

Academic Freedom at the University of Missouri: Report on the Dismissal of Professor DeGraff and the Suspension of Professor Meyer

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ACADEMIC FREEDOM AT THE UNIVERSITY OF MISSOURI

REPORT¹ ON THE DISMISSAL OF PROFESSOR DEGRAFF AND THE SUSPENSION OF PROFESSOR MEYER

At the request of President Brooks and many members of the faculty of the University of Missouri, a special committee was appointed by the Association to investigate the suspension of Professor Meyer and the dismissal of Professor DeGraff by the Board of Curators. Three members (Bordwell, Carlson, Thurstone) of the Committee visited the University May 17 and 18. There appeared before our Committee two members of the Board of Curators, Mr. Blanton and Mr. Willson; President Brooks, Professors Meyer and DeGraff, and Mr. Mowrer, many of the University of Missouri professors, including the Dean of the College of Arts and Science and the Dean of Women; also a number of leading students in the University. Dean Williams of the School of Journalism of the University of Missouri was absent at the time of the hearing but the Committee has his testimony in writing. The Committee endeavored to interview all available persons having information bearing on the case.

The testimony taken by the Committee is recorded in full. On the request of the Board of Curators and with the consent of the Council, the Board of Curators was supplied with a copy of the testimony taken by the Committee. The Committee has reviewed the transcript of the testimony in the case before the Board of Curators, the minutes of the Board of Curators, as well as the testimony before the Executive Board and the minutes of the Executive Board in the same case. A preliminary report of our findings was submitted to the Council June 15, and copies of this report were sent to Mr. James E. Goodrich, President of the Board of Curators of the University of Missouri, President Brooks, Professors Meyer and DeGraff, Professor Schlundt, President of the University of Missouri chapter of our Association, and to Mr. Leland Hazard, attorney for Professors Meyer and De Graff.

The preliminary report led to considerable correspondence between the President of the Board of Curators and the Chairman of the

¹ In approving the publication of the report the Committee on Academic Freedom and Tenure expresses no opinion on the value of the questionnaire procedure, deeming this a question for the judgment of specialists in the field concerned.

Committee, particularly on the following points: (1) the statement of President Brooks before the Council as to his views and recommendations on the dismissal of Professors Meyer and DeGraff; (2) the regulations or practices of other universities in cases of dismissal or suspension of professors for causes other than moral turpitude; (3) the powers and practices of the Board of Curators with reference to appointment and dismissal of professors in the university under the statutes of the state of Missouri. Pertinent extracts of the correspondence on the latter point appear in the appendix to this report. The Board of Curators requested a conference with the Committee before publication of the final report. This conference was held in St. Louis, Aug. 12, Professors Bordwell and Carlson being present for the Committee. The tone of the correspondence with the President of the Board and the attitude of some of the Board members at this conference seemed to reveal an honest desire to understand and act in accordance with the principles of Academic Freedom and Tenure, and on request of the Board members present the Committee suggested the following action on the issue as probably satisfactory to our Association:

"In deference to what appears to be generally accepted principles of academic freedom and tenure the Board of Curators rescinds the action of April 6 and 7. It restores Professors Meyer and DeGraff to the *status quo ante* so far as possible. The Board affirms the moral integrity of the instructors involved in the questionnaire issue.

"In view of all the circumstances to date we feel that the Association will have no serious objection to the Board reaffirming its opinion that the questionnaire as handled was ill advised and improper and, further, that similar situations for the future should be handled by some organization or method adopted by the general faculty in accordance with the recommendation of the Board of April 6 and 7."

The representatives of the Committee promised the members of the Board that since the type of final report depended, in part, on the action of the Board of Curators on the above suggestion, the publication of the final report was to be delayed until the Board of Curators had taken final action on the submitted memorandum. After further correspondence between the Chairman of the Board, and the Chairman of the Committee, the Board of Curators on October 25, decided not to modify the order of dismissal of Professor DeGraff, and suspension of Professor Meyer, as of April 6 and 7. The statement adopted

by the Board, October 25 (see appendix), may also be considered, in part, as the reply of the Board to the Preliminary Report.

BRIEF SUMMARY OF THE EVENTS

A printed questionnaire (see appendix) relating to the changing economic status of women, the sexual code, and the moral ideals on which the family as a social institution is based was circulated among the students at the University of Missouri. This questionnaire was part of regular undergraduate student work in a course in Sociology, called "The Family", given by Professor DeGraff. The testimony shows that it was the first three questions in this questionnaire that particularly offended some people outside the University, the President, and the Board of Curators.

The author of the questionnaire was a student, Mr. Mowrer, who assembled and edited the questionnaire as a member of a committee of four students in Professor DeGraff's course. Both Professor Meyer and Professor DeGraff knew that the questionnaire was being prepared by these students and both of these faculty men gave advice about the wording of some of the questions.

The circulation of the questionnaire was entirely in the hands of the four students, and especially of Mr. Mowrer. Several hundred of these questionnaires were distributed to students. The answering of the questionnaire was voluntary and it was directed that the questions be answered anonymously. There was no plan to identify any of the students who answered the questions. The answers were returned to the Bureau of Personnel Research in one of the University buildings.

Criticism of the questionnaire was started by people outside of the University. A petition from townspeople in Columbia asked for the removal of the professors and students concerned with the questionnaire. All copies of the questionnaire were ordered to be confiscated and destroyed by the University Administration. The President recommended to the Executive Board that the two faculty men be dismissed. The Executive Board, without previous notice to Professors Meyer and DeGraff and without preferring definite charges, conducted an investigation, suspended the two professors and recommended their dismissal by the Board of Curators. This action was later sustained in part by the full Board of Curators on April 6 and 7.¹ The matter of a lecture on Sex given by Professor Meyer in a

¹ Professor (Meyer on permanent appointment) was suspended for one year, without pay, as of April 8, 1929. Professor DeGraff (on one year appointment) was dismissed without pay, as of the same date. At the time the Board of Curators took this action, both Professors Meyer and DeGraff had contracts for work in the Summer School of the University for 1929.

course in Social Psychology was introduced into the case by the President and the Executive Board. The matter of this lecture also figures in the more extended hearing by the Board of Curators.

THE FORMAL ACCUSATIONS

The formal accusations appear in the statement prepared by President Brooks and the Executive Board, and issued by the Executive Board (see appendix). The statement charges:

1. That they (Meyer and DeGraff) allowed a questionnaire to be circulated which tended to make students sexually immoral.
2. That the questionnaire was shocking to students, especially to women students.
3. That the questionnaire could not produce any scientifically valid conclusion nor any facts likely to be of substantial value.
4. That the questionnaire "tended to create the condition that it is alleged to correct."

THE EVIDENCE

1. There is no charge or evidence of moral dereliction against the students and professors connected with the issuing of the questionnaire, or on Professor DeGraff's part in conducting the course called "The Family", or on Professor Meyer's part as to his lectures or tabulation on Sex in his course in Social Psychology. All the evidence, including that of President Brooks, and the statement of the Board of October 31 (see appendix), is in agreement on this point. The moral character of the professors and the students involved is exemplary. "The Personnel Bureau" was a fiction, but there was no fraud involved. The question of fraud in connection with the use of the Personnel Bureau played some part in the publicity as well as in the hearing before the Board of Curators and was raised by Mr. Blanton in the hearing before our Committee, but President Brooks in the hearing before our Committee entirely discounted the charge of fraud and this is confirmed by the Board of Curators in their statement of October 31. Professor Meyer had several hundred return envelopes with the name "Bureau of Personnel Research" which he had used several years ago in making certain studies in mental measurement and vocational guidance. Since he was no longer conducting such a bureau these envelopes were useless to him. When the student, Mr. Mowrer, discussed the expense of postage, Professor Meyer suggested that the student might use the old envelopes and have the questionnaires returned

in the University mail to his office instead of paying postage in the usual way. The student accepted the offer and used these envelopes. The questionnaires were returned through the campus mail to Professor Meyer's office where Mr. Mowrer picked them up for statistical analysis. The Committee is satisfied that there was no motive of dishonesty or deception and that no harm was done in using the envelopes. The envelope incident is a bagatelle.

