

The Crowe Affair: The Academic Profession and Academic Freedom

By the late 1950s, Canadian academics were growing increasingly concerned about their professional status. But it took a well-publicized and highly controversial dispute at Winnipeg's United College to galvanize the fledgling Canadian Association of University Teachers. Frank Abbott recounts how a steamed envelope became the catalyst for far-reaching change in the nature of university administration.

IN 1958, Professor Harry Crowe was at the centre of a celebrated case involving academic freedom and tenure. The Crowe affair, at United College in Winnipeg, attracted widespread public attention and greatly influenced the development of the Canadian Association of University Teachers (CAUT).¹ It is worth recalling that episode and the impact it had on the academic profession. Such recollections can teach future generations, and remind my own of the importance of freedom and democracy in our nation's universities.

The timing of the Crowe affair was significant. It began as the CAUT was moving to secure a truly professional status for university teachers and researchers. By 1958, it was generally accepted by members of the association that the prevailing system of university government had inhibited the development of the academic profession. At this time,

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the professoriate was excluded from decisions affecting conditions of employment, the selection of personnel, and the establishment of direction and priorities in the management of their universities. More ominously, it was also evident that the same system endangered the freedom and tenure of individual scholars by subjecting them to the arbitrary whims and dictates of university authorities. As matters stood, tenure in Canadian universities meant little, since scholars served at the pleasure of governing boards and could be dismissed without reason, or even a hearing. Clearly, change in university government was needed to enhance both the status and security of the profession.

These issues and concerns were debated at length at the annual meeting of the CAUT in Edmonton in June of 1958. In a long and lively discussion, speaker after speaker declared that scholars in the nation's universities should have the freedom to regulate their own affairs. Academic freedom was no different than the freedoms enjoyed by other professions, such as law and medicine. The time had come for academics to press for change.

As the discussion progressed, several delegates called on the CAUT to endorse the well-known 1940 "Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors (AAUP).² They suggested that the Canadian association adopt the rules and procedures employed by the AAUP in cases of actual or alleged violations of those principles. Others spoke in favour of made-in-Canada policies and procedures. Still others wanted to see the CAUT go beyond the formulation of policies and procedures, arguing that effective freedom for individual professors depended upon faculty attaining a greater degree of self-government in terms of policy-making. Real academic freedom would only be assured through reform of university government.³

This latter argument was in keeping with a longstanding aim of the CAUT. As early as 1954, the association had been demanding greater faculty participation in the running of Canada's universities. This demand was bolstered by a study of university government in Canada by Donald Rowat of Carlton's School of Public Administration. Rowat's study revealed a system that was essentially autocratic and authoritarian, and noted that decision-making bodies on almost every campus "were made up primarily of administrative and academic officials appointed and controlled by the president and the government board." Of the 35 universities surveyed, he discovered that "only

thirteen provided for the election of any faculty members to the senate or other academic government bodies and at only six did the faculty elect one-third or more of the membership. Only four universities provided the faculty any voice in the choice of president or deans.”

While agreeing that matters of academic freedom and tenure were the concern of the CAUT, the majority of delegates in Edmonton presumed that there would be time for calm deliberation on this weighty issue. That view was not shared by Professor William Packer and his colleagues, representing the faculty association of United College in Winnipeg. During the course of the debate, Packer tried unsuccessfully to persuade the CAUT to create a standing committee immediately, to keep a watching brief with regard to policies of tenure and academic freedom in Canadian universities. This committee would compile a record of cases which might warrant discussion by the Executive Council. Packer was bitterly disappointed when the majority decided to pursue a less hurried and more cautious approach, agreeing only to establish a committee “to consider the role CAUT should play in protecting individuals in matters of academic freedom and tenure.” The task of chairing that committee was given to Professor Gordon Turner of the University of Western Ontario.

IN URGING the CAUT to take more immediate and forceful action, the delegation from United College was reacting to events unfolding on their own campus. United College, an institution affiliated with the United Church of Canada, had been embroiled in controversy for years, and by 1958 matters had come to a head. Ever since the formation of the local faculty association in affiliation with the CAUT in 1953, relations between professors and the administration had been strained.

