



The AAUP's definition of "censure" evolved through debates that touched on pivotal issues of faculty roles, powers, and duties.

BY JONATHAN KNIGHT



*Jonathan Knight is an AAUP associate secretary who works on academic freedom and tenure issues.*

**I**n June 2002 the annual meeting of the American Association of University Professors placed Tiffin University on the AAUP's list of censured administrations. The censure followed the administration's suspension, banishment from campus, and dismissal of a professor because of its displeasure with his outspoken challenges to several of its actions. The idiosyncrasies of this case might have passed unnoticed outside Tiffin, Ohio, but for the fact that, as with so many other cases that have come to the attention of the AAUP, the administration's action directly and seriously implicated principles of academic freedom, tenure, and academic due process.

The censure of the university drew it into the company of fifty-two other colleges and universities that are currently on the list; altogether, between 1930 and 2002, 183 colleges and university administrations have been censured, some of them more than once.<sup>1</sup> An administration is censured for actions the AAUP has found especially blameworthy in a particular case. The blame usually attaches to the administration and the governing board of the institution at fault and to their successors, although the governing board alone has been singled out in some cases for this stern judgment.

The practice of listing institutions under the heading “censured administrations” began in 1938, but the notion of an AAUP list of some sort first emerged in 1930. In that year, the Association decided that three institutions in Mississippi—the University of Mississippi, the Mississippi Agricultural and Mechanical College, and the Mississippi State College for Women—should be put on a list of “nonrecommended” institutions as a result of the wholesale dismissal of professors, presidents, vice presidents, many deans, and other employees by the state’s governor, Theodore Bilbo, as he dispensed political favors. The nonrecommendation affected membership in the Association. A professor who taught at a nonrecommended institution, like one who taught at an unaccredited institution, could not become a member of the AAUP. The college or university would reenter the ranks of recommended institutions—and its faculty would be restored to eligibility for membership—after the AAUP had received “satisfactory evidence of improved conditions,” which, for the universities in Mississippi, took place in 1932.

The AAUP’s action in 1930 against the three universities in Mississippi was formalized the following year by the Association’s governing Council. An institution would be placed on a “nonrecommended list” following an investigation, a finding of a serious breach of the principles of the freedom of teaching, and concurrence in that finding by Committee A on Academic Freedom and Tenure (the body within the AAUP directly responsible for an investigation), the Council, and the annual meeting. The record of the action against the institution was to be printed in the January issue of the Association’s *Bulletin* (the predecessor to *Academe*) for as long as the institution remained on the nonrecommended list.

The terms “recommended” and “nonrecommended” lasted for three years, to be replaced by



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“eligible” and “noneligible.” What might be considered the AAUP’s first enumeration of censured administrations in list form was published in 1935 under the heading “Institutions Removed from the Eligible List.” This formulation had a short life, too. It appeared in 1936 and 1937; since 1938, the list has been printed with its now-familiar designation.

The censure list is published in every issue of *Academe*, and institutions on the list are highlighted in the job notices published by numerous disciplinary societies (among them the American Historical Association, the American Psychological Association, and the College Art Association). In addition, Phi Beta Kappa takes note of a current censure in chartering new chapters and rechartering existing ones, and the *Chronicle of Higher Education* regularly reports placement on the list or removal from it.

### Early Debates

The censure list is not easily overlooked, and few are likely to deny its place in the history of the AAUP or of higher education over the past seventy years. Yet what should that place be? Is the list mainly a catalogue of wayward institutions that, depending on their own histories and practices, have given greater or lesser heed to the AAUP’s remonstrances? Or is the list a deterrent force for good, drawing attention to inappropriate conduct in some institutions and thereby helping to prevent it in others? What has the list accomplished for the AAUP and its longstanding defense of academic freedom? What would be different if the list did not exist?

It is not possible to answer these questions confidently, mainly because uncertainty about the place or influence of the censure list is rooted in the doubts about the list’s purpose that marked its origins, which were based in still deeper hesitation about whether the AAUP through its investigations should stress service to individuals or to the academic profession.

Almost immediately after it was founded in 1915, the AAUP plunged into the investigation of particular cases. It launched five investigations that year, and by 1931 had investigated thirty-one cases across the country. The early leaders of the organization were rightly proud of these investigations, even to the point of pardonable exaggeration. AAUP president John H. Wigmore was quoted in the AAUP’s *Bulletin* as having remarked in 1916:

That these Special Committees of Inquiry represent an impartial body, thoroughly judicial

in spirit, and trustworthy in methods, must by now be obvious to all. The . . . rules for their method of investigation form an admirable system for this unique judiciary. The five [r]eports thus far printed are weighty documents, which would do credit to any judicial court in the world; and their findings must convince all readers that no more impartial and competent tribunal could be found for such cases.