2. There is little or no evidence that any student receiving the questionnaire was shocked or insulted by it. There is no evidence that the questionnaire led to sexual immorality or to decreased self-control in the matter of sex behavior on the part of the students. Apparently, before the publicity, the questionnaire was taken by the students for what it purported to be, a scientific inquiry. Had it come to the attention of the administrative authorities at that time it is possible that it might have been suppressed, but it hardly seems possible that administrative action would have gone beyond the censure involved in such suppression. The frankness on sex matters that has characterized the generation that has grown up since the war, however, is something foreign to many of the older generation, but the questionnaire seems to have shocked Mr. Gentry and those who signed his petition and some others, including President Brooks and some of the members of the Board of Curators.

3. The evidence is in agreement on the point that the sex matters and sex problems brought up by the questionnaire are familiar or known not only to the students in the University of Missouri but practically to every high school graduate before entering the University of Missouri. On this point the testimony of President Brooks, the Dean of Women, other members of the faculty, and the students before our Committee is in agreement. It is, therefore, clear that the questionnaire could have done no harm or injury to the moral life of the students, unless we assume that focussing the attention of the students on these problems for an hour or a day is injurious to one's morals. The leading students, men and women, appearing before the Committee, were unanimous on the point that the capacity of the questionnaire to arouse erotism is nothing in comparison to many factors of the environment in normal daily life. Professor DeGraff testified that as a student adviser he had been frequently consulted by students about the very issues that are raised in this questionnaire concerning the sex code and the moral ideals that are also involved in engagement and marriage. The students testified that these prob-

lems of the sex code of morals, engagement, and marriage, are frequently discussed frankly, not only in the fraternity and sorority houses but also by the girls with their boy friends.

4. The Board objects to the circulation of these questions among college students on the ground that these students are too young and inexperienced to have opinions on these questions. The Committee regards such an objection as strange in view of the fact that practically all these students are of the age generally and legally accepted for engagement or marriage. These students do have ideals and convictions about the sexual code and they do discuss their ideals. These students have access to books and magazine articles by the hundreds that deal with the social institutions of betrothal, marriage, fidelity, birth control, divorce, and other aspects of our sexual code. Furthermore, the students do read these books and magazines that the University buys for them. They see these same problems discussed in current fiction, in the movies, and on the stage.

At the request of our Committee Mr. E. W. Lundeen, of the Graduate Library School, University of Chicago, under the direction of Professor Douglas Waples, made an examination of 212 current plays, 152 current novels, and 208 current motion pictures for the occurrence of unconventional sex situations (illegitimates, seduction, cohabitation, promiscuity, premarital relations, extra-marital relations, divorce, etc.) with the following results. The totals and percentages indicate the proportion which these situations occupy of all the situations discussed in the novels, plays, and films examined.

	Total No. ¹	Sex Situations				Unclassified	
		Unconventional Total	%	Conventional Total	%	Total	%
Plays	212	76	29	79	29	111	42
Novels	152	86	38	69	31	71	31
Pictures	208	36	29	50	42	36	29

This is a quantitative confirmation of what every informed person knows: namely the preponderance of sex situations, conventional and unconventional, in current fiction, plays, and pictures. It is the impression and opinion of the Committee that the students in the University of Missouri do not differ essentially from students in other universities in their contacts with this phase of modern life.

5. The Board of Curators object to the questionnaire on the basis that "the inquiry from its very nature could not produce any scientifically valid conclusions or any facts likely to be of substantial

¹ Refers to numbers of plays, novels, and pictures, rather than sex situations.

value". The first question at issue here is whether the Board of Curators is competent to pronounce upon the scientific value of an investigation sponsored by any member of the University faculty. The Committee concedes that the Board can express itself about the social expediency of an investigation and about other such general and public aspects of current scientific work. But it is presumptuous for a Board of Curators to make pronouncements about the scientific value of any investigation. Scientific investigations do proceed in all reputable universities in spite of differences of opinion about their validity. Scientific validity has never been established by any legal procedure or by the dictates of any board. A part of the criticism about scientific validity was based on the fact that undoubtedly some of the answers to the questionnaire would not be truthful. This is a contingency present in all science and especially in social sciences.

One of the principal objects of social science is to study objectively the various social institutions and the factors which cause them to change. An important group of these institutions includes betrothal, marriage, and the family. These social institutions rest largely on a code governing sex conduct. Conduct which complies with this code is called moral. The explicit formulation of this code we call our ideals. If we want to investigate objectively, the ideals that govern people's action in relation to sex, including engagements and marriage, the most obvious procedure is to ask people what their ideals really are with regard to the many forms of sex conduct. It is legitimate to ascertain the consensus of opinion of various social groups about the sex code with its changes, and college students constitute a very large and influential group involved in these social institutions. What they believe is of importance to know, both for social science and for practical life. Hence it seems entirely legitimate to ask the three questions which are in dispute (see appendix).

It is of course admitted that the questionnaire is not so satisfactory a fact-gathering device as the instruments of the older sciences, but it seems to be the most direct and at present almost the only available method of ascertaining what people regard to be right and wrong.

The history of science is repeating itself. The honest inquiries of Galileo about the physical aspects of the universe trespassed on the taboos of his time so that Pope Urban declared that "it is a question of the most godless business which could ever be discussed—that the doctrine was in the highest degree sinful—". Charles V, in France,

forbade the possession of furnaces and apparatus necessary for chemical processes, and Henry IV did the same in England. A Birmingham mob favored by Anglican churchmen wrecked the home of Priestley, destroyed his library and instruments and drove him into exile. Biological science is still fighting for freedom of honest inquiry. The teachings of Linnaeus about sex in plants was for many years prohibited in the papal states and elsewhere in Europe. But in 1773, permission was given that they be discussed in Rome! The same taboos are still with us but they now cover fewer of the phenomena of nature. The investigation and teaching of evolution still trespasses on the taboos of some states. Now social science has its turn so that factual inquiry about the social institutions that are based on our sex code simply must not be made in some parts of the world because they offend the taboos of the generation that is passing.

6. The statement issued to the press by the Executive Board (see appendix), after the Board's investigation of the questionnaire and Professor Meyer's lecture on Sex in his course in Social Psychology, later approved by the Board of Curators, says, by implication, that the questionnaire aimed to correct moral conditions among the students. This is clearly a misconception. There is nothing in the questionnaire itself or in the testimony, to indicate that the questionnaire intended to reform the students to whom it was sent. It aimed to obtain the views of the group on the questions raised. Scientific investigation does not necessarily try to correct anything. Its first aim is the establishment of facts. The subsequent use of these facts either as guides to further inquiry or as basis for practical measures can usually not be clearly predicted at the outset of the inquiry.

PUBLICITY

1. The start of the publicity was condemnatory of the questionnaire. But part of the Missouri press grasped the true purpose of the questionnaire and defended it. It appears from the press as well as from the petitions to the Board that there was a real division of public opinion in Missouri with respect to the propriety of the questionnaire. But part of the Missouri press indulged in insinuations and denunciations without publishing the questionnaire itself so that only part of the people in Missouri had the facts on which to base a sound opinion.