The principal, Rev. Wilfrid C. Lockhart, and the chairman of the Board of Regents, Winnipeg businessman Alan H. Watson, hoped to revolutionize the college’s administration by employing what they considered to be sound business principles. While faculty salaries and fringe benefits were improved, the performance of teachers was to be rated on a point system calculated by multiplying the number of courses by the number of students. At the same time, a building fund was launched, but it was accompanied by a decision to use a portion of a federal grant, intended to increase faculty salaries, for repairs to campus buildings.

Many faculty were not only critical of these initiatives, they resented the fact that they were put into effect without any consultation. Protests by the faculty association were rejected. As far as Watson was concerned, the very existence of a faculty association was an affront to the Board of Regents. In his scheme of things, faculty were not entitled to any organized voice in the conduct of college affairs. The expenditure of funds, the choice of personnel, and the formulation and implementation of institute policy were matters for the principal and board alone to determine. On the specific issue of the college building fund, he went so far as to declare that while faculty were expected to contribute, that would be the extent of their participation.

It was this approach to university government that placed the administration on a collision course with many faculty, in particular, with scholars such as Packer, Stewart Reid, Ken McNaught and Harry Crowe, who had been instrumental in creating the United College Faculty Association. Watson’s claim that the board enjoyed absolute rights as an employer greatly aggravated the tension between the administration and this group of academics. It was a claim that relegated university professors to the status of employees and subjected them to a hierarchical structure of control similar to that found in a department of government or a private corporation.

Instead of a university organized along the lines of a corporate enterprise and run by clergymen and businessmen, Packer and his colleagues envisaged United College becoming a community of scholars run by academics. They wanted administration reformed so that final authority would rest with a government body that included academic representation.

In the spring of 1958, tension between faculty and administration finally erupted in open conflict. On April 16, Principal Lockhart called Professor Packer into his office and showed him a letter from Professor Crowe. Crowe’s letter attacked the Board of Regents’ efforts to force faculty to contribute to the college building fund, after having told them that college administration was none of their business. There were also a number of caustic remarks about the religion of some professors at United and about clergymen who involved themselves in public administration.

The letter had been addressed to Packer and mailed from Queen’s University in Kingston, where Crowe had been on loan to the Department of History. It had been mysteriously intercepted and mailed to Lockhart with a covering anonymous note:

"Found in college hall. We think you should read it. Some staff loyalty???"

Lockhart was incensed. He told Packer the letter was proof of a faculty conspiracy against him. Rejecting Packer's assertion that no such conspiracy existed, he photostatted the letter and drafted an angry note rebuking Crowe:

Your letter is a profoundly disturbing document. After reading it, I have had to regretfully come to the conclusion that personally you have no sympathy with the announced purpose of the college and that you have no respect for or loyalty to the administration.

Lockhart may have thought that a reprimand would end the matter. However, almost immediately rumours spread across the United College campus, including insinuations that the principal was steaming open faculty mail. Some asserted that faculty should retain counsel in order to protect itself against the administration.

In an effort to counter these rumours, which he feared could ruin the building fund campaign, Lockhart called the faculty to a meeting on May 7, "to tell all he knew," and said he would do the same at a Board of Regent's meeting the following day. In subsequent conversations with Crowe's colleagues, Reid and McNaught, he gave assurance that he would not reveal the contents of Crowe's letter to the board and that he had no wish to fire the historian.

Those assurances did not allay the suspicions of the principal's critics. Coming away from his meeting with Lockhart, Packer was convinced that it would be impossible for Crowe to continue at United College and conveyed that conviction to his colleague in Kingston. For his part, Crowe interpreted the principal's rebuke as a demand for his resignation. His immediate reaction was to challenge the abuse of his private correspondence.

In May, Crowe wrote to both the board chairman and the principal. In his letter to Watson, he charged that the principal's action in reading his letter to Packer, retaining it, and reproducing it for his own use was a clear violation of copyright. He could not believe, he went on, "that information obtained in this manner will be presented to the Board of Regents," and warned that, "if any action adverse to me follows, full publicity will inevitably be given to all the facts in this incident." He followed with a note to Lockhart, challenging the conclu-

sions which the principal had apparently drawn from his letter. These conclusions were, in Crowe's opinion, "incorrect and without foundation."