The AAUP's broadening investigative work during the 1920s was accompanied by a steady growth in membership and the establishment of a permanent administrative office in Washington, D.C., in 1929. Paradoxically, these successes underscored what some saw as the organization's basic weakness in protecting principles of academic freedom and tenure: its seeming unwillingness or inability to do more for the individual teacher wrongly dismissed, or to do more to punish the offending institution than establish the facts, publish them, and trust in the "beneficent influence of the common sense of justice" to have its effect, as AAUP president Frank Thilly said in a 1917 address. John Dewey, the Association's first president, remarked in late 1915 that the AAUP, through its investigations, had shown that it had arms and legs. But could it have a bite as well?

### Purpose of List

The Association's reliance on publicity was not simply the result of the organization's weakness at its birth. It was also, and more important, a judgment about what could be accomplished by a faculty organization without the means to compel respect for its principles and dependent on college and university administrations to act consistent with them. This sense of what the organization could not do, or, perhaps more accurately, the sense of what needed to be done to persuade administrations of the rightness of its principles, shaped the early priorities of investigations. According to the report of Committee A for 1916-17, "We have to look to the future rather than to the past, and to the institution rather than to the individual." And still further: "The consideration of the individual case is but a means to an end. . . . What corrective results we can obtain here and there we welcome, but our largest accomplishments must come from the educative aspects of our work."

One committee member, F. H. Hodder of the University of Kansas, thought differently: "It



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should be the aim of the Association to secure the vindication and reinstatement of professors unjustly dismissed from their posts," Hodder wrote in the February-March 1918 issue of the *Bulletin*. His dissent gained no ground, not only because it prescribed a course of action that seemed beyond what the Association could actually achieve, but also because it voiced a position that others saw as inextricably linked to what the organization should not favor, the unionization of professors. "I wish to repudiate the notion that this Association is an occupational union, which seeks to defend its members by a 'We Don't Patronize' list, or by any other form of coercion," opined AAUP president Wigmore in 1916.

The antipathy to professors' joining unions, a common position among the AAUP's leaders at the time, did not mean that they and others were resolutely opposed to the organization's doing more for the professor who was unjustly dismissed. What could be done was not obvious, however, and perhaps not urgent in view of the immediately taxing problems facing the new organization in launching and carrying out investigations. The pressure for additional action stayed at a low level for most of the 1920s, but in 1929, with the investigation of the University of Missouri, the sense of urgency increased sharply.

The report of the investigating committee, published in the *Bulletin* in 1930, recounted the action taken by the university's administration and its board of curators to dismiss one professor and to suspend another without pay for their role in the distribution of a questionnaire among university students concerning the economic status of women and "illicit sexual relations."

Criticism of the questionnaire among residents of Columbia, Missouri, was so intense that the university administration ordered that it be confiscated and destroyed. The investigating committee, after refuting each charge against the professors, concluded that the dismissal and the suspension were clear breaches of the principles of freedom of teaching and research and the security of tenure. Moreover, the committee concluded, the University of Missouri was "not an institution where scholars may go and work with the assurance of the freedom in teaching and research, and the security of tenure granted in the ranking universities of this country."

For one member of the investigating committee, Louis Leon Thurstone, the suggestion, framed in the argot of academic diplomacy, that professors would be well advised not to accept

appointments at the University of Missouri fell far short of what was needed. Starting with the Missouri report, he began a campaign to have the AAUP do more than rely on the meliorating effect of public opinion. Thurstone was a rising star in the psychology department at the University of Chicago, which he joined in 1924 as an associate professor and where he won promotion to full professor four years later. In a memorandum that accompanied the University of Missouri report, Thurstone proposed three steps for dealing with the institution. First, the university should be "stricken from the colleges acceptable to the American Association of University Professors." Second, "any person who accepts a position at the University of Missouri after the adoption of these recommendations shall forfeit his membership in the Association and shall remain ineligible for membership as long as he remains in such position and as long as the University of Missouri remains [an] ineligible [institution]. This ruling shall not apply to the present faculty of the University." Third, the university would cease to be an ineligible institution after ten years, or earlier if it rescinded the dismissal and the suspension and paid each professor his salary from the date of the punishment irrespective of any other income he may have earned.

Thurstone minced no words in explaining, in a November 21, 1929, letter to Harry W. Tyler, the AAUP's general secretary, why he was advancing these proposals:

The proposal that I have made to members of our [investigating] committee was an attempt to solve a serious problem confronting the Association, in the face of which the Association has been helpless. You know that the Association has been taken for a rather impotent body. We publish nice reports setting forth the facts so politely that the influence of the Association is, to say the least, rather slow. . . . I realize that things have happened as a result of the reports of the Association but the crucial question is this, "Will the dismissed men be reinstated?" As you know they are usually not. Some administrative officer may lose his position but the dismissed men are not reinstated and consequently the wrong is not corrected. It would take a great deal of talk about moral effect to offset this fact, namely, that the Association is not very effective in correcting wrongs done to particular individuals. . . . It seems high



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time that the progression of reports of the Association that are dignified and polite and impotent be discontinued in favor of action that is more positive and constructive in its effects.