2. No statement of the true purport and nature of the questionnaire was issued to the press by President Brooks after the publicity

broke. The statements in the press attributed to President Brooks are denunciatory, not explanatory. Even the official statement issued to the press by the Executive Board includes no item on the purport and status of the questionnaire as part of the work in the course on "The Family".

PROFESSOR MEYER'S LECTURE ON SEX IN THE COURSE ON SOCIAL PSYCHOLOGY

The incident of Professor Meyer's lecture or tabulation was supposed to have been closed more than a week before the meeting of the Executive Board. Yet President Brooks participated in the investigation of that lecture before the Executive Board, at least to the extent of handing a copy of it to chairman McDavid and thus permitted the Executive Board to consider a matter which he later testified had been disposed of by agreement between himself and Professor Meyer. Professor Meyer was not informed that this lecture was to be investigated at this hearing. After the hearing by the full Board of Curators it was decided by the Board that Professor Meyer's lecture and tabulation in the course in Social Psychology should not be considered in reaching their decision and the Board so ordered; such ought to have been the case at the meeting of the Executive Board. The matter was considered by the Executive Board and the influence of it on their action is hard to measure but it was probably considerable and possibly decisive in the case of Professor Meyer. Once that decision was reached the Executive Board was committed to it, and although the trial of the case before the full Board was *de novo*, as to legal form, the real question would seem to have been whether the Executive Board should be sustained.

THE SUSPENSION OF PROFESSOR MEYER AND THE DISMISSAL OF PROFESSOR DEGRAFF IN THE LIGHT OF THE PRINCIPLE OF FREEDOM OF TEACHING AND RESEARCH, AND SECURITY OF TENURE IN THE UNIVERSITY

(1) Officially, the above action of the Executive Board and the Board of Curators was based solely on the questionnaire. There is no allegation against the character, ability, or loyalty of the two men, students in Professor DeGraff's course on "The Family". Officially, Professor DeGraff was dismissed for his conduct in authorizing this questionnaire as part of the course called "The Family", and Professor Meyer was suspended for his participation in the formulation of the

questionnaire. Professor Meyer's connection with the questionnaire arose from the fact that Mr. Mowrer proposed to use some of the data to be secured by the questionnaire for subsequent work in psychology. The two professors were severely disciplined because the Board disapproved this type of teaching and research. By this action the Board of Curators served notice on the faculty of the University of Missouri that the Board has and may exercise the right of dismissal of any member of the faculty whose teaching and research does not conform to the undeclared standards of the Board. There is little freedom of teaching and research in a university governed by such principles, particularly when important actions touching freedom of teaching and research are taken without, or against, competent faculty advice, and guided by a president who does not seem to understand the functions of a real university.

(2) The probable influence of the lecture on sex in the decree of suspension of Professor Meyer.

The following facts are not in dispute. (a) The matter of the sex lecture had come before the Executive Board unofficially some time before the questionnaire became an issue. No action was taken except to leave the matter in the hands of the President. The President and Professor Meyer had an apparently friendly conference on the subject. The testimony of the President and that of Professor Meyer disagree as to the understanding, if any, reached at this conference. But the President considered it a closed issue. (b) At the questionnaire hearing before the Executive Board, Professor Meyer was examined on the sex lecture without previous notice, and after dismissal of the stenographer, hence without official record. The President took part in this examination. (c) The sex lecture formed part of the hearing before the Board of Curators. The explanation of the sex lecture by Professor Meyer at this later hearing, and the defense of the lecture by Professors Gulick and Curtis stand unchallenged by cross-examination or counter evidence. The only question or comment raised by the Board at this hearing was the complaint of Mr. McDavid that Professor Meyer's language was too beautiful! The lecture was nothing more than proved physiology. (d) The admission by the President that disciplinary action against Professor Meyer on the basis of the lecture on sex would constitute an infringement of the freedom of teaching in the University. (e) Professors Wrench and Boudier had been consulted by Mr. Mowrer about, and knew the content of the questionnaire. The Executive Board merely

“expressed regret” that these men did not use their influence to prevent the preparation and distribution of the questionnaire. Professor Meyer was consulted by Mr. Mowrer about the questionnaire, and he was suspended without pay. The essential difference in the two cases is the sex lecture!

In view of the above facts and despite official records and testimony to the contrary by Mr. Blanton, Mr. Willson, and President Brooks, it is difficult for experienced men to escape the conclusion that Professor Meyer was suspended partly, if not mainly, because of the sex lecture in his course in Social Psychology. It is going to be difficult for experienced men to accept as true that a professor of national standing and nearly thirty years' efficient service in the University was suspended without pay solely because he failed to take steps to suppress a questionnaire in a department not his own, since the gravest charge may lie against Professor Meyer on this point is lack of attention, or faulty judgment in not realizing what type of teaching and research may safely be undertaken in the University of Missouri in the year 1929!

THE POSITION AND RESPONSIBILITIES OF PRESIDENT BROOKS IN THE ISSUE

1. It would seem that as the educational leader of a great university, the President should have explained to the press after the publicity broke, the purport and aims of the questionnaire as a part of the teaching and beginning undergraduate research in the course on “The Family”, or that he should have authorized such explanation on the part of competent persons. He should have pointed out that the accused professors were men of character and of ability in their fields; that Professor Meyer had a record of thirty years' loyal and effective service in the University of Missouri; that the fault in the matter, if any, was an error of judgment, as he later testified before our Committee. Instead of that he used such terms as “damn fool idea”, “sewer sociology,” “the University had no official part in the research project”, etc., in describing the questionnaire. It has been difficult for the Committee to obtain the facts on this point either at the appearance of President Brooks before our Committee or by correspondence with him subsequent to the hearing. President Brooks said that he kept no copies of statements made by him to the press on the matter. He has sent the Committee copies of some of the newspaper interviews ascribed to him, but although specifically requested by

the Committee to indicate what parts of these interviews were authentic, he did not do so. In one of these interviews (St. Louis Globe Democrat, March 16), President Brooks is quoted as saying that he advocated the reading by the chaperone of each sorority and fraternity house before the assembled occupants an editorial appearing in the Columbia Daily Tribune which denounced the questionnaire. He said he gave this editorial his unqualified approval. This editorial, among other extreme and intemperate statements, describes the questionnaire as "filthy, degrading, immoral, revolting, and perverted in character and tone". It seems clear from President Brooks' testimony and from the testimony of others before our Committee and from a review of the Missouri newspapers covering the period, that President Brooks took an extreme position of denunciation and misrepresentation of the questionnaire to the public.

2. It seems clear that President Brooks gave members of the faculty the impression that he would recommend that no drastic action be taken by the Executive Board. The President is also quoted to this effect in interviews in the press (St. Louis Globe Democrat, March 18). He also promised that certain members of the faculty other than Professors Meyer and DeGraff would be called for consultation by the Executive Board before any action was taken. These members of the faculty were not called before the Executive Board, except Dean Williams. There is a serious discrepancy on this point in the testimony of President Brooks before our Committee and of Dean Williams as per his letter of May 24, 1929, to the Chairman of the Committee.

(a) President Brooks said: "q. You had a conference with Professor Branson before the meeting of the Executive Board, March 19?" "Yes, sir. We agreed that Mr. Williams and some other professors—I think it was left to him to select some other people, two or three—to appear before the Board for the purpose of discussing the problem of academic freedom." . . .

"The only one brought in before the Executive Board was Dean Williams, who explained what we call the 'standards of academic freedom.'"

