

FREEDOM

ON THE

CAMPUS

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In 1824 an old man, broken in body and pocket-book, each day mounted his horse and rode three miles down a beautiful mountain and across a verdant valley to a village where he was supervising the construction of an unusual institution. He was the architect of its physical plant and more important, of its fundamental purpose. This man had had this institution in his mind's eye since his youth. He had held every high office that his state and nation could bestow upon him. Now he was old, almost forgotten, financially embarrassed, misunderstood, and in some places, despised and feared. When he was a young Virginia assemblyman he had tried to get his state to adopt his plan of public education. He felt quite sure that self-government and freedom would never become realities until all men were educated for freedom. It is true that he was just as fascinated with science and thought that free men should be acquainted with science, but his primary purpose in designing a state educational system that led from the elementary school through the university was to fortify virtue and keep man free.

On July 4, 1825, he died and his great ideal was left to the future generations to plan, build, and expand.

In 1787 Jefferson had published his *Notes on the*

State of Virginia. In this interesting and vital book Jefferson describes the educational system that he thought a free society required. It is not the pattern that we have used in building our educational edifice. Jefferson's plan was universal only in the sense that the first three grades would be free. He was confident that all that was needed to keep men free was to open the books and make information accessible to all. Since man's basic judgments were good, each or at least a majority, would be capable of protecting freedom. Their reason and good judgment would make it possible to recognize chicanery, selfish ambition and dangerous policy.

Jefferson knew that the families of the poor and the lowly sometimes produced children that were brilliant and worthy. His plan would have selected only the superior ones for advanced secondary and higher education. His plan was more in line with the English scheme of the 20th Century than the plan we have evolved in the United States. He sets down this fundamental premise for the education of free men,— "But of all the views of this law none is more important, none more legitimate, than that of rendering the people the safe, as they are the ultimate, guardians of their own liberty. For this purpose the reading in the first stage, where they will receive their whole



Photography by George W. Gardner

education, is proposed, as has been said, to be chiefly historical. History by apprising them of the past will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views. In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover, and wickedness insensibly open, cultivate, and improve. Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe their minds must be improved to a certain degree. This indeed is not all that is necessary, though it be essentially necessary."

I WILL NOT HAVE TO BELABOR THE POINT THAT FREEDOM is in danger. It certainly was in danger in Jefferson's time and had been through the whole sweep of history. We are aware of the long struggle of the English-speaking people to establish and protect their individual rights. The struggle for equality and fraternity in France had been a sharp, bloody, and frustrating one. The American Colonies had experienced

most of the disappointments and heartaches that their English and western European ancestors had known.

In 1825 Freedom in many ways was still a dream and not a reality in the American republic. The rocky row ahead was filled with boobytraps, dangers, dreams, and heroic struggle. Thus has it been since Jefferson's time and the present age seems to be one in which freedom's condition is not good and its future doubtful. Even in the citadel of freedom, in the America that you and I serve and love, doubters are plentiful. They are to be found in the radical groups of the extreme right and the extreme left. More disturbing than these fringe groups is the lethargy of the mass of us who may be looking the other way when liberty is desecrated.

How has this ideal of freedom fared in the last 170 years? What has been its history in the last forty years? How firmly is it established as a cornerstone of our American life today? How highly do the students on your campus value it? More important, what do they know about it? Do they really believe in a free society? If so, what do you believe about it? What do the members of your faculties believe? If we are tested by another holocaust of war will we be struggling just for the right to call the umpire a fool and



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a crook? Really, how solid is the edifice of liberty and freedom? How many of the people of the world, outside the Communistic orbit, understand it, respect it, love it, and know what the price of freedom really is? The nations that attempt to hold a free society are a minority in number and their total population is a small minority of the world's total.

Let us return to our recent graduates. How many of them have a reasonable familiarity with the Bill of Rights and the Fourteenth Amendment? Could they pass a rather simple objective test on how the Fourteenth Amendment is applied today in civil rights cases? Would we dare examine them on the facts and issues of the history of this amendment from 1870 to the present? Do most academic people know what is implied in "taking the Fifth?" Do they realize that the very foundations of what they say in their AAUP resolutions are involved in over thirty civil rights cases that are now on the Supreme Court docket? Is there a chance that the principle announced in the Barenblatt case decided by a 5-4 vote of the Supreme Court will be the governing rule for the future? The fundamental point in this case seems to be that freedom is a divisible thing and that it depends on the action of the public reflected through public opinion on legislation and not by the protection of the courts. In the Barenblatt case it was decided that a Vassar instructor had to reveal to the Un-American Activities Committee his political beliefs and past associations. He spent a year in jail for his refusal to testify, after refusing to answer under the Fifth Amendment.