It was Crowe's hope that his rights and interests would be protected by the Board of Regents and he informed Watson that, out of loyalty to the college, he would wait before seeking legal redress. He stated, however, that the executive officers of the CAUT had made clear "that they feel strongly that the basic interests of the academic profession have been gravely affected," and he warned that if there was no satisfactory resolution he "would bring forward to the CAUT this invasion of the fundamental rights of university teachers."

ON JULY 2, the United College Board of Regents voted to give Professor Crowe notice of termination of employment, as of 31 August 1959. The board notified him that he was expected to agree to a one-year contract at the same salary he had received in 1956-57. The board cited "the intemperate tone and aggressive belligerence" of the letters he had sent to the board and to the principal.

Crowe was told that the contents of his letter to Packer had not been revealed to the board and that his subsequent correspondence had "sought to discredit the Principal by imputing improper and false motives to him. It would be better for all," the board advised him, "if he was not retained." The one-year contract would give him a chance to establish himself in some other teaching position more congenial to him.

In the opinion of the Board of Regents, Crowe's conduct warranted dismissal for cause and without notice. Needless to say, this was not an opinion shared by Crowe. In his reply, he rejected the board's offer of a one-year contract, arguing that to accept it "would admit your right to dismiss or punish me for non-existent misconduct." Refusing to recognize any right to terminate or modify his present and continuing employment, he served notice that he intended to exercise all rights and fulfil all duties flowing from that employment. He would resume his teaching at United College in September under the terms of his original contract of employment.

News of Crowe's dismissal spread rapidly. At Queen's, the executive of the faculty association became alarmed at the possibility that

principles of academic freedom and tenure may have been violated. This prospect resulted in a letter from the Queen's University Faculty Association to the CAUT requesting a full investigation.

The letter, dated July 18, was received by Clarence Barber, the newly-elected president of the CAUT. After lengthy consideration, the executive officers of the association agreed to appoint an *ad hoc* committee of inquiry. It would be comprised of Vernon Fowke, Professor of Economics at the University of Saskatchewan and a past president of the CAUT, Martin Johns, Professor of Physics at McMaster University, and David Slater, Associate Professor of Economics at Queen's University. Both the Executive Council of the CAUT and Principal Lockhart were informed of the action.

The decision to appoint a committee of inquiry was in keeping with the practice followed by the AAUP, but the choice of committee members was unprecedented. Normally, an investigation would be undertaken by executive officers of the association. But since these officers were all currently members of the faculty of the University of Manitoba, to which United College was affiliated, it was decided not to have them participate directly, in order to avoid any suggestion of bias. To further ensure impartiality, President Barber told committee members that they were not to function as a judge or arbitrator. They were not empowered to dispose finally of the issues between the parties. Instead, they were to act simply as a fact-finding committee. Their mandate, Barker said, was

... to discover the facts, to evaluate them, to determine to what extent issues of academic freedom and tenure were involved and in light of the findings, to make recommendations for action.

With the committee in place, President Barber fully expected that its members would meet with all parties involved in the dispute. Principal Lockhart, on being informed of the committee's formation, expressed confidence that the Board of Regents at United College "would be willing to meet with any properly constituted committee of the CAUT. You may rest assured," he informed Barber, "that we will do everything within our power to co-operate with your Association." It was agreed, however, that Professor Slater would be replaced on the committee by Professor Bora Laskin, after the Chairman of the Board complained that "as a member of the Queen's Faculty Association, it could

not be assumed that he would be an objective observer." In September, Professor Crowe wrote to request formally that the CAUT "determine the facts of my recent relationship with United College." A few days later, Professor Packer informed President Barber that the United College Faculty Association "was willing to co-operate in the enquiry."

Shortly after these written assurances reached the CAUT, the association learned of new and dramatic developments. Professor Crowe had returned to United College in September to resume his teaching, only to be informed that his services would no longer be required. On September 15, he was summarily dismissed without explanation and without a hearing. In lieu of notice, he was told that he would receive \$6,000, which was deemed by the Board of Regents to be the amount he would have received had he been continued in his position as associate professor of History.

The board had taken this action after reading Crowe's letter to Packer and concluding that

... the attitude toward religion revealed by it is incompatible with the traditions and objectives of United College and that, in the manner in which he has named in the letter, six faculty members, two of whom are deceased and one of hallowed memory, Professor Crowe overstepped the limits of decency.