"He (Dean Williams) came in and discussed it" (academic freedom). He said: "Of course I don't want to discuss the case itself, (the questionnaire issue). I have nothing to do with the case but I do want to give you the attitude and ideals of the faculty in regard to the question of academic freedom. His presentation was very

skillful and very effective, and he is very influential with the Board."

(b) Dean Walter Williams' letter of May 24 to the Chairman reads as follows:

"You asked my 'version as to what President Brooks asked you to present before the Executive Board when the first hearing or investigation of the Meyer-DeGraff question came up. It would also help the Committee if you would tell us in substance what you said to the Executive Board in the matter.'

"President Brooks asked me to state to the Executive Board what I believed would be the effect of the dismissal of Dr. Meyer. One or more members of the Executive Board asked that I appear before the Board. I did so. I said in substance that the dismissal of Dr. Meyer would do harm to the University, because it would be generally regarded among academic communities as interference with academic freedom and research, and in any event, too severe a punishment. The Missouri faculty, I thought, would disapprove the dismissal. The general public in Missouri would be divided on the question, with the majority against dismissal. But the most harmful result would be the effect upon the university's recruiting grounds, from which faculty members must be obtained. It would lower the reputation of the University of Missouri.

"In addition, I urged the Executive Board to take no action at the meeting, but to refer the whole matter to the full Board for consideration.

"It should also be noted that the Executive Board had definitely agreed upon its decision before I was asked to appear before it, or at least before I did appear before it. My appearance came at the close of the sessions of the Executive Board. While I was present, copies of the formal announcement of the Board's action were handed to the members to be delivered to representatives of the press."

This serious discrepancy between the testimony of President Brooks and Dean Williams on a salient point must be judged in the light of other discrepancies and evasions in President Brooks' testimony in this case. If Dean Williams is correct, as seems highly probable, the calling of Mr. Williams before the Executive Board was a mere gesture by the Administration for the sake of appearance. But even on the extreme assumption that President Brooks is telling the whole truth, and that Dean Williams is telling the truth only on the point where he agrees with the President, that is, the time of appear-

ance of Dean Williams before the Executive Board, the Committee is puzzled by President Brooks' conception of the "very effectiveness" of a plea delivered after the case is decided!

The Committee feels constrained to point out another serious discrepancy in actions and views on the questionnaire issue on the part of President Brooks as represented by him to different people. (a) As has already been pointed out, the President recommended the dismissal of Professors Meyer and DeGraff by the Executive Board. This record in the minutes of the Board may, by itself, mean only that the President merely acquiesced in the inevitable for the appearance of harmony in the administration. In the minutes of the meeting of the Board of Curators April 6, 1929, President Brooks is quoted as saying that "he felt no other course of action could be taken except to approve the recommendation of the Executive Board and that he hoped it would be adopted." This again *might* mean, not the actual views of the President, but compulsion of the President by the Executive Board. At the hearing of our Committee President Brooks said: "I believed that there was no other conclusion than the one that they (the Executive Board) arrived at, and I still believe that the original Executive Board action permanently discharging Meyer was a better decision than the one made by the full Board later, modifying that decision." This clear statement needs no interpretation, particularly, since at no time in this hearing did the President mention that he had thought of or urged lesser penalties for the two men.

(b) After the meeting of the Board of Curators, April 6, and before our hearing May 17 and 18, in a conference in the office of the American Association of University Professors, Washington, D. C., Professors Tyler, Cook, Gray, Wright, and others being present, President Brooks left the impression on those present that he considered the dismissal and suspension too drastic and that he had used his influence in favor of less severe punishment.

3. While the Executive Board and the Board of Curators must assume all the legal and some of the moral responsibility for the dismissal of Professor DeGraff and the suspension of Professor Meyer, it is clear from the evidence that the President is almost wholly responsible for guiding the issues toward this conclusion. It is a grave responsibility to Professor Meyer and to Professor DeGraff, as well as to the University, for the President to recommend and to insist on dismissal of these two men on a charge that, at the most, sim-

mers down to lack of foresight in a matter that, even after the start of public discussion, was not intrinsically serious. This responsibility of the President is particularly grave in the case of Professor Meyer, for had the President's recommendation prevailed with the Board of Curators, Professor Meyer would undoubtedly have been deprived of the pension earned by 29 years' service in the University, not to mention the injury to Professor Meyer's good name.

4. At the hearing, May 18, President Brooks submitted the following question to the Committee:

"Since the action of the Board of Curators with regard to persons responsible for the preparation and distribution of certain questionnaires has been widely criticized as an undue interference with academic freedom, I desire to know whether, in the opinion of your Committee, these questionnaires can be approved as a valid attempt at scientific research, and whether the condemnation of them by the Board of Curators from the point of view of propriety and decency can be justly criticized as an undue interference with that freedom of investigation and instruction which is essential to a university."

Both of these queries have been analyzed in the preceding pages as completely as is deemed essential in this report. The questionnaire was not only a beginning *undergraduate research*, but part of the *teaching* in the course. This type of student project teaching obtains in sociology as well as in other departments in our first-class universities. It is merely an application of the principle of learning by doing. This type of teaching is valid, and so is the questionnaire method of research in fields where more reliable methods are not applicable. The charges of impropriety and indecency are not the only ones raised by the Executive Board against the questionnaire. The Board charged that the questionnaire was futile as a scientific inquiry; that it tended to corrupt the sexual morality of the students; that it *intended* to correct the sex morals of the students, and therefore, by implication, that it assumed that the sex morals of the students needed correction. The borderline between decency and indecency is often determined by the *intent* and the *circumstances*. It also varies with time and place. Not so many years ago many people in this country considered knee-length skirts or a one-piece bathing suit indecent apparel for women. Today the same apparel is considered indecent by very few people. Whose standards of decency shall be used as the criterion? Scientific investigation would be paralyzed if required to wait for unanimity of opinion on questions

of social propriety. The Committee finds no impropriety or indecency in the questionnaire as handled by the men concerned at the University of Missouri.

At our hearing the President appeared more than emphatic in condemnation of the questionnaire. He said: "I told the Board at all times that the questionnaire did not have a scintilla of basis as a scientific investigation, that it was impossible for it to collect any facts that had a scientific result, and had no purpose behind it to collect these facts." The Committee cannot accept the President's judgment in a field of research not his own. Similar extreme views were expressed by the President on other aspects of the issue, as shown by the following quotations from the record of the testimony:

(Mr. Brooks): "When you put into the minds of these folks (university students) that there is grave doubt as to the present marriage system and then ask these people that particular question (their ideas on trial marriage), what reaction will you get? What tendency are you likely to get?"

(The Chairman). "The Committee can't answer that question."

(Mr. Brooks). "No, that is a rhetorical question."

(The Chairman). "Well, we would like to have your answer."

(Mr. Brooks). "It inevitably tends to immorality, immediately. This is a basic principle of life—that if you begin to think about a thing you are more likely to do it than if you don't think about it. If you talk about it you increase the likelihood of doing it, and in so far as these younger students are concerned there is no question at all in the mind of anybody who knows anything about young people in college that this particular thing (the sex aspect of the questionnaire) starts a very dangerous thing in college."

(The Chairman): "Would you say that thinking or talking about, or discussing murder in the University community would lead to murder?"

(Mr. Brooks): "Yes."

(Dean Bordwell): "How do you defend the sentence of expulsion for such participation as these men had in this questionnaire?"

(Mr. Brooks): "The men, particularly Meyer—we speak of him because of his longer service, mature judgment, and higher standing as a scientist, ought to have sense enough to know that scientific investigation cannot be justified in the hands of semi-trained or untrained people, where the children of other people quite outside of the department are to be used for inquiries of this sort which are, because

of their very nature, bound to disturb the opinions of a large number of people. That was a supreme lack of judgment."