LET US REMEMBER THAT THE HISTORY OF FREEDOM has always been one strewn with bitterness, doubt, and total or partial defeat. We all remember the Alien and Sedition Act of the late 18th Century. They were passed to shut off criticism, "save the nation," "protect good men and public decency." We cannot forget the American or "Know-nothing" Party of the 1850's or the horrors of the Ku Klux Klan and the Radical Reconstructions acts after the Civil War. Nor can we forget the hysteria of World War I and the actions of Attorney General A. Mitchell Palmer following that conflict. In that episode, Palmer, Woodrow Wilson's Attorney General, was going to save freedom by filling the jails and the deportation ships with radicals, Communists, and revolutionists. Then we had the Ku Klux Klan again in the 1920's. They called themselves "100% Americans." One Klansman is supposed to have lettered on his place of business, "I am a 100% American. I hate Negroes, Jews and Catholics." A competitor put on his window, "I am 200% American. I hate everybody." But let us not forget the Gerald K. Smiths, the Father Coghlin's, the McCarthy episode, the German-American Bund, and many other hate mongers in the last thirty years. Nor must we forget how candidates, public officials,

and even presidents have stood mute in face of these pressure groups.

We can say that freedom has quite often hung by a thread. Often Americans have stood mute and palsied before the bitter blandishments of freedom's enemies. Even the courts have fumbled and retreated. In fact the most eloquent court records have been dissenting opinions speaking for freedom rendered by justices like Oliver Wendell Holmes, Louis D. Brandeis, Charles Evans Hughes, Harlan Fiske Stone, Hugo Black, William O. Douglas, Earl Warren or William J. Brennan.

The issues dividing the justices on the issue of civil rights are deep and sharp. The division is not petty matters but the basic problems of individual liberty and public safety. They are the issues on which public opinion is divided also. Justice Black feels that the court is granting government so much power that the rights of the individual will be smothered. Justice Harlan thinks that those who support Black's views are stripping the nation of the powers it needs to survive in a time of crisis. Harlan's views usually prevail in this court by the slim margin of five to four.

Marquis W. Childs, Washington correspondent of the St. Louis Post-Dispatch, has written a series of articles in which he strongly supports the views of the minority. Childs is of the opinion that the drift of events during the last decade and a half has been toward the gradual whittling away of individual rights and that the edifice of freedom and liberty are being eroded speedily and tragically. The investigating power of Congress has been used as a method to get around many fundamental rights of individual liberties. They are Star Chamber proceedings to pillory individuals and organizations and convict them in the eyes of the public and their employers without any regard to the principles on which the British-American traditions have been constructed. Fear, unreasonable fear, is the great force behind this drift. It is popular because citizens do not believe in their inheritance of constitutionalism and their "rights as Englishmen."

Ralph McGill, Editor of *The Atlanta Constitution* and Pulitzer Prize winner, has written: "Historians have noted that our revolution, long before the fighting began at Lexington, was engineered by men who knew the law, men whose minds moved not in terms of violence and quick results but in terms of law and the courts and the reasoned disciplined action that lies behind the law and the courts. Since the greatest social reform of our time is being implemented by courts, they and the legal profession inescapably are a focus of attention. . . . In the past 20 years, but more particularly since the United States Supreme Court decision of May, 1954, the leadership of the Southern Bar has not lived up to its responsibility. It was not until the spring of 1960 that the Georgia Bar Association heard one of its members publicly state the truth about necessary compliance with decisions of the court. Nor was his heart lifted up by the considerable number of fellow members who later

came to him to express appreciation and to say they wished they could have said what he did. 'My clients do not want to be in controversy,' they told him.

