far as to suggest that Russell "should have had the wisdom to withdraw from the appointment as soon as its harmful results became evident."

On April 26, 1940 the TIMES permitted Russell to respond to their withdrawal suggestion. Russell stated: "...it would, in my judgment, have been cowardly and selfish [to withdraw from the appointment]. A great many people who realized that their own interests and principles of toleration and free speech were at stake were anxious from the first to continue the controversy. If I had retired I should have robbed them of their casus belli and tacitly assented to the proposition of opposition that substantial groups shall be allowed to drive out of public office individuals whose opinions, race, or nationality they find repugnant. This to me would be immoral."

The anti-Russell forces, fearful that Russell might win on an appeal of the McGeehan decision, took steps to insure that even if Russell

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Bertrand Russell's Ordeal(continued)

did win in the courts he would still not be appointed. They were able to get the Mayor of New York, Fiorello LaGuardia, to quietly strike the appropriation for Russell's position from the city budget. And a Borough president, at a meeting of the Board of Estimate, got a resolution passed which stated that "No funds herein appropriated shall be used for the employment of Bertrand Russell."

The anti-humanistic power elite in New York City was so effective in utilizing its power that all attempts at appealing the McGeehan decision were blocked and the McGeehan decision stood firm.

The whole legal picture led Morris Raphael Cohen to remark (via Dickens), "if this is the law, then 'the law is an ass!'"

That, in a nutshell, was the essential picture of Russell's experience at CCNY in 1940.

Legal and Socio-Political Issues in the Russell Case1. Legal IssuesA. Russell's First Amendment Rights Were Grossly Violated

By not permitting him to teach because of his alleged immoral writings, New York state was clearly denying Russell his right to free speech. Any fair and literate person who took the trouble to read Russell's controversial writings would have to come to the conclusion that although some of his views were not traditional ones that surely they could not be described in moral terms as immoral. If they could be described in moral terms at all, they would have to be described as constituting values with higher than average moral and ethical standards. One is ready to agree with John Dewey that Judge McGeehan, in all probability, never really took the trouble to read Russell's works he had in his possession. When Russell's attorneys were blocked from appealing his case in the New York state courts, then, I feel, those attorneys should have filed a new suit against the State of New York in the federal courts because they had a strong First Amendment, constitutional issue worthy of being heard.

When Morris Raphael Cohen addressed a large rally at the Great Hall at City College on March 14, 1940, where over 2000 students and faculty members protested the handling of the Russell appointment, Cohen said that if the campaign against Russell was won, then "the fair name of our city will suffer as did Athens for condemning Socrates as a corrupter of its youth or Tennessee for finding Scopes guilty of teaching evolution."

If the NEW YORK TIMES had manifested some courage it would have strongly supported Russell's First Amendment rights and, perhaps, forced Russell's enemies to face some truths both about Russell and themselves. While that would not have guaranteed a Russell victory, it would have helped the TIMES to enhance its image as a newspaper which seeks and prints and defends the truth.

While many newspapers, such as the TIMES, either remained neutral or outrightly joined in the attack on Russell, other mass media with smaller circulations, such as the NATION, were very strong supporters of Russell. Thus, the NATION's March 16, 1940 issue had this editorial worth quoting: "Tennessee is far from being the only place in the country where ignorance makes a monkey of education. Hillbillies from Morningside Heights, led by His Most Worshipful Eminence Bishop Manning, and bigots from the backwoods of Brooklyn, mobilized by the Hearst Press, have raised a hue and cry against Bertrand Russell. In the world of education and enlightenment, Mr. Russell is a distinguished philosopher, mathematician, and logician, but there must be several hundred thousand New Yorkers who now believe that he is a confirmed lecher, an

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Bertrand Russell's Ordeal(continued)

advocate of adultery, and a believer in the nationalization of women... The Hearst Press, scenting its favorite journalistic combination, sex and subversion, leaped to the fray. The Knights of Columbus girded on their armor. Behind the uproar is the fact that for the first time in years New York City has a liberal Board of Higher Education. We hope it will repudiate in no uncertain terms an attack which, if successful, would be a serious blow to academic freedom, not only in New York City but throughout the country."

The Russell case is much like the Bertell Ollman case, reported in the May-August, 1981 issue of ZEDEK, in that anti-humanistic forces rallied to block an appointment which was fully supported by the university faculties involved in the hiring decision and that the essential element in both cases was the unpopular views of Russell (progressive, humanistic viewpoints on religion, marriage, sex, and society) and of Ollman (a Marxist viewpoint).