### A Preventive Influence

Thurstone's concluding remarks, perhaps because he anticipated what Tyler would say about his proposals, were laced with sarcasm: "I realize of course that your motive is to be so cautious as to avoid general disapproval by the Association as a whole. Of course you know the Association infinitely better than I do and it may be that American university professors do not, as a group, have courage enough to do something positive about their status. I hope that such is not the case."

By 1929, Tyler, a mathematics professor at the Massachusetts Institute of Technology, had been working in a part-time capacity for the AAUP for thirteen years, having succeeded Arthur Lovejoy as the organization's chief administrative officer. Tyler's part-time status did not imply a part-time effort on behalf of the AAUP, for he was deeply involved in all of the AAUP's investigative activities. Tyler's perspective on Thurstone's proposals was therefore that of the seasoned veteran, who, from inside the organization, saw the AAUP's influence as much greater than what Thurstone claimed. In a November 29, 1929, response to Thurstone, Tyler wrote:

I cannot admit the justice of such adjectives as *impotent* and *helpless*, and am reluctant to believe that any considerable fraction of our members, present or possible, would agree with them. . . . Neither can I recognize that the question of reinstatement is a crucial one. If we were essentially a protective organization, that would naturally be the case. I conceive our fundamental aim to be the definition and maintenance of higher standards, and that the crucial question is not what an institution has done with a particular individual, but how it behaves, or tends to behave, in its future relations with the profession; that our reports have exerted a substantial preventive influence seems to be sufficiently indicated by the rather general reluctance of administrative officers to be reported by our committee and their apparent willingness to answer our requests for information in cases which do not in general lead to formal investigation. (Emphasis in original.)

Tyler also raised a practical objection to Thurstone's proposal: "blacklisting" the institution would give the president a "chance to work on local sentiment in a way which might considerably strengthen his position, as if he and the university were common victims of persecution by us." Tyler told Thurstone that he intended to present his plan to the AAUP's Council, and closed with a flourish: "In all this I should be disposed to submit that courage and militancy are not quite identical."

Tyler proceeded as he said he would, but he also forwarded to the Council, as well as to the members of Committee A, another proposal that was closely allied with Thurstone's. On the same day that Tyler wrote to Thurstone, R. W. Gerard, a faculty member at the University of Chicago, wrote to Tyler to propose that the AAUP establish an academic freedom fund. The proposal was endorsed by A. J. Carlson, also at the University of Chicago, who had chaired the University of Missouri investigating committee. According to Gerard, the fund would be supported by "dues on the members, donations from existing foundations interested in such matters, private gifts and the like." He estimated that dues alone could yield \$70,000 a year; the *Bulletin* reported in 1930 that the organization's income for 1929 was just over \$24,000. In cases in which an investigating committee found that a dismissal had not been justified, the fund would be used to pay the salary of the "victimized individual" for one year "or until he obtains employment"; to pay also the salaries of AAUP members in the same department, "who shall be encouraged to leave and be assisted in finding other berths"; and, if monies permitted, to pay the salaries of the "entire staff of that institution or such as are members of the AAUP."

Members of the Council and of Committee A, while expressing support for the effort by Thurstone and Gerard to "strengthen" the AAUP's "machinery," saw much in the specific proposals that they disliked. John H. Maguire, a professor of law at Harvard University, who from 1926 to 1948 served as legal adviser to Committee A, succinctly captured the broad consensus. In a December 18, 1929, letter to Tyler, he wrote:

The combative part of me moves in favor of such proposals. But the deliberative side of my mind assures me that the Association will lose rather than gain prestige by resorting to



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methods which put this kind of pressure upon its members or upon college administrations, or which even remotely approach the Labor Union schemes of boycotting and picketing. I really should be afraid to go beyond the kind of thing which we do at present. We must make our published statements trenchant; we must keep our investigation and inquiries on a high plane; and we must continue to rely upon the persuasion of fair statement and publicity rather than bludgeoning methods.