OUR KIND OF NATIONAL COMMUNITY, therefore, depends partially on law but in a larger measure on the private decisions of millions of people. Our government has a limited authority but within these limits it must be obeyed. Large areas however are left open for private action and choice. If a free society is to reach an established goal, across the board, it must do so to a great extent through individual decisions anchored on a moral code that is held in high respect. Free business, a free labor, free civic groups, a free bar, a free press and free educators equal a country blessed and bathed in liberty.

Peter F. Drucker points up the problem in this fashion in *American Higher Education: Cornerstone of Free World Unity*.

"I have a very simple theme. My theme is that the American college and university has become the most effective international force today, far more effective, far more important than things which are a great deal more visible and cost a great deal more money, such as military aid or economic aid.

American higher education is rapidly becoming the basic resource of the free world; the main supplier of effective people. My question is, what does this mean for us in American higher education? Do we, really, yet understand what function has devolved upon us, not because we wanted it, but because we are the only ones to discharge it?"

Adolph A. Berle, Jr. has put it this way:

"In the first and deepest issue, universities and American intellectuals have, I am clear, been running away from the greatest and most constant of all human issues. This is, quite simply, whether life has an enduring significance, or whether it is an anarchy of chance, meaning nothing."

For us it is a professional problem. It hangs heavily on the shoulders of the lawyer and jurist, the journalist, the public official and the clergy also. But the teaching profession is particularly burdened by the responsibility for freedom. This is because the educational institutions were planned and constructed by society to produce a body of citizens who would be worthy and skilled free men. In every great educational effort that we have made, this purpose and idealism has stood forth sharply and clearly. From the Northwest Ordinance of 1787, through the Morrill Act of 1862 and the many actions of state constitutional makers, the idea that these institutions were to foster and perpetuate freedom is expressed in direct and unmistakable language. The charters issued to the private and denominational institutions reflect the same basic purposes. We are charged to make individuals strong morally, to perpetuate virtue, and to change them into competent citizens. The purpose is not just to make them smart voters, it is to make of them competent statesmen in every sense of the word.

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This George Caleb Bingham portrait of Major James S. Rollins (1812-1888), "Father of the University" and lifelong friend of Bingham, was presented to the State Historical Society of Missouri by James S. Rollins II and James S. Rollins III, shown at right. At left of portrait is Governor John M. Dalton, and at extreme left, E. L. Dale, Carthage publisher and Society president.

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If this is our heritage, if this is our place in the great plan of this age, how can we fulfill our basic professional duty? We certainly cannot do it by neglecting to teach the ways of freedom, its history, its legal base, and its central place in our culture. We cannot strengthen it by slick propaganda. We cannot "teach by example" if we make our institutions small dictatorships. Freedom will be learned in a society that protects it and literally spawns it. Our campuses must be free societies. Students will learn to be free by living in the freest atmosphere possible. This is not a society in which anarchy, license and lethargy prevail. It is a responsible society where ideals, purpose, intelligence are rampant. It is well-regulated society where the competent and the thoughtful are protected and encouraged.

If these last two centuries are to be no more than mankind's fitful and foolish flirtation with freedom, these remarks are only the pitiful and pallid prayer of a believer who followed a philosophy that is hollow. He and his kind can in future years be a stoic or an existentialist. But if the ideals behind liberty and freedom have validity they are worth our best professional effort in the next four decades. This issue will undoubtedly be decided before the year 2000.

And it will be decided in the educational institutions of the world. Public opinion will decide it. The institutions of government will reflect the opinions of mankind in the last analysis. Mankind will not demand freedom unless he wants it. He will not want liberty and freedom unless he is prepared in mind and spirit for it. The realm of the mind is the province of the educator. It is possible for the educator to completely miss his greatest assignment.

The foregoing article is based on an address given by Dean W. Francis English before the Conference of Academic Deans, at Oklahoma State University.

Bradshaw heads study group

Dr. William L. Bradshaw, dean emeritus of the School of Business and Public Administration at the University, has been chosen chairman of a committee to study the need for calling a new Constitutional Convention in Missouri. Dr. Bradshaw was a delegate to the convention in 1943-44. The committee has 23 members, who were appointed by Governor John M. Dalton. A four-member steering committee was chosen to determine the need for a convention.

Victor D. Brannon, Ph.D. '38, director of the Governmental Research Institute in St. Louis, was named secretary of the steering committee.