However, in the F. Joseph Smith case(ZEDEK, November, 1980, and May-August, 1981) and the Charles Stastny case(ZEDEK, May-August, 1981), two tenured professors were dismissed, in large part, for exercising First Amendment rights. In Smith's case it was involvement in organizing the faculty union and criticizing unjust campus practices. In Stastny's case it was involvement with the ACLU and civil liberties issues.

It is interesting to note that in all these cases, those of Russell, Ollman, Smith, and Stastny, the First Amendment issue was converted by their enemies into professional and character issues: Russell was declared "immoral," Ollman "incompetent," Smith and Stastny were described as "insubordinate," "guilty of misconduct." The great anti-democratic, anti-constitutional decisionmakers in these cases were all "respectable" state and federal American judges. If "respectable" judges could permit themselves to go against the U.S. CONSTITUTION as they certainly did in these cases, we must ask: Is there any real hope for those whose First Amendment rights have been grossly violated in the USA ? A Marxist would now have to answer that judges represent the power elite and social class in our society who put them in their seats of power and that they, for the most part, do their job well. To make the judges honest in their commitment to our CONSTITUTION and BILL OF RIGHTS would require extensive structural reforms(change from a capitalistic to socialistic society) in which democratic personalities are selected and drawn to the judicial profession. It is painful but understandable how our society produces judges the likes of Judge McGeehan.

B. Russell's Right to Due Process Was Grossly Denied

It's amazing that with all the good, progressive people supporting Russell that the gross denial of his due process rights was permitted to stand without gaining any legal opportunity to defend him against the particular charge which Judge McGeehan called "Russell's immorality". After the Board's attorney, Bucci, was denied the motion to dismiss the suit on the alien issue, Judge McGeehan said that Bucci had "informed the Court that he would not serve an answer" to the other issues (re a competitive examination and the immorality question). I find it very difficult to believe that Nicholas Bucci could have done this, and few others familiar with the Russell case believe this.

What do honest, progressive attorneys do when confronted with a judge such as McGeehan? McGeehan is not atypical. Certainly the judges in the Ollman, Smith, and Stastny cases were no better or worse. Russell

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Bertrand Russell's Ordeal(continued)

was really denied the fundamental right to be heard and especially to defend himself against the damaging charge of immorality. Ollman was denied the right of discovery, to defend himself against the known but carefully guarded prejudices of the University of Maryland's President Toll. Smith was denied the right to present critical evidence with which to defend himself and Stastny was denied the right to discovery on issues critical to his case.

So, it seems, that all these men had judges who perverted and prostituted their public trusts but who were superb in fulfilling their obligations and duties to the power elite and social class to whom they paid their first allegiance.

Again, I ask: what can honest, progressive attorneys do about such judges? After personally battling the courts for almost a decade, I feel that, short of radical structural changes in our society, at this moment in our history, attorneys can call the dishonest and incompetent judges to task by making formal complaints about their decisions before national and state professional bodies and state attorney general offices(and the U.S. Attorney General where appropriate), requesting that such judges be investigated and dismissed from their positions for gross violations of the ethical and professional standards which, as judges, they vowed to honor when they took their offices. Such actions would begin to help make judges live up to their responsibilities or face continual, justified confrontations with gutsy attorneys and dissatisfied citizens. The tragic thing about American judges is that they are permitted to operate without the feedback and checks necessary to keep them honest upholders of the constitutional and legal ideals to which they allegedly profess their commitment. Here is an opportunity for the reform of judges even though their private allegiance is not to the U.S. CONSTITUTION. I think this suggestion is worth considering and acting upon, realizing, as I state this, that relatively few attorneys would risk this kind of behavior. Such suggestions are applicable to other professionals in the judicial process, that is, to attorneys who pervert their professional responsibilities, who knowingly hide and distort the truth to win their cases at all costs, etc. The suggestion then is that our judicial system can be changed by helping transform our social system (a long-term process) and/or its judicial practitioners(a short-term process, relatively viewed). In the short-term perspective, the action suggested relative to practitioners(judges and attorneys) seems most promising of the desired kinds of results.