(The Chairman): "Is that the most serious evil effect of the questionnaire—'disturbed the opinions of a large number of people?'"

(Mr. Brooks): "There could not be a more serious one—I mean a comparison of this particular thing, to Galileo that somebody made—that had no bearing on the subject at all. They were making no effort to suppress this—you may not know it but we have here some of the best research work being done in America on the question of sex education. Dr. Allen is one of the superior men in the world in it, and Dr. Curtis is in that work—and this is quite a different affair."

THE QUESTION OF EQUITY IN SUSPENDING PROFESSOR MEYER, AND DISMISSING PROFESSOR DEGRAFF WITHOUT PAYING THE FULL SALARY FOR THE PERIOD OF THEIR CONTRACTS

President Brooks was asked by our Committee: "Do you consider it fair and just to dismiss Mr. DeGraff without paying the salary for the whole year?" He replied: "It is my understanding that it is customary to continue the salary to the end of the year, except in cases of personal immorality, which was not raised in this case."

There is nothing in the Records of the Executive Board and the Board of Curators indicating that President Brooks pointed out or urged this aspect of the case at the time these Boards took action on the questionnaire issue. This is further confirmed in letters of July 17, and October 24 from the President of the Board of Curators to the Chairman of our Committee.

THE RESPONSIBILITIES AND ATTITUDE OF THE BOARD OF CURATORS ON THE QUESTIONNAIRE ISSUE

1. The Committee appreciates the difficult position in which the Board of Curators was put by the recommendations of the President, by the action of the Executive Board, and by the publicity given that action. It also notes with approval that, despite this difficult position, the Board of Curators did change the sentence of dismissal to one of suspension for one year, without pay, in the case of Professor Meyer. The Board of Curators is to be commended on the complete and fair hearing given Professor Meyer, Professor DeGraff, and representatives of the faculty of the University on the issue, and on the cooperation with our Committee in this investigation. But we

must record our emphatic disapproval of the "star-chamber" character of part of the hearing of Professor Meyer before the Executive Board.

2. All the main facts bearing on the issue contained in this report were presented substantially in the same language in the preliminary report. That report, and the testimony taken by the Committee has been under consideration by the Board of Curators for several months. The only finding of fact in this report questioned by the Board, by correspondence or at the conference August 12, relates to what President Brooks is reported to have said at the conference with the Council in Washington, D. C. The Board of Curators has been supplied with additional information on that point.

3. According to the statement of the Board of Curators of October 31, it seems that the Board is now willing to defend the dismissal of Professor DeGraff, and suspension of Professor Meyer, without pay, solely on the basis of "the manifest social impropriety of the questionnaire" (see appendix). This at least has the merit of clarity, in contrast to the series of partly contradictory charges contained in the order of the Board of April 6. But the Board is in error in its assumption that the fundamental issue between the Board and the Association is the question of propriety of the questionnaire.

4. The main issue between the Board and the Association is the offense against the principles of freedom of teaching and research and security of tenure by the Board of Curators in dismissing Professor DeGraff, and suspending Professor Meyer, without pay, for what the Board calls "the manifest social impropriety of the questionnaire", an "impropriety" not manifest to the students receiving the questionnaire, not known to Professors Meyer and DeGraff by prior declaration of the Board, and not admitted by our Committee as sufficient to justify the penalty imposed. Professor Meyer had served with distinction nearly thirty years in the University. There was no testimony to the effect that lack of forethought was a chronic condition of the two instructors. According to the evidence, this was the first complaint of their teaching. For the Board of Curators to decree the most severe punishment within its power, dismissal and suspension without pay, for this first alleged "offense" (trivial, if any), is under the present circumstances a clear breach of the principles of freedom of teaching and research and security of tenure in the university. This is the issue between the Board of Curators and the Association that must now go before the higher court of informed public opinion.

In the statement of the President of the Board of October 31 (see appendix) we read: "Our Board feels that it now has an understanding of this doctrine" (academic freedom), and: "Your Association need have no fear that its principles will be violated by our Board". These declarations carry neither weight nor conviction, in the face of the failure of the Board to do justice to Professor Meyer and Professor DeGraff.

The group of professors in the University of Missouri who actively engaged in the questionnaire issue with the President and the Board of Curators maintained with loyalty, force, and dignity, the best traditions of freedom of teaching and research in the University. Such action on the part of the local faculty members, while of no avail with the present University administration, furnishes the main hope of ultimate establishment of freedom of teaching and research and security of tenure in the University of Missouri. The attitude of the great majority of the student body was equally admirable; it is unfortunate that such a student body should not have the benefit of a more enlightened administration. We also wish to commend the loyal and effective service to the University of Mr. Leland Hazard, voluntary attorney for Professors Meyer and DeGraff.

Being deeply concerned with the unfavorable light in which the University of Missouri has been placed by the handling of the questionnaire and related issues, and being more interested in seeing the good name of a great university restored and maintained than in recording a disastrous episode in the history of American education, the Committee suggested to the Board members present at the hearing May 17, its willingness to be of any possible service in that regard. The statement of the Board of Curators of October 31 records the essential failure of the Committee in this effort.

SUMMARY

I. The University Administration has the right to expect that when an instructor's teaching and research directly touches traditional taboos, as much care as possible be taken by the instructor to minimize the chances for misunderstanding and uninformed criticism of the University, and consequent embarrassment of the Administration. In the present case some of the phraseology of the preamble and the questions might have been so altered as to give less offense to some parents and to citizens of the passing generation. Adminis-

trative officers might have been informed in advance about the work.¹ The circulation of the questionnaire might have been limited to the more mature students of the junior and senior years, and this might have minimized any genuine anxiety on the part of parents. Professors Meyer and DeGraff testified that the possibility of serious offense by, and criticism of, the questionnaire did not occur to them until after publicity started. This in no wise reflects on the moral sense or loyalty to the university of these men. It does indicate that they were not well acquainted with the University Administration and the passing generation of citizens in the State of Missouri.

II. But since conflict between science and traditional taboos is inevitable and perennial, instructors in the University and citizens in general have the right to expect from the University Administration clear and courageous leadership in defense of the freedom of teaching and research, in addition to fairness and truth in explaining the criticized work to the public. President Brooks and the Board failed entirely in this duty on the questionnaire issue.

III. Granting that Professors Meyer and DeGraff showed lack of forethought as to possible social consequences of the questionnaire; granting, further, that President Brooks misled both the people and the Board of Curators on the purport and moral consequences of the questionnaire, we still have the right to expect in the governing Board of a University that sense of justice which decrees punishment in accordance with the gravity of the offense. The only charge that can be maintained against Professors Meyer and DeGraff in the issue is lack of attention or judgment on a matter of no fundamental importance, for which failure or offense, dismissal, and suspension without pay is excessive punishment, especially in the light of the personal character of these men and their services in the University.

IV. According to the information furnished by the Chairman of the Board of Curators professors in the University are, as a rule, employed without written contract, and there are no University statutes governing tenure or dismissal. On March 22, 1926, the Faculty of the University of Missouri approved the Principles of Academic Freedom and Tenure adopted by the Association of American Universities. No action on this matter was taken by the Board of Curators. On the interpretation of the statute as given by the Chairman of the Board of Curators (see appendix), the Board

¹ Prof. DeGraff testified that Mr. Mowrer released the questionnaire without DeGraff's knowledge. Prof. Ellwood (chairman of the Department of Sociology) testified that he did not think Prof. DeGraff's failure to show him the questionnaire before its release was intentional.

may dismiss without pay any professor at any time at will. These facts, together with the action of the Board in the present issue, and the reaffirmation of this action after months of consideration of the evidence in the case submitted in our preliminary report, render the present situation in the University of Missouri in the matter of freedom in research and teaching, and security of tenure, sufficiently grave to engage the serious attention of university men in general and of national organizations of investigators and educators in particular. Under the present administration the University of Missouri is 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.

