

From the faculty

## A professor's thoughts on academic freedom

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In a strict and narrow sense "academic freedom" is the freedom that professors and students have to state the results of their research in the classroom and by publication without fear of reprisal. This freedom is important to both professors and students because without it the scholarly pursuit of truth would be impossible.

In a broader and vaguer sense "academic freedom" is any freedom or right that pertains to professors or students. Thus whenever any right of a professor or student has been violated, it could be said that it was a violation of his academic freedom in this broader sense.

The existence of these two senses of the phrase is unfortunate since it permits loose talk, calls "academic

freedom" in whatever sense into disrepute, and permits those who will to take advantage of the double meaning.

For example, the Liaison Committee in their report on the Michael Davis case, said that "there was no threat intended to the fragile fabric of academic freedom" by the action of the Regents. The Liaison Committee was using "academic freedom" only in its narrower sense. By leaving their meaning unclear, the Committee invited the (incorrect) implication that there was no threat to "academic freedom" in the broader sense. In this way they avoided a discussion of larger issues of the Davis case.

The Liaison Committee issued a statement soon after the Regents announced their decision to fire Rozman, saying that they believed that "the Board's action raises grave and

substantial issues of academic freedom at this University," now apparently using the phrase in its broader sense. Chancellor Varner, speaking to the faculty in response to the Liaison Committee statement, cited the 1940 AAUP definition of "academic freedom" (the narrow sense), and then pointed out that the Rozman decision did not involve academic freedom in this sense. The Liaison Committee had been outflanked. Chancellor Varner had taken advantage of the ambiguity of the phrase to avoid discussing the broader issues of the Rozman case, just as the Liaison Committee had done earlier in its report on the Davis case.

I think that "academic freedom" is a phrase that should be used only in its narrower sense. When it is used in a broader sense, its meaning is overly vague.

More important, in this broader sense the phrase carries the unhappy suggestion that academics have or ought to have certain privileges that others do not enjoy. Claims of special privilege rightfully make non-academics angry and thus deepen the already serious divisions between academia and the rest of our society.

The rights that Davis and Rozman were denied by the actions of the Regents are rights that are mentioned in the U. S. Constitution, rights that every citizen of this country has:

1. All points the Regents made against Michael Davis in their October letter that were not factually inaccurate and that were known to them at the time they made their decision to not hire him involved the simple exercise of first amendment rights and nothing more. (The Regents didn't know when they decided not to hire him that he had been convicted of trespass a couple of years ago.)

2. In both the Rozman and Davis cases there was a lack of due process. Neither person had any opportunity to reply to charges against him. In the Davis case the Regents would give no public reasons until two months after they had made their decision. In the Rozman case, the charge that Rozman had remained in the M&N building after President Soshnik had ordered the students to leave was not among the charges brought against him until the lawyer wrote up the resolution the Regents adopted at their latest meeting. Rozman himself found out about that new charge and the new testimony against him only minutes before it was read. Further, in the Rozman case the results of the painstaking investigation by a faculty committee were utterly disregarded.

The right that everyone has to administrative due process protects taxpayers against arbitrary decisions by the income tax people, protects government employees against such decisions by the civil

service, and even protects welfare recipients against arbitrary denial of benefits.

3. The use of *ex post facto* laws is expressly prohibited by the Constitution. The "rules" which were used by the Regents as a basis for firing Rozman are not rules yet. Last May Prof. Rozman could not have known that the things the Regents alleged he did could be the basis for action against him. Nor could he have pulled out his copy of the Scranton Commission report last May, to see how it defined "disruption" and to consider whether his behavior at that time was disruptive according to that definition. But it was the Scranton Commission's definition that the Regents cited in their resolution firing Rozman. (I don't want for a minute to allow that Prof. Rozman's behavior was disruptive by that definition—the point is that even if it had been, it would have been so only according to a definition *ex post facto*.)

We should not talk about "academic freedom" in these cases, but rather about "violation of one's rights as a citizen." If the people of Nebraska do not understand what academic freedom is (because none understands exactly what it is in its broader sense), they should understand "administrative due process" when it is explained that it protects them from capricious and unreasonable decisions against them by the tax collector.



Frank Mankiewitz  
and Tom Braden

### Back to the 30's

WASHINGTON—"Love Story" is a movie that used to be made every year during the '30s. If Ann Harding didn't die in the last reel, Margaret Sullivan did. Ruby Keeler was a hot ticket, and the sweet soft sound of Glenn Miller lilted from every record shop.

Today, they're all back. "Love Story," a '30's movie with a little self-conscious profanity to bring it up to date, will be the box office champion of all time.

Ruby Keeler is on Broadway, and Glenn Miller is selling more than in his time. Is it all a fad, or are we finally telling ourselves that we have created a life too terrible to live with?

#### Reality too much?

The evidence is strong that the real world is unable to give us our symbols of enjoyment. The war has ceased to be even ambivalent and has become only a hateful thought to be fled. "For God's sake," finally exclaimed King Richard, the world too much with him, "let us sit up the ground and tell sad stories of the deaths of kings."