C. Russell's Right to Equal Protection Was Denied

At the time of the Russell appointment to CCNY there was no national and/or state public organizations comparable to today's EEOC (Equal Employment Opportunity Commission) or OCR(Office for Civil Rights), agencies which help to see that equal protection is afforded all persons living and/or working in this country. However, there was in 1940 the Fourteenth Amendment to the U.S. CONSTITUTION which stipulated (Section 1) that "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws." That Amendment was adopted on July 21, 1868.

Two of the charges against Russell were that he was an alien and that he had failed to take a competitive examination. Bucci, the Board's attorney, could have shown Judge McGeehan that Jacques Maritain, an

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Bertrand Russell's Ordeal(continued)

alien who was teaching in a New York municipal college, also did not take a competitive examination. There were no protests about this French Catholic scholar's views and he was permitted to work in the USA. Bucci, thus, could have used the equal protection violation, a constitutional violation, as one basis for a new suit against the State of New York in the federal courts in order to save Russell's appointment at CCNY.

In the Ollman, Smith, and Stastny cases the violations of equal protection are rampant. If Ollman were permitted his full rights of discovery he could have proven that many less competent persons were appointed to posts at the University of Maryland, and that the real reason for his being denied an appointment had to do only with his Marxist perspective and commitments. If Smith were permitted his full due process rights, he would have been able to show that his action relative to teaching assignments was not unique and that many other professors at Kent State took similar actions without any kind of punitive reaction and that his dismissal was clearly one of a gross denial of his right to equal protection. And Stastny's situation at Central Washington University also showed gross violations of equal protection. If Stastny had not been a social activist, he would still be on the Central Washington faculty.

Unfortunately, the attorneys for Ollman, Smith, and Stastny have not made equal protection a significant issue in their suits. I think that they should have and also have enlisted the aid of the EEOC and OCR even though those agencies are not as effective as they were meant to be. The important thing is that in the EEOC's and the OCR's investigations of equal protection violations they bring out into the open the constitutional violations which might otherwise be obscured by the mass media and, hopefully, help make the discriminatory practices and their practitioners hesitant about committing future acts of discrimination.

What was said about putting judges and attorneys on notice to live up to their professional ethics might also be said about the behaviors of other professionals involved in academic repression. Victims of academic repression and their attorneys should make formal complaints to the professional organizations of those professional persons who are their repressors. For example, since Dr. Donald L. Garrity, President of Central Washington University, played a significant role in Stastny's dismissal, and since Garrity is a sociologist and member of the American Sociological Association, a formal complaint was made to the American Sociological Association relative to Garrity's unethical behavior. Such action is an option that all repressed professional persons should, I feel, consider, and, if necessary, utilize. It is one way of fighting back through legitimate means and aiding the process of redress.

On April 14, 1940 Russell wrote a note to Horace Kallen about the academic freedom campaign which arose as a result of his CCNY ordeal, particularly Kallen's remark about Russell as being someone "predestined to carry the flag of free thought against its enemies." Russell said: "No doubt I ought to consider myself very lucky to be in this privileged position; but it was quite unintentional. I really much



Judge McGeehan

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Bertrand Russell's Ordeal (continued)

prefer abstract work and never expect these fights I find myself in. But the only thing I hate more than fighting is running away." (emphasis added).

But, unfortunately, Russell did run away. The forces were at his side, ready to fight on indefinitely, but he did not take the lead. Some of the best trial attorneys in the country were at his call, willing to defend him without charge, and he did not accept that challenge. Instead, he quietly left the scene and prepared for his course of William James lectures at Harvard and his new appointment with the Barnes Foundation.

One wonders what the consequences might have been for academic freedom if Russell had stayed and fought. For only a year later some 40 members of the City University of New York (City and Brooklyn Colleges) became victims of the Rapp-Coudert Committee (see ZEDEK, February, 1982, pp. 74-76). A Russell victory in 1940 might have weakened the power of that committee and others like it. (On the necessity of fighting back see Ronald Aronson's article in the May, 1982 issue of ZEDEK)

2. Socio-Political IssuesA. Religious Power and Academic Freedom

In 1940 orthodox religious groups, particularly fundamentalist Protestants and Catholics, wielded much power in the city and state of New York. The NEW YORK TIMES was greatly intimidated by this power. It remained "neutral" in the Russell case, even as pointed out earlier, criticizing him for not withdrawing from the appointment when he saw evidence of "its harmful results." This kind of religious power was successful in helping to deny Russell his teaching post at CCNY.