In a press release, the board argued that in making its decision, it had adhered to principles and procedures concerning academic liberty and tenure that had been recognized in the university community in the United States for over 50 years. It was accepted by scholars in that country, the board said,

... that institutions of higher education which have religious affiliations of any kind must be permitted to expect from members of their faculties certain restraints in the expression of opinion which may not appear to be necessary in purely secular institutions.

Arguing that there was "no conceivable connection between the board's action with respect to Professor Crowe and any concept of academic freedom, the press statement quoted extensively from the 1940 AAUP statement, which required professors to act responsibly and exercise proper restraint as a matter of professional ethics. It concluded by

saying that the board had the utmost confidence in the integrity of Principal Lockhart and was unanimously agreed that he acted in a right and responsible manner as chief executive officer of the college.

Rejecting both the action taken by the board against him and the justification given for that action, Professor Crowe issued a press release of his own. Once again he challenged the principal's use of his personal correspondence.

My utterance was a private one, and not a public one, in a letter to a friend and colleague, a letter which neither the Principal nor the Board had any right to read, let alone to judge, a letter which was not delivered to the addressee through the mails, a letter which was read, retained, photostatted and used against me by the Principal, all without the prior knowledge or consent of either myself or my colleague to whom it was addressed.

For Crowe, this and this alone was the central issue. He made it plain that he would never submit to what he considered an assault on his personal liberty.

The conflict between the board and Crowe soon ignited a public debate. Newspaper columns were filled with letters taking one side or the other. One United Church minister, Rev. D.A. MacLean, declared that Principal Lockhart and the Board of Regents were responsible for "an unbroken series of blunders that is quite incredible." Their position was untenable and the principal should resign. Others disagreed, arguing that Crowe and his friends were at fault and that Crowe should publish the letter and "rotten apples should be tossed out of the college."

Editorial writers were more restrained. Indeed, the *Winnipeg Free Press* refrained from comment altogether. However, the *Winnipeg Tribune* called on Crowe to resign.

Professor Crowe knows that it would be difficult for him to carry on his teaching career at United College in a happy and useful way. Surely the board will see the wisdom of affording Professor Crowe full opportunity to withdraw from an unhappy situation with dignity.

That request angered and disappointed the historian. Several months later, speaking at an awards dinner at the Winnipeg Press Club, he criticized both the *Free Press* and the *Tribune* for their failure to defend the cause of academic freedom. Their editorial policy, he told the assembled journalists, had been "feckless, meaningless, and impotent."

THE PRESS was not alone in reacting to news of Crowe's dismissal. By the time the academic term opened, 84 students had signed a petition on behalf of Crowe, protesting his dismissal "because of an attitude toward religion." City police were asked to investigate the letter incident. The general council of the United Church considered the facts and supported the board, while a meeting of college graduates commended the establishment of the fact-finding committee. Everyone now awaited the outcome of the CAUT investigation.

The CAUT committee arrived in Winnipeg in the first week of October, intent on conducting hearings with all of the principal parties. Immediately, however, problems arose with officials at United College. While stressing their intention to co-operate, Watson made it known that both he and Principal Lockhart regarded the inquiry as both unprecedented and unwarranted. Acting on the advice of Mr. D.C. Gavin, solicitor for the university, Watson warned Fowke that the college would hold the officers of the CAUT legally responsible "should the investigation result in any damage to the college of either a temporary or permanent nature."

The university solicitor also demanded that the association furnish credentials establishing its constitutional right to conduct the investigation. These were to include the constitution and by-laws of the CAUT, the names and addresses of all officers, a financial statement, and a declaration of impartiality signed by members of the investigating committee. Accompanying these demands was a statement affirming the legal authority of the board under the *United College Act 1938*. That statute not only empowered the board to appoint professors, set salaries, and assign duties, but stipulated "that tenure unless otherwise provided shall be during the pleasure of the Board."

Without accepting the board's claim to exclusive control over tenure, the CAUT agreed to produce its credentials. Before these could be furnished, however, the chairman of the board issued a more serious ultimatum – and one that came as a complete surprise. In a letter to the CAUT president, Watson insisted that some mechanism other than the CAUT inquiry be adopted to resolve the dispute between United College and Crowe. This development was apparently sparked by the last-minute resignation of Professor Johns. Johns had informed President Barker that he had been placed in a compromising position through his involvement in the recent United Church General

Council meeting in Ottawa (which had launched an investigation of the Crowe affair).