PERCY BORDWELL
JOHN H. GRAY
L. L. THURSTONE
A. J. CARLSON, *Chairman*

APPENDIX A

405 Jesse Hall,
Columbia, Mo.

Dear University Student:¹

During the last several decades it has become increasingly apparent that there is something seriously wrong with the traditional system of marriage in this country. But, unfortunately, the whole matter has been so inextricably bound up with religious dogmas, moral sentiments, and all manner of prudish conventionalities as to make it exceedingly difficult to ascertain with any degree of accuracy the precise reasons for this situation. The present investigation represents an attempt on the part of this Bureau to discover, by the direct questioning of several hundred men and women, the real causal factors which lie back of the widespread dissatisfaction with the prevailing institution of marriage, and to determine, at least in part, those elements in the present social régime which are today so profoundly affecting the American family.

As an intelligent, modern woman, you are kindly requested to read through the questionnaire on the succeeding pages and then, but not until then, to answer the questions. When you have done this, place the entire leaflet in the enclosed, self-addressed envelope,

¹ These questions were for women. A parallel set of questions were used for men.

seal the envelope, and then drop it in a *University mail box*, one of which you will find in every University building on the campus. If you do this, a stamp on the envelope will not be necessary.

This investigation is *statistical* rather than personal. Therefore, *do not sign your name or give any other indication of your identity.*

Some of the questions, you will find, pertain to rather intimate, personal matters; yet, in view of the anonymous nature of the replies, we feel confident that you will consider each of the inquiries carefully and conscientiously and that you will answer each of them with the utmost sincerity and frankness. If you care to elaborate your opinions concerning any of the questions or to qualify any of your answers, we hope you will by all means do so; the blank space on the second page of this leaflet is specifically meant for that purpose.

Finally, allow us to thank you for your cooperation in this matter and to assure you of our genuine appreciation. If you are especially interested in either the purpose or results of this investigation, we shall be glad at any time to confer with you.

THE BUREAU OF PERSONNEL RESEARCH

Questionnaire

1. (a) If you were engaged to marry a man and suddenly learned that he had at some time indulged in illicit sexual relations, would you break the engagement?..... (b) Would you break the engagement if you learned that he had so indulged frequently and indiscriminately?..... (c) And if, after marriage, you were to find that your husband was sexually unfaithful to you, would you terminate your relations with him?....
.....

2. (a) Would you quit associating with an unmarried woman on learning that she had at some time engaged in sexual irregularities?..... (b) On learning that she had so engaged often and promiscuously?..... (c) On learning that she had accepted money in return for her sexual favors?..... (d) Would you quit associating with a married woman on learning that she engaged in extra-marital sexual activities?.....

3. (a) Are your own relations with men restrained most by religious convictions, fear of social disapproval, physical repugnance, fear of pregnancy, lack of opportunity, fear of venereal diseases,

or pride in your own ability to resist temptation?.....
 (b) During your childhood, did you ever engage in mutual sexual play with another individual?..... (c) Since sexual maturity, have you ever engaged in specific sexual relations?.....

4. (a) Do you intend ever to marry?.....
 (b) If so, preferably at what age?..... (c) How old are you now?..... (d) With reference to your own age, how old would you prefer that your husband be?..... (e) If you do not intend to marry, what vocation do you expect to follow?.....

5. (a) Would you favor the establishment of a legal system of "trial" marriage wherein a man and a woman would be not only privileged but expected to live in sexual intimacy for some days or weeks prior to their definite marriage in order to determine whether or not they were sexually compatible?.....
 (b) Would you favor the establishment of a legal system of "companionate" marriage, which would require for its dissolution merely a public announcement made by mutual agreement of the parties without any appeal to the courts?.....

6. (a) Do you believe in easy divorce?.....
 (b) In case of divorce, do you believe in the justice of alimony: (i) For the support of your children (if any)?.....
 (ii) To enable you to continue living at a standard as good as that of your husband?..... (iii) To compensate you for any set-back in your professional career which you may have sustained as a result of your marriage?.....
 (iv) To compensate you for the social injury and humiliation you may have suffered?..... (c) If she were financially able, is it reasonable that a divorced wife should sometimes be made to pay her husband alimony?.....
 (d) In selecting a husband would you be influenced more by his personal attributes or by his financial resources?.....

7. (a) Were you born in the country (—), in a town of less than five thousand inhabitants (—), or in a larger city (—)? (Check one answer.) (b) In what sort of a community (country, small town, or city) do you intend to live permanently after you leave school?.....

8. (a) If you marry, do you hope to have children in your family?
 (b) If so, how many?.....
 (c) How many children were there in your own home?
 (d) Are you in favor of family limita-
 tion by means of birth control?.....

9. (a) If you do marry, do you intend to be (i) economically
 independent of your husband?..... (ii) Parti-
 ally independent?..... (iii) Entirely depen-
 dent upon him for support?..... (Check one
 answer.) (b) If you intend to follow some other vocation after
 marriage than housekeeping, what is it?.....

10. (a) Do you think men are superior, equal, or inferior to
 women in natural intelligence?..... (b)
 Granting intellectual equality, do you think women are strong enough
 physically to compete effectively with men in the business world?
 (c) Do you feel that the period of men-
 struation would be a serious handicap to you: (i) In professional life?
 (ii) In business life?.....
 (iii) In industrial life?.....

11. (a) As a college student would you favor a system in which
 men and women would share equally in the expense of "dates"?
 (b) If such a system were in vogue,
 would you consider it as proper for a woman to ask a man for his
 company as for a man to ask a woman?.....

Comments

APPENDIX B

Order of the Board of Curators Passed on April 6 and 7, 1929

It is hereby ordered by the Board of Curators of the University
 of Missouri that the Board concurs in and approves the report of
 the Executive Board of the University of Missouri dated March 20,
 1929, containing statement, orders, and recommendations of said
 Executive Board relating to certain questionnaires recently cir-
 culated among certain students in the University, except that the
 recommendations and statements therein as affecting Dr. Max F.
 Meyer be modified as hereinafter ordered, in view of his long service

to the University and our conviction that the offense for which he was suspended will not be repeated.

It is further ordered that Dr. Max F. Meyer be, and hereby is, suspended effective April 8, 1929, from the discharge of further duties in the University, without pay, for a period of one year from that date.

It is further ordered that the services of Dr. Harmon O. DeGraff be terminated beginning April 8, 1929.

It is further ordered that except as aforesaid said report, orders and recommendations be approved and adopted as the action of the Full Board.

It is further ordered that the following recitals in said report be made a part of this order to wit:

Whatever else a university may be, it must be a place to which parents may send their children with full confidence that the surrounding moral atmosphere will be sane and wholesome. Fortunately such is now the condition at the University of Missouri.

Persons most familiar with the personal standards of conduct and character among the student body testify that conditions are most favorable.

It is clear that the promiscuous circulation of questionnaires which by every tenet of sound sense and common decency should have been suppressed, was in no sense a reflection of any morbid or unsatisfactory conditions affecting the whole student body. It is the opinion of the Executive Board that students should not be made subjects of investigation by other students particularly when such investigation by its very nature tends to create the condition which it is alleged to correct.

Neither can we find any justification for any inquiry that from its very nature could not produce any scientifically valid conclusions nor any facts likely to be of substantial value.

We feel that the responsible individuals have a radically mistaken conception of the essential conditions which must prevail in order to establish and maintain public confidence in the University.