Today, with the appearance of the Moral Majority, and other groups like it, we have a resurgence of that kind of religious power we saw common in 1940. While there is no evidence that that kind of religious power has been involved in the Ollman, Smith, and Stastny cases, its potential for academic repression is great and must, therefore, be carefully monitored.

B. The Unions and Academic Freedom

Up until the last decade, the unionization of college professors was seen as somehow "unprofessional." That picture has changed quite a bit in recent years. The National Education Association (NEA) and the American Association of University Professors (AAUP) have become leading bargaining agents for recently formed unions on college campuses.

At the time of Russell's struggle at CCNY the New York College Teachers Union filed an amicus brief along with amicus briefs by the ACLU and National Lawyers Guild. The Union's brief, as well as others, were of little impact.

Then, as is now the case, the teachers' unions were not in close contact with other workers' unions. Perhaps, then as now, teachers were a bit snobbish about their status as "workers," that is, they looked down on blue collar workers.

If there had been union solidarity - a coalition between white collar teachers and blue collar workers and their unions - in 1940, Russell might have won his struggle at CCNY. Likewise, if Ollman, Smith, and Stastny had strong union coalitions, coalitions which did include white and blue collar unions, backing their struggles they might have fared much better.

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Bertrand Russell's Ordeal (continued)

That is a goal for progressive professors to work for at the present time. We need strong college teachers' unions in solidarity with blue collar and non-professional white collar, and other trade unions. This is not only necessary to protect professors' rights but the rights of all working people at the workplace and in their lives outside the workplace. It is a never-ending struggle. (See Aronson's article in the May,1982 issue of ZEDEK)

C. Socialists and Academic Freedom

Historically, socialists have been regarded in the USA as a threat to our way of life, that is, as a threat to those who believe that capitalism is the only American way (see the article on Scott Nearing in the Feb.,1981 issue of ZEDEK). We know from bitter experience that since persons dedicated to capitalist values have dominated key decision-making positions in the academic world, that academic freedom has suffered greatly. College teachers with a socialist orientation, even a simple non-Marxian Humanist orientation, are often the first to experience repression. These anti-socialist attitudes were manifest in 1915 when Scott Nearing lost his job at the University of Pennsylvania and they were present in 1940 when Russell was offered an appointment at CCNY. And it is, of course, true that these attitudes persist in 1982.

Russell was not only a man with a strong socialist orientation but was openly critical of American capitalism and imperialism in his writings and public statements. That American men of power should see him as a threat then was no surprise, even though the courses he was to teach did not deal with social issues. Every person of power in 1940 who could, took a shot at Russell's appointment. That kind of anti-Russell sentiment made it easier for Judge McGeehan to pervert his office and reject the Russell appointment with enthusiasm.

Ollman's rejection at the University of Maryland has been very much like that of Russell's at CCNY. Unless there is a large coalition of progressive persons and forces behind Ollman's current appeal in the federal courts, it seems he has little chance of winning. Judges in the U.S. Court of Appeals still serve to preserve the status quo and will act against Ollman unless there are tremendous pressures to do otherwise.

In the Smith and Stastny cases, their socialist leanings were, perhaps, of less significance than the fact that those who evaluated their social activist pursuits perceived them as "socialists" and, hence, enemies of the status quo. Painting Smith and Stastny red didn't help their cause anymore than painting Russell red helped his.

Every bit of evidence points to the fact that socialists and those perceived as socialists will pay a price, sometimes heavy, for their values. While there are campuses where socialists and Marxists are treated fairly, those campuses are rare as compared to the typical, repressive campuses in spite of the naively rosy picture painted by David B. Richardson in his "Marxism in U.S. Classrooms," U.S. NEWS AND WORLD REPORT, January 25,1982, pages 42-45.

What Does It All Mean?

Early this month, on August 6th,1982, socialist, scholar, and social activist Scott Nearing celebrated his 99th birthday! (See the February,1981 issue of ZEDEK for more on Nearing's life). When Bertrand Russell died in 1970 he was 97 years old. The two men knew each other fairly well.

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Bertrand Russell's Ordeal(continued)

When serving a prison sentence for his pacifism and anti-American remarks in 1918, Russell received a letter from Nearing supporting him. It was Nearing who helped get speaking engagements for Russell during his 1924 visit to the United States. One of the Russell engagements was a debate with Nearing on the topic "Is the Soviet Form of Government Applicable to Western Civilization?" Nearing took the affirmative and Russell opposed.