News of Johns' resignation led Watson to conclude that the CAUT committee, now reduced to only two members, was no longer properly constituted. "A two-man committee" he informed Barker, "alters the basis on which we have corresponded with you since July and would be impractical as in the event of disagreement, there would be no decision." As an alternative to the attenuated CAUT committee, Watson now called for the creation of a five-member committee of arbitration composed of two members appointed by the college, two by the CAUT, and a mutually acceptable chairman. This would, he said, "provide all interested parties a fair and reasonable basis upon which an objective and impartial consideration of all the circumstances in the matter can be made."

Underlying Watson's reservations about the propriety and competence of the committee designated by the CAUT was a long-held suspicion that the association simply could not be trusted to conduct a fair and impartial investigation. This suspicion had been fed by the knowledge that the CAUT president and Crowe were friends and that Barker had already circulated a statement of facts concerning the incident at United College that contained serious errors. Watson had also registered his strong disapproval that the CAUT investigation had not first moved through the local United College Faculty Association. He was not satisfied with Barber's explanation that CAUT members had sought to avoid internal dissension at the college. The last-minute withdrawal of Professor Johns from the investigating committee – the one member who might have supported the board, given his ties to the United Church – ultimately convinced Watson that the CAUT was determined to condemn the college.

From the point of view of the association, there was no question of accepting Watson's demand for a reconstituted committee with members appointed by the interested parties. For one thing, the CAUT had never considered itself an interested party in the dispute between Crowe and United College. The association had not been asked by Crowe to carry a conciliation on his behalf and had no authority to do so. Moreover, to adopt the scheme outlined by the board chairman would be tantamount to treating the entire investigation as if it involved a labour relations dispute between an employer and a trade union. Such an approach would cast Fowke and Laskin in the role of trade union nominees to a Board of Conciliation. This was anathema

to the CAUT philosophy, which envisaged a university as a community of scholars composed of men and women dedicated to the pursuit of knowledge and the development of wisdom. Lastly, the CAUT made it know that it regarded the timing as well as the conception of the Board of Regents proposal as insulting. Coming at the eleventh hour, it could only be implemented if the CAUT first disavowed its own committee; that was something the association was not prepared to do.

When Watson's demand for a reconstituted committee was refused, the Board of Regents withdrew from the hearings. President Barber interpreted that action as a "flagrant breach of faith" but served notice that with or without the participation of Principal Lockhart and the board, the hearings would proceed. To ensure a fair and open inquiry, Fowke and Laskin proposed that all witnesses be examined in the presence of the Chairman of the Board, Principal Lockhart, and Professor Crowe. Both parties to the dispute would be entitled to be represented by legal counsel. However, because the hearings were deemed to be part of a fact-finding investigation, rather than an adversarial proceeding, counsel would not have the right to cross-examine witnesses. A notice of the hearings and the procedure proposed for them, together with an invitation to appear, was delivered to Principal Lockhart, to the Board of Regents, to Professor Crowe, and to each United College faculty member.

FOWKE AND LASKIN proceeded with their investigation through the remainder of October. Based on evidence gleaned from the wealth of correspondence between the principal parties since the interception of Crowe's letter, and the information supplied by 11 witnesses at the hearings, they drafted a report and submitted it to the CAUT in November.

Both investigators concluded that neither Principal Lockhart nor the Board of Regents had "any tenable ground for the severe treatment of Professor Crowe." The only reason they could find for the actions taken against Crowe was that "he had not been sufficiently compliant and servile enough in thought and attitude to his administrative superiors by refusing to countenance abjectly a sustained invasion of his privacy and the possibility of adverse use of a private letter which he declared was taken out of context and misinterpreted." As far as the CAUT investigators were concerned, Crowe's protests were

“neither intemperate nor aggressively belligerent nor vigorous beyond the point of reasonable firmness and in themselves warranted neither dismissal nor discipline short of dismissal.”