In order to protect the University from a recurrence of similar indiscretions, it is recommended that the general faculty establish, by committee or otherwise, some system providing for the careful supervision of all investigations affecting students. It is further ordered that the Secretary be instructed to destroy all answered questionnaires now sealed and deposited in the vault of the University.

APPENDIX C

From the President of the Board of Curators to the Chairman of the Committee

July 17, 1929

"Even now the members of the Board have no information concerning any custom, practice of policy¹ which is as broad as is intimated by the quoted answer of Dr. Brooks. If there is such a rule or regulation, we are anxious to be supplied therewith. If this is not evidenced by a rule or regulation, we should be glad to know if there is a policy established and adhered to by the larger universities, and the exact nature thereof.

"I assume that you can perhaps supply us with some information along this line. It is the purpose of the Board to endeavor to procure such information also by direct inquiry. If it be contended that there is such a practice, rule, regulation, or policy, we are also anxious to know whether or not same is adhered to in State Universities, and if same exists in any such, whether the governing Board is given the same broad authority over dismissals as is given to the Board of Curators of the University of Missouri by the provisions of a statute reading as follows:—

'Section 11530 (R.S. Mo. 1919). The Curators shall have power to appoint and remove at discretion (underscoring is mine) the president, dean, professors, instructors, and other employees of the university; to define and assign their powers and duties, and to fix their compensation.'

"So far as I know, this particular statute has never been construed by our courts, but a statute of similar import applicable to state banks and trust companies has been construed by our appellate courts as holding that regardless of the terms of the contract of employment, the provisions of this statute become a part of every such contract with like effect as if specific provision had so provided, and had been incorporated therein, and that regardless of the terms of the contract the Board of Directors of such banks and trust companies have power to remove any officer or employee at will."

From the Chairman of the Committee to the Chairman of the Board

July 27, 1929

"It appears that the Board has misunderstood or misconstrued the question asked President Brooks which you quote on page 3 of

¹ In continuing salary to end of academic year

your letter. Please note that the question reads 'Do you consider it fair and just to dismiss Mr. DeGraff without paying his salary for the whole year'; it did not read 'do you consider it legal'. At no time did we touch on the possible legal aspect of the matter except in connection with the action of the Executive Board, but now that the legal question has been raised by the Board it seems that it will be necessary to prepare a paragraph in our final report on that aspect of the case. I will therefore ask you to kindly furnish the Committee with copies of the contracts under which Professors Meyer and DeGraff served in the University at the time of their dismissal; and also copies of any letters of information that went from the Board to these men in connection with their contracts, in case the contracts did not include Section 11530 (R.S. Mo. 1919)."

From the President of the Board of Curators to the Chairman of the Committee

October 28, 1929

"I was unable to procure copies of the records relating to the employment of Dr. Meyer and Professor DeGraff. It has not been the practice at the University of Missouri to enter into formal contracts and if same has ever been done, it constitutes a rare exception.¹ The only data I have been able to find concerning correspondence relating to the employment of Dr. Meyer is a letter, and also a telegram, dated some time in 1900 forwarded to him by Dr. R. H. Jesse, then President of the University, accepting the position which Dr. Jesse had tendered to him.

¹ When the question of contracts was raised Professor Meyer was in South America, and could not be reached by correspondence in time for this report. Professor DeGraff sent the Committee his contract for the year 1928-29. This contract reads as follows:

UNIVERSITY OF MISSOURI
Columbia

April 5, 1928.

Office of the Secretary
of the
Board of Curators

OFFICIAL NOTICE OF BOARD ACTION

To Harmon O. DeGraff.

At a meeting of the Board of Curators on April 2 you were appointed Assistant Professor in Sociology for the year ending August 31, 1929 at a salary of \$2400 per year, effective September 1, 1928.

If you will accept the appointment, sign the two enclosed copies of this notice (the original may be retained by you) and return them to me in the accompanying envelope. In addition, kindly notify the Chairman of the Department of your acceptance. Until I receive these two forms completely filled out, I shall not be able to place your name on the payroll. Before warrants may be issued to you it will be necessary for you to file the enclosed Assumption of Duty Notices in accordance with the directions on them.

If you will not accept the appointment, please note that fact on both forms and return them to me immediately.

LESLIE COWAN, *Secretary.*

"I am advised by our secretary that it has been customary in the selection of co-professors, to make an order appointing them to serve until further order of the Board, or containing some recitals of like effect, and that in the appointment of the associate-professors, the order has usually been for a definite period, ordinarily one year."

From the President of the Board of Curators to the Chairman of the Committee

October 30, 1929

"I am advised by our secretary that Professor Meyer was appointed as Professor of Experimental Psychology in 1900, effective Sept. 1, 1900, and has served since the latter date; his title, however, having been changed on April 5, 1922 upon his request and upon the recommendation of the Dean of the Faculty of Arts and Science, to that of Professor of Psychology. I have also been supplied with an extract from the minutes of a meeting of the Board of Curators held on June 27, 1872, reading as follows:

'Professors and Teachers of the University shall hold their offices for one year from July 1, 1872 and until otherwise ordered by the Board.'

"I am also in receipt of extracts from minutes of a meeting of the Board of Curators held on April 3, 1912 reading as follows:

"Upon consideration of recommendations submitted by the University Faculty it is ordered:

1. That an additional professorial position be established in this University to be known as Associate Professor, the tenure of office to be the same as that of full Professor.

2. That the term of office of Assistant Professor be recognized as temporary.'"

"These are the only general regulations of the Board relating to tenure which our secretary is able to find after a somewhat thorough examination. He is of the opinion that the above are the only rules and regulations relating to this subject."

From the Chairman of the Committee to the President of the Board of Curators

October 23, 1929

"In your letter of July 17, 1929, you quote the statute (Section 11530, R.S.Mo.1919) defining the power and duties of the Board of Curators in the appointment and removal of professors and other

employees of the University. You also state that this particular statute has never been construed by the Missouri courts but that a statute of similar import applicable to state banks and trust companies has been construed by the Appellate Court as holding that regardless of the terms of the contract of employment, the provisions of this statute become a part of every such contract with like effect as if specific provision had been provided and had been incorporated therein, and that regardless of the terms of the contract the Board of Directors of such banks and trust companies have power to remove any officer or employee at will. You do not specifically state that the Board of Curators has adopted this interpretation as applicable to the statutes above referred to, but unless definite information is obtained on this point or definite action by the Board is taken to the contrary, the clear implication both of your letter as well as the action of the Board in the cases of Professors Meyer and DeGraff is to the effect that this is the view of the Board. Our Association is not so much interested in the actual statutes as fixed by the Legislature of the State of Missouri as in the provision or intent of the Board in working under this statute. In most, if not all, of the universities of rank this is done by specific University statutes governing tenure and the procedures of dismissal and suspension."

From the President of the Board of Curators to the Chairman of the Committee

October 24, 1929

"The letter I wrote you bringing to your attention Sec. 11530 R.S. Mo., was written without prior consultation or conference with any of my associates, and was intended to be solely my personal observations."

From Mr. Leland Hazard, Attorney for Professors Meyer and DeGraff to the Chairman of the Committee, July 19, 1929

"The Board is inclined to take the position that the broad powers of government given it by the statutes of Missouri justify removal, with or without cause, and without payment of salary beyond the date of removal, regardless even of express contract liability such as existed in the DeGraff case and implied contract liability as in the case of Dr. Meyer, a full professor."

APPENDIX D

Kansas City, Missouri,
October 31, 1929

DR. A. J. CARLSON,
Chairman, Special Committee,
American Association of University Professors,
Chicago, Illinois.