The lives of both men are instructive because they demonstrate that thinking, socialist, social activist persons are persons who are ready targets for anti-humanistic, anti-socialist forces in this world but that, being fundamentally tough and courageous persons, they have generally outlived their enemies and made very worthy contributions to the world.

While I was personally disappointed in Russell's not taking his fight against CCNY and the State of New York further, I can appreciate his need to continue with other commitments which he felt were more creative, constructive, and less crippling to his energies. One learns from experience that one cannot hope to win every battle one faces. There are times, for the sake of peace and quiet, for the sake of one's health, and/or for other reasons, one needs to turn away from what might have been a good and even worthy fight. As Thomas Szasz once said to an exhausted social activist: "One must know when to let go of the tiger one has by the tail and get on to other things. You can't hope to win every fight you get involved in."



Bangor DailyNEWS Photo.
Scott Nearing

It keeps repeating itself
In this world, so fine and honest;
The Parson alarms the populace,
The genius is executed.

----Albert Einstein

(written re Bishop Manning's
attack on Russell)

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Bertrand Russell's Ordeal(continued)

If we have learned anything at all from the Bertrand Russell case, it is that there are many kinds of battles and many ways to fight them, if we choose to fight them. I think Russell and his allies missed an opportunity to win a landmark decision on the issues of free speech, due process, equal protection, and the role of the courts in academic freedom cases. I hope, in examining Russell's case and comparing it with the Ollman, Smith, and Stastny cases, and cases to come, we might discover some ways in which we can effectively fight back when confronted with some of the types of academic repression we have reviewed here.

Bertrand Russell spent the last decade of his life in the anti-nuclear movement and with Jean Paul Sartre organized the Vietnam War Crimes Tribunal in Stockholm. Had he been alive on June 12, 1982, I'm sure he would have been marching with us in New York City.

Suggested Reading Relevant to the Bertrand Russell Case

1. Edwards, Paul, "How Bertrand Russell Was Prevented From Teaching At The City College of New York," in the Appendix of Bertrand Russell's WHY I AM NOT A CHRISTIAN (New York: Simon and Schuster, 1957).
2. Feinberg, Barry, and Kasrils, Ronald, BERTRAND RUSSELL'S AMERICA: 1896-1945 (New York: Viking Press, 1973).
3. Kallen, Horace M. and Dewey, John (Editors), THE BERTRAND RUSSELL CASE (New York: Viking Press, 1941).
4. Russell, Bertrand, "Freedom and the Colleges," AMERICAN MERCURY, May, 1940.
5. Russell, Bertrand, "Do I Preach Adultery?", LIBERTY, May, 1940.
6. Russell, Bertrand, "Education in America," COMMON SENSE, June, 1941.
7. Russell, Bertrand, AUTOBIOGRAPHY (London: Allen and Unwin, 1968), Volume II: 1914-1944.

SMITH VINDICATION FUND

Funds are needed to help support the legal struggles of F. Joseph Smith. Send contributions to the: Smith Vindication Fund, c/o SAPDF, 19329 Monte Vista Drive, Detroit, Michigan 48221. For information on the Smith case see ZEDEK, November, 1980, and May-August, 1981.

BERTRAND RUSSELL

M.A., F.R.S.

Holder of the Nicholas Murray Butler Medal of Columbia University (1915), the Sylvester Medal of the Royal Society (1932) and the de Morgan Medal of the London Mathematical Society (1933). Honorary Member of the Reale Accademia dei Lincei. Fellow (1895-1901) and Lecturer (1910-1916) of Trinity College, Cambridge. Herbert Spencer Lecturer at Oxford (1914). Visiting Professor of Philosophy at Harvard University (1914) and at The Chinese Government University of Peking (1920-1921). Turner Lecturer at Cambridge (1926). Special Lecturer at the London School of Economics and Political Science (1937) and at The University of Oxford (1938). Visiting Professor of Philosophy at the University of Chicago (1938-1939). Professor of Philosophy at the University of California at Los Angeles (1939-1940). Occasional Lecturer at the Universities of Uppsala, Copenhagen, Barcelona, the Sorbonne, etc., etc.

Judicially pronounced unworthy to be Professor of Philosophy at the College of the City of New York (1940)

Part of the Front Page of
a Russell Book Published in 1940