The central question, as far as Fowke and Laskin were concerned, was whether the first deferred dismissal of Crowe and the second preemptory one constituted a violation of academic freedom and tenure. In addressing that question, they asserted that the privilege of a teacher in a university or college to utter and publish opinions in the course of teaching and research and to exchange opinions with faculty colleagues without liability to official censure or discipline is the substance of academic freedom which had been traditionally associated with Canadian universities and colleges. To discharge a scholar on the basis of an interpretation of his remarks was clearly a grave offense against academic freedom. For the board to argue otherwise, as it had done in its press release of September 20 by quoting the AAUP statement, was to disregard the fact that the AAUP directives were meant to apply to public statements, not private letters, and that the statement went on to say that a professor “should be free from institutional censorship or discipline.”

Arguing further that security of tenure is prerequisite to academic freedom, Fowke and Laskin charged that Crowe, as a permanent member of United College, was only subject to dismissal for just cause and only after being granted a fair hearing. Grounds for dismissal which violated academic freedom, they argued, could not constitute just cause. The Board of Regents had not only acted against Crowe without a shred of evidence, they had employed procedures that were arbitrary and unjust. Professor Crowe was not informed prior to either dismissal of any action, attitude, or dereliction of duty which had led the principal or Board of Regents to conclude that, after eight years of satisfactory service, he was unsuitable for membership in the United College teaching faculty. He was not asked or directed to appear before the principal or the Board of Regents to answer charges which might be preferred against him. And he was not advised after either dismissal of the reasons for his dismissal.

In light of the evidence, Fowke and Laskin concluded their report by charging that Professor Crowe had been “a victim of injustice, violative of both academic freedom and academic tenure.” To rectify the wrong done to him, they demanded that the Board of Regents invite him to resume teaching duties at the rank he had at the time of his dismissal and at a salary appropriate to that rank.

The release of the Fowke-Laskin Report brought a mixed response. Critics charged that without the co-operation of Principal Lockhart and the board, the entire investigation had been “a bizarre caricature of an impartial inquiry.” With a handful of pro-Crowe witnesses parading their partisan evidence, they claimed, it was impossible to weigh the full story or distribute blame to individuals. The resulting report was denounced as one-sided, biased, and unfair.

Joining the ranks of these critics, Principal Lockhart issued a statement in the *Winnipeg Free Press* challenging the report’s contention that Crowe’s dismissal had infringed upon academic freedom. In his view, academic freedom should not be interpreted “to mean an immunity to cover irresponsible action or expression.” He continued:

Academics have an obligation to exercise appropriate restraint, to be fair and accurate and to show respect and consideration for the opinions of others. Professors cannot claim immunity for the promotion of ideas and schemes that would subvert the very authority that exists to ensure them the true academic freedom they require. Furthermore, professors have to recognize a modification of academic freedom in a church college in the area of religion. If he finds himself out of sympathy with the basic tenets of religion and cannot share the aims of the institution, he should find opportunity in an environment more congenial to his own convictions.

Criticism of the Fowke-Laskin Report and the conduct of Professor Crowe did not go unchallenged. The history departments at Toronto, Manitoba, and Queen’s expressed strong support for the historian. The *Winnipeg Free Press*, while critical of the one-sidedness of the Fowke-Laskin Report, argued that Crowe should not have been dismissed without a personal hearing and suggested that “... there would be no insurmountable barrier to the restoration of Professor Crowe to his job.” Other publications joined in expressing similar views.

By the end of November, three members of the United College faculty, Professors McNaught, Reid, and Stingle tendered their resignations in protest against the college’s handling of the Crowe case and its criticism of the Fowke-Laskin Report. By December 10, they had been joined by 11 more faculty members. Under these circumstances, secret negotiations were carried on, chaired by the president of the Manitoba Conference of the United Church. When these negotiations failed to resolve the crisis, Principal Lockhart announced his own resignation.

In these straits, the Honourable Gordon Churchill, a member of the federal cabinet and a member of the Board of Regents intervened and managed to obtain an offer that Professor Crowe be unconditionally reinstated. On December 15, the Board of Regents announced that "Professor Crowe would resume his duties as associate professor at United College" and expressed the hope that "all concerned would now unite in an effort to enable United College to continue its rightful place in the academic world." This announcement was followed by a United Church statement affirming confidence in Principal Lockhart. But the statement recognized that Lockhart had made an error in photostatting Crowe's personal correspondence and acknowledged that Professor Crowe was justified in protesting. The church affirmed that it welcomed Crowe's reinstatement.

