THE BROOKLYN COLLEGE RULE ON INDICTED SPEAKERS

(Copies distributed to the Faculty by the President's Office -- for your information)

BROOKLYN COLLEGE
Bedford Avenue and Avenue H
Brooklyn 10, N.Y.

Office of the President

June 6, 1949

Mr. Len Polisar, Chairman
Democratic Coalition Committee
Brooklyn College

Dear Mr. Polisar:

I have been planning to write you for some time concerning your letters, written on behalf of the Democratic Coalition Committee to Faculty Council and to the student body concerning the Brooklyn College ruling about indicted speakers. I understand that your group is not interested in condoning the deliberate violation of the college rule by the Karl Marx Society or -- to use your own language -- "the subsequent shenanigans and publicity-seeking tactics following the suspension" of this group. Your letter questions the wisdom of the rule itself, which is your right, and it affords the College an opportunity to state some of the reasons for regarding this rule as a wise institutional policy.

The rule -- which was originally formulated by the Faculty-Student Committee on Student Activities -- has nothing whatsoever to do with the purpose of "keeping the communist trial out of the school." The rule is ten years old. It has been enforced repeatedly during this period. It has been carefully re-examined almost every term since its adoption. It has been confirmed by Faculty Council as well as by the Faculty-Student Committee on Student Activities. Since its adoption by Brooklyn College it has been adopted by most colleges in the metropolitan area. It is therefore quite untenable to ascribe either the origin of the ruling or the decision to uphold it to any current pressures on or off the campus.

It is also quite naive to seek to "reaffirm a basic belief in the strength and vitality of American liberalism" by reversing this particular regulation. Liberal is as liberal does. The folks who have supported this regulation are on their record good living examples of American liberalism, and we strengthen the vitality of American liberalism if we demonstrate that we will not allow every totalitarian sloganmonger who comes along to make a spurious appeal to academic freedom or civil liberties while he is industriously promoting the destruction of these same ideals.

The tradition of academic freedom can be summarized in one sentence: no member of a college or university faculty loses any of his rights as a citizen by accepting employment as a college or university teacher.
No professionally responsible formulation of "academic freedom" — such as those of the American Association of University Professors or the Association of American Colleges — says anything that materially differs from this one-sentence summary. I think it is clear that the current college ruling has nothing to do with academic freedom.

It is equally clear that our college rule has nothing to do with "civil liberties" which cover those rights which are secured against federal or state legislation in our "Bill(s) of Rights." I know of no clause in any Bill of Rights which says that any Tom, Dick or Harry has a right to speak on any college campus. Do you? Clearly this is not a matter of academic freedom or civil liberties. It is simply a matter of the wisdom of institutional policy — our institution's policy. Our right to exercise such responsibility for our own college in the light of our own experience is one of the most sacred freedoms in the American liberal tradition.

It is also clearly a confusion of thought to maintain that our present institutional policy "violates a basic American doctrine that man is innocent until proven guilty." This is a judicial principle and not relevant to an evaluation of college regulations. Brooklyn College does not say that a speaker under indictment is guilty. It has no right or authority to say so. Our ruling simply means that Brooklyn College will not permit a speaker under indictment to benefit from publicity associated with the College's reputation as long as he remains under indictment. We will not lend the College's reputation to a one-sided performance in which the judge and the community's official agencies are not represented while the individual under indictment uses the College's standing to promote his own campaign against the legally constituted agencies of our government. Brooklyn College has the right to say when its name may be used. Speakers of the type under consideration seek to use the College's reputation under circumstances in which the community's law enforcement agencies will not be able to present their side — the community's side — of the issue involved in a trial conducted under judicial auspices, and it is clearly the right of a college under these circumstances to protect its own reputation in the community against such one-sided exploitation of its name and standing.

Our belief in the wisdom of this regulation cannot and should not be affected by the knowledge that certain persons and groups both on and off the campus will make of its enforcement an opportunity "to smear Brooklyn College" and your diploma. The regulation must stand on its own merits as within our rights and responsibilities, and as educationally sound. Even to consider its revocation under other terms is to contemplate submission to blackmail. And should we in this instance make the mistake of submitting to blackmail, we know that next week another opportunity would be manufactured by these elements for smearing Brooklyn College and another case of blackmail would have to be faced. This, of course, would prove to be the beginning of a retreat into dishonesty, impotency and ultimate defeat for the "American liberalism" which we both seek to preserve.

In summary, the Brooklyn College regulation on indicted speakers is not a matter of civil liberties or of academic freedom. It is a matter of institutional policy clearly within our own jurisdiction under
local, state or federal law, or under the By-laws of the Board of Higher Education. It is not a matter of "current hysteria" but a policy of long standing, repeatedly reviewed and re-affirmed. It simply states that this college has the right to protect its own reputation — and the use of its name — against any determined effort on the part of individuals, in conflict with legally constituted public authority, to use the College's name and reputation to secure a one-sided hearing of their case and thereby distract attention from the legal procedures in which they are involved and in which suitable provision is made for the consideration of the American government's side of the case as well as for the presentation of the merits of the issue as it appears to the individuals under indictment.

The present college policy provides that the American system of a fair hearing for both sides remains assured under suitable legal safeguards in the proper judicial framework, and it prevents the illegitimate use of Brooklyn College's name and reputation in the propagandist and unilateral statement of the case against the American government. This is good American doctrine which is interested in a fair deal for the American government as well as for the individual citizen. It is also sound educational and wise institutional policy — and that is our primary responsibility on this campus.

Sincerely yours,

Harry D. Gideonse
President

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