And we, caught in the insane trap to weigh the moral value of an officer's claims that he killed a lot of civilians one day, "but it was no big deal, sir,"—we exclaim at last, "For God's sake let us swing and sway with Sammy Kaye."

For it has, finally, become too much. We will have a fair election in Vietnam and respect the results, we say, but we prepare to rig another one. We will not invade Cambodia, we say, but we do. We will not assist the South Vietnamese army with air power in Cambodia, we promise, but we do. We are not committed to the defense of the Lon Nol regime, we state, but we are—and to its successor. We will not invade Laos, we pledge, but we do. There will be no ground troops in Laos, we announce, but there are plenty of them hovering in helicopters and killing more Asians than if they were on the ground.

#### Words become rhetoric

The words, finally, have become just words. The interdiction, the protective reaction, the incursions—these are all ways, in Lt. Calley's phrase, of "wasting" Asians, but, of course, "no big deal." We watch numbly now, as the success of the Laos invasion is measured by cold-eyed spokesmen each night in terms of what can be concealed— not from the enemy, but from ourselves. Cambodia, Lao, whatever is next—we now have the pattern. The first few days nothing is impossible and indeed has probably already been achieved. COSVN will be destroyed, the Ho Chi Minh Trail will be cut, Sepon—the chief railroad—will be seized.

Then, as reality intrudes, the objective shrinks. COSVN wasn't important anyway, and who ever heard of Sepon? Finally, it will turn out, with straight Pentagon faces, that our objective in Laos was to bog down 19,000 of our gallant allies a few miles inside the boarder, ringed against attack by fragments of shot-down U. S. helicopters.

The euphemisms serve us well, for the truth cannot be borne. Suppose that the government of Nguyen Van Thieu really was our independent ally. We should flee in a moment from such a collection of smiling corrupt mandarins. We used to have allies like Churchill and DeGaulle, and if their generals died in combat we did not have to close the file on currency manipulations.

And so the Big Band is back: Sammy Davis sings art songs in a tuxedo on television to wild applause; the hit record is a new version of the old gospel, "Amazing Grace"; movie executives who were seeking hippies to put on motorcycles are now bidding for new Carole Lombards and we—at last alone, afraid in a world we made—hope the Mighty Wurlitzer can wash away our sins.



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DEAR FRIENDS PLEASE ACCEPT MY SINCERE THANKS AND DEEP RESPECT FOR ALL YOU ARE DOING TO OPPOSE THE SENSELESS CONTINUED BLOODSHED IN INDO CHINA A LONG SCHEDULED PREVIOUS COMMITMENT MAKES IT IMPOSSIBLE FOR ME TO BE WITH YOU. WHILE GROUND ACTIVITY MAY HAVE SUBSIDED, IT IS CLEAR THAT AERIAL BOMBARDMENT HAS GREATLY AND TRAGICALLY INCREASED THROUGHOUT ALL OF INDO CHINA. IN SUM, THE WAR HAS BEEN DANGEROUSLY ESCALATED BY THE VIOLENT AND BARBARIC INVASIONS OF LAOS AND COMBODIA AND THE BOMBING OF THOSE COUNTRIES. THE WAR GOES ON AN 59 AMERICANS WERE KILLED LAST WEEK, IN ADDITION, REASANTS AND INNOCENT CIVILIANS CONTINUE TO BE WIPED OUT BY AMERICAN BOMBS. OUR OWN ECONOMY CONTINUES TO DETERIORATE, URGENT DOMESTIC NEEDS GO UNMET, AND OUR NATIONAL IDEALISM AND PURPOSE

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ARE WEAKENED. I ASK FOR YOUR SUPPORT FOR OUR EFFORTS IN THE UNITED STATES SENATE TO LEGISLATE AND END TO THE WAR THROUGH THE MCGOVERN - HATFIELD AMENDMENT. A RECENT POLL SHOWS THAT 75 PERCENT OF THE AMERICAN PEOPLE SUPPORT OUR AMENDMENT. THE TIME HAS COME FOR PEOPLE IN POWER IN THIS GOVERNMENT TO HEED THE WILL OF THE AMERICAN MAJORITY. SO TONIGHT, AS WE HAVE DONE MANY TIMES BEFORE, WE JOIN TOGETHER IN SPIRIT TO CALL UPON OUR BELOVED COUNTRY TO COME HOME FROM VIET NAM AND LAOS AND COMBODIA WHERE WE ARE WASTING OUR BLOOD IN SUPPORT OF REGIMES WHICH DO NOT HAVE THE RESPECT OF THEIR OWN PEOPLE. THIS WAR MUST END NOW. YOURS SINCERELY  
GEORGE S MCGOVERN UNITED STATES SENATOR FROM SOUTH DAKOTA.

This letter was written by Sen. McGovern in response to the invitation he received to appear at the now cancelled Vietnam teach-in.