My dear Dr. Carlson:

With a sincere realization of the seriousness of the responsibility resting upon us, the members of the Board of Curators of the University of Missouri, at a meeting held in Columbia on October 25, 1929, gave most earnest reconsideration to the action taken by the Board on April 6, 1929, relating to the suspension of Dr. Max Meyer and the dismissal of Professor DeGraff on account of their connection with the circulation of a questionnaire, which has frequently been referred to as "The Sex Questionnaire". This meeting was primarily called for the purpose of giving further consideration to this matter in all of its aspects and particularly in the light of the preliminary report of the three members of the Committee appointed by the American Association of University Professors to investigate the suspension of Dr. Meyer and the dismissal of Professor DeGraff.

Prior to this meeting, certain members of the Board had conferred with members of this Committee with the hope that some action might be taken which would result in saving the University of Missouri from possible harm and injury if the preliminary report should become final, and the suggested punishment be visited upon the University. It is needless to say that the members of the Board who attended this conference, as well as their associates on the Board, have been actuated by a sincere desire to meet this unfortunate situation fairly and with absolute disregard of personal considerations, in an effort, if possible, to prevent further harm to the University on account of this most regrettable episode.

It is not the purpose of this communication to make reply to this preliminary report. We assume that your Committee will deem it necessary to prepare a final report and submit same to your Association or to its governing body, and that before final action is taken thereon we will, if desired, be given an opportunity to make reply thereto and be heard in opposition to the findings thereof (if same are not in accord with our views), and also in opposition to any pro-

posed punishment which is to be administered to the University of Missouri on account of what this Committee may deem an improper action on the part of its governing authorities. We respectfully request that a copy of the final report be submitted to us and that there be accorded to us the opportunities above suggested.

In the preliminary report, our Board has been criticized on account of a statement in the preamble of the orders of suspension and dismissal, as follows: "The inquiry from its very nature could not produce any scientifically valid conclusions or any facts likely to be of substantial value." Your Committee in its preliminary report uses the following language: "* * * The first question at issue here is whether the Board of Curators is competent to pronounce about the scientific value of an investigation sponsored by any of the University faculty. The Committee concedes that the Board can express itself about the social expediency of an investigation and about other such general and public aspects of current scientific work. But it is presumptuous of the Board of Curators to make pronouncements about the scientific value of any investigation."

Our Board has carefully considered the foregoing as well as other parts of the preliminary report dealing with this phase of the controversy, as well as with the doctrine of academic freedom, or, as the Committee characterizes it in one of its captions, "The Principle of Freedom of Teaching and Research in the University".

If further controversy could be avoided by conceding that the Committee is correct in its assumption that the Board of Curators was incompetent to pronounce about the scientific value or validity of this questionnaire, the Board would have no reluctance about so modifying its orders as to eliminate therefrom any reference to the scientific value or validity of the questionnaire, and at the same time concede that there apparently exists a basis among scientific men for denying to our Board the right to pass upon or express an opinion concerning this phase of the controversy. At the time this matter was discussed at our recent meeting, the members of our Board took the position that even if it had been admitted that our Board had no right to pass upon the scientific value or validity of the questionnaire, its action would have been the same on account of the manifest social impropriety of the questionnaire in its other aspects. Our Board does assume that it not only had the right and authority but also had the responsibility and the duty of passing upon the impropriety or indecency of the questionnaire, and that this duty and

responsibility we were obligated to assume and discharge in a sincere and conscientious manner.

The Committee in its report, says: "The Committee finds no impropriety or indecency in the questionnaire as handled by the men concerned at the University of Missouri". We are unable to agree with this finding and we think our opinion in this regard is in accord with the views of a vast majority of the people of this State and of the patrons of the University.

Our contact with the Committee has been of the most pleasant nature and we profoundly regret that any difference must arise between the representatives of the American Association of University Professors and our Board. We would go far to accommodate our views to the opinion of the academic world in so far as such accommodation involved no sacrifice of principle, but upon the propriety of the questionnaire which, after all, is the fundamental issue between the Committee and ourselves, we find ourselves unable to agree with the views of the Committee.

Our correspondence and contacts have been helpful in many respects and have given us a keener appreciation of the principles involved in the doctrine of academic freedom. Our Board feels that it now has an understanding of this doctrine, and that our action which was influenced solely by the manifest social impropriety of the questionnaire, does not encroach upon the principles of academic freedom. We feel further that our appreciation and understanding of this doctrine is such that your Association need have no fear that its principles will be violated by our Board in any transactions which may arise for its consideration and action.

As concluded by the Committee, there is no charge of personal immorality or moral dereliction against either of these professors, and we feel sure that there is nothing in our action which can be so construed.

An investigation which members of our Board have made of the practices of other Universities and prominent Colleges, has caused us to conclude that it is desirable to adopt rules and regulations relating to suspension and discharge of professors, including provisions for the manner of preferring charges and hearings in connection therewith. It is our purpose to shortly give serious and earnest consideration to this subject and to freely consult with the members of the faculty of the University of Missouri, to the end that these regulations, when formulated and promulgated, will be

in strict accord with the principles of fairness and justice, and in conformity with similar regulations of the better Universities of this country.

All of which is most respectfully submitted.

JAMES E. GOODRICH,

President of the Board of Curators of the University of Missouri.

The following are extracts from newspaper comments in Missouri:

Columbia Daily Tribune: "At any rate, the people of Missouri, generally, fully endorse the action of their State University authorities relative to the questionnaire. They are decidedly of the opinion that decency, refinement, and gentle breeding are better and finer gauges of what is right and proper than that of so-called scientific research applied by a few visionaries. So the verdict of the folk is: The judgment of the pedagogues be damned."

Kansas City Star: "There is a real question whether the punishment visited on the instructors in the University of Missouri in connection with the sex questionnaire was not too severe. There is no question, in the mind of *The Star*, on the gross impropriety of sending out such a questionnaire indiscriminately to immature students. . . . Surely the American Association of University Professors would not maintain that a university should exercise no control over the sort of teaching that is done, no matter how foolish or lacking in taste and propriety? The public, which puts up the money to support a school, certainly has the right to a supervision of what is done with the money."

St. Louis Globe-Democrat: "The judgment of the Board of Curators as to the quality of the offense was sound, and we do not think that any legitimate freedom of teaching or research is imperiled or impeded by its conduct in this case."

St. Louis Post-Dispatch: "*The Post-Dispatch* said at the time exactly what the Investigating Committee says now. It felt that the president of the university, Dr. Stratton D. Brooks, should have stepped in between the university and the public. Had he accepted the offense as no more than what the Committee calls a failure to appreciate the unpreparedness of the public for such a forthright questioning of the students, the mischief makers off the campus would have been undone. Instead, Dr. Brooks became the prose-

cutor and thereby magnified the matter out of all proper relation to its importance. The Committee says he misrepresented the questionnaire to the public, and it has been unable to accept his judgment as to the importance of the incident to the university. The Committee says it was of no fundamental importance, but Dr. Brooks and some of the superheated people about him tried to make it appear that the morals of the students were at stake. As Senator Copeland of New York, who applauds the Committee says: 'Dr. Brooks and his associates mistook prudery for morality.' . . . We knew that Missouri would not be happy when this judgment came, and we urged the State University to right itself. It could have done so by reinstating Professor Meyer and asking him to remember that in the matter of sex the sensibilities of parents, particularly those who never studied zoology, biology, or other social sciences, are tender, albeit those of children are hard as the Committee says they are. The university refused to do it. It held out in the stiff-necked fashion characteristic of ignorance, and so landed in the public stocks."