IN JANUARY, the Fowke-Laskin Report was published in the *CAUT Bulletin*. It seemed that the Crowe affair had finally been settled. But this was not to be the case. While promising to reinstate Crowe, the Board of Regents refused to rehire McNaught, Reid, and Stingle. When they tendered their resignations in November, these scholars had declared a want of confidence in the newly appointed Dean of Arts, Gordon Blake – a vocal critic of Crowe – and served notice that they would not return unless he was removed. The board rejected that condition and confirmed their resignations. In protest, Crowe resigned on March 22 along with 11 other faculty members.

The board's refusal to rehire the three professors was received by the CAUT as a breach of faith. Some members reacted by demanding the censure of United College. However, it was already apparent that many faculty at United would oppose any attempt to blacklist their institution. Ever since the formation of the faculty association at United, there had been those on the teaching staff who believed that Crowe and his friends had been engaged in a power play and this group continued to view Crowe's defenders as malcontents. In April, 27 faculty at United signed a statement alleging that Crowe had accepted the board's settlement knowing full well that his colleagues would not be reinstated. At the same time, they indicated that they were not satisfied with the way in which the CAUT investigation had been conducted and the way in which the Fowke-Laskin report had been written. In particular, they took exception to the decision of the

CAUT executive to publish that report in the *Bulletin* before it had been seen by the general membership. Similar criticisms of Crowe and the CAUT were voiced by other academics, while on several campuses, statements were drafted supporting both the historian and the association. In Winnipeg, meanwhile, a "carry on Dr. Lockhart" drive was launched, resulting in a petition with 7,000 signatures asking the principal to remain at his post.

Anticipating that the Crowe affair would be a major topic of discussion at the CAUT annual meeting in June, Barber appointed a committee chaired by McGill professor Frank Scott to determine what action the association should and could take. When the delegates gathered at the University of Saskatchewan, Barber put forward a detailed account and defence of the CAUT investigation and the findings of the Fowke-Laskin inquiry. Following his address, the meeting received the report of the Scott Committee on the United College Dispute. After summarizing the events since the publication of the Fowke-Laskin Report, the Scott Report expressed "deep regret that the settlement apparently reached in December had broken down." However, it did not call for the censure of United College. Instead, it recommended "that the CAUT commend President Barker and members of the Executive for their courageous handling of the difficult problems that faced them because of the dismissal of Professor Crowe; that the CAUT affirm its approval of the Fowke-Laskin Report, and that the CAUT take no further action with respect to the situation at United College."

These recommendations did not sit well with every delegate, but in the end the Scott Report was adopted. Most of those present appeared to share the attitude of one professor, who remarked that "enough bitterness had been engendered by the Crowe affair and it would be in the best interest of all concerned to drop the matter now."⁴

That decision, however, did not deter the delegates from discussing the significance of what had happened in Winnipeg. Events there had been all too revealing. As far as President Barber was concerned, the entire episode had demonstrated "the need for a re-examination of the whole structure of university government in Canada." In particular, it had pointed to the need for faculty representation on every governing board. He told the delegates:

It would be comforting to believe that the members of the Board of Regents at United College are the exception. But one suspects that

there are all too many people sitting on the governing boards of Canadian Universities who have little genuine understanding of the basic importance of academic freedom in our society.

In the wake of this revelation, the CAUT set as a priority the reform of university governments and appointed a committee chaired by Professor D.C. Rowat of Carlton University to recommend means of achieving that goal. The Committee on University Government prepared a report which was placed before the Executive Council for discussion on 12 June 1960.

In light of both the events at United College and his earlier study of university government, Professor Rowat brought to his task the firm conviction that:

... if a university is to function at its best and if its members are to be as free as possible from the threat of outside interference, faculty members must be able to determine the objectives and policies of the institutions that they serve. For this reason they must be prepared to accept the responsibility of membership on the governing body and the sacrifice of time and energy that this entails.