This chilly reception did not dissuade Thurstone from pressing ahead, and, ironically, he turned to the very mechanism he had derided as ineffective when it was relied upon by the AAUP—public opinion. In spring 1930,

Thurstone, joined by Gerard and Carlson, distributed a questionnaire to some five hundred scientists who were attending a meeting of four biological societies in Chicago. Only fifty-five replies were received, but the opinions reported by Thurstone and his colleagues strongly favored more "positive action" by the AAUP. Thirty-one respondents answered no and six answered yes to the question, "Do you feel that the reports [of the AAUP] and attendant publicity are sufficiently effective?" The questionnaire asked whether the Association should adopt a "more aggressive policy . . . in the matter of academic freedom by blacklisting offending colleges until they take proper action." Forty-one respondents said yes, and six said no. Should a defense fund

be established "to help injured teachers and enable other [A]ssociation members to leave an offending institution?" Twenty-four respondents favored the proposal; ten opposed it.<sup>2</sup>

Outside the AAUP, Tyler gave no quarter to Thurstone. A December 10, 1930, editorial in *The New Republic* poured scorn on Thurstone's plan. It doubted that presidents such as Nicholas Murray Butler of Columbia University would be "disturbed by a barrage of the intellectuals." Tyler wrote immediately to the journal to express appreciation for its having recognized the "serious difficulties connected with Professor Thurstone's interesting proposals." His letter, however, published in the December 31 issue of the magazine, argued that the editorial was wrong in stating that reports of the AAUP's investigating committees "had no result except to direct public attention to the institution investigated and give it a severe warning." Tyler's

summary of what the AAUP sought and had achieved voiced his fundamental belief: "We aim primarily at prevention rather than redress of grievance or vindication. We have reason to believe that substantive progress in the former direction has been made."

Within the AAUP, however, Tyler softened his views. The academic outrages at the University of Missouri and those in Mississippi were powerful spurs to reconsidering the AAUP's practices, and Thurstone's efforts now bore some fruit. Tyler saw no possibility, short of "legal compulsion," of persuading a board of trustees to reinstate a dismissed professor, but thought "occasional modification" of the list of accredited institutions maintained by the American Council on Education might be appropriate.

Thurstone's modest victory in 1930 was solidified by 1935, when the AAUP published "Institutions Removed from the Eligible List." The list was simply that, but in 1937 it was accompanied by an explanation of the meaning of removal for membership in the AAUP. A member of the AAUP who accepted a position at an institution that had been removed from the list did not, because of that fact, forfeit membership, but faculty at the removed institution who were not already members of the AAUP could not join the organization.

The term "censured administrations" made its first appearance in 1938, and by 1943 the rule forbidding faculty at removed institutions from joining the AAUP was no longer in effect. One reason for its disappearance was the growing concern that the bar could be self-defeating if it prevented faculty from joining the AAUP to advance the organization's interests at institutions on the censure list, where the need for such efforts was manifestly important. Another reason was that the bar might imply that the AAUP was advocating, albeit indirectly, the boycott of an institution. If the creation of the censure list was a victory for Thurstone, then the description of the list that accompanied every printing of it from 1938 to 1961 was Tyler's success. The list was published, the text stated, for the "sole purpose of informing Association members, the profession at large, and the public that unsatisfactory conditions of academic freedom have been found to prevail at these institutions." The language was pure Tyler. So was the following policy, first described in the *Bulletin* in 1938: placing the name of an institution on the censure list "does not affect the eligibility of nonmembers for membership in the Association, nor does it



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affect the individual rights of our members at the institution in question, nor do members of the Association who accept positions on the faculty of an institution whose administration is thus censured forfeit their membership."

Beginning in 1961, the AAUP revised the description of the meaning of censure so that by 1965 additional wording, which remains in place today, hints at what Tyler opposed and Thurstone embraced: that the list of censured administration is a list of institutions that faculty members should shun. The hint, however, was no more than that, for the text, published in every issue of *Academe*, reads:

Members of the Association have often considered it to be their duty, in order to indicate their support of the principles violated, to refrain from accepting appointment to an institution so long as it remains on the censure list. Since circumstances differ widely from case to case, the Association does not assert that such an unqualified obligation exists for its members; it does urge that, before accepting appointments, they seek information on present conditions of academic freedom and tenure from the Association's Washington office and prospective departmental colleagues. The Association leaves it to the discretion of the individual, possessed of the facts, to make the proper decision.

The new language was adopted without controversy. The issues that had stirred Tyler and Thurstone had, over a thirty-year period, subsided as the organization gained in experience and confidence. By the early 1960s, the censure list had evolved into what the AAUP itself had become: an instrument to protect individual rights and to advance the standards of the academic profession. The choice was not between Tyler and Thurstone but rather the accommodation of their differing, though not contradictory, positions.

#### Notes

1. See "Censured Administrations, 1930–2002" on pages 50–59 of this issue of *Academe*.
2. The notion of an academic freedom fund seems to have faded completely in the 1930s and 1940s but reemerged in the 1950s, when, hard on the heels of the loyalty oath controversy at the University of California, a permanent fund was established in 1956.