The centre-piece of his report was a far-reaching scheme of university reform that envisaged a predominate role for faculty and limitations on the authority of administrative officers. Members of the academic staff would constitute a majority on the governing boards and university senates would be composed mainly of academic members, at least half of whom would be directly elected. Presidents and deans would hold office for a limited period, preferably not exceeding six years, and would not be eligible for immediate reappointment. All faculty would participate in nominating and appointing both presidents and deans. Finally, all administrative officers would be required to consult faculty bodies when addressing matters of education policy – and specifically on questions of appointment promotions, dismissals, and budgets.

NO ONE believed that changes such as these would come quickly or easily. But the Committee on University Government provided food for thought and by June 1960 the CAUT was committed in principle to greater faculty participation in university government.

In the meantime, the CAUT had launched a campaign for reform of its own institutional structure. As well as demonstrating the need to

reform university government, the events at United College had made it apparent that if the CAUT was to be an effective voice in the defence of academic freedom and tenure, it would have to equip itself with appropriate policies and procedures in relation to these matters. In the course of their investigation, both Fowke and Laskin reached the conclusion that a Canadian code of practice governing academic freedom and tenure was necessary. It was made known to the annual meeting in June 1959 that this same conclusion had been arrived at by the members of the *ad hoc* Committee on Academic Freedom and Tenure.

While the Crowe case was dominating the headlines, that committee, chaired by Professor Gordon Turner, had been working to fulfil the terms of reference contained in the motion passed by the Executive Council of the CAUT a year before – to consider the role the CAUT should play in protecting individuals in matters of academic freedom and tenure. As part of its mandate, the Turner Committee had been authorized to conduct a survey of Canadian universities to discover what principles and practices concerning academic freedom and tenure were currently being followed. A questionnaire had been devised in December 1959 and sent to each of the 27 faculty associations affiliated with the CAUT.

The findings of that survey revealed that Canadian university teachers felt that there was virtually no restriction on their freedom to conduct, and to publish the results of, research of their own choosing or on their freedom to conduct their classes as they saw fit. However, many lacked confidence that they could make public statements unpopular with their administrative officers or government boards. In addition, the survey results indicated that most university teachers had accepted appointments without being aware of the terms or conditions attached to their positions. Many doubted whether the terms and conditions met with faculty approval.

The Turner Committee survey also showed that while, in practice, nearly every Canadian university gave *de facto* recognition to the principle of tenure, only one in three committed itself to such recognition in writing. As well, few institutions had any regular practices or written rules of procedure for dealing with cases of termination, for cause, of a permanent appointment. Finally, it appeared that few Canadian universities had consulted faculty members concerning the establishment of regulations or procedures governing appointments, tenure, dismissal, and other matters affecting their conduct and conditions of work.

Armed with these findings, and no doubt having read the report submitted by Fowke and Laskin in November, Turner and his committee readied a preliminary report. It recommended a twofold role for the CAUT in matters of academic freedom and tenure: a) to promote the establishment and acceptance by university teachers and administration of general principles of academic freedom and tenure and of institutional regulations and procedures in keeping with those general principles; and b) to be prepared to conduct independent investigations of alleged violations of academic freedom or tenure, and to make findings available to the academic community.

To facilitate the implementation of these objectives, the Turner Report contained a draft Statement of Principles of Academic Freedom and Tenure, patterned after the 1940 AAUP statement. It also laid out a set of procedures to be followed by the CAUT when investigating alleged violations of those principles. Several major revisions were made to the Statement of Principles by the Executive Council of the CAUT. Mindful of the experience of Professor Crowe, and in particular, the statements made by Principal Lockhart, the executive rejected the prevailing AAUP view that there could be justifiable limitations on academic freedom, notably in religious institutions. Council also rejected the seven-year probationary period favoured in the United States, arguing that it was too long. It amended the clause dealing with the termination of appointments to ensure that appointments would only be discontinued for adequate cause and only by means of fair procedure.

The following Statement of Principles was finally agreed upon:

The purpose of this statement is to promote public understanding and support of academic freedom and tenure. Institutions of higher education are conducted for the common good and the common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in teaching and in research is fundamental to the advancement and dissemination of truth. Academic freedom carries with it responsibilities as well as rights.

Tenure is a means to certain ends:

- 1) freedom as a teacher, as an investigator, and as a private citizen, and
- 2) sufficient economic security to make the profession attractive to

men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Teachers should have permanent, continuous tenure after the expiration of a short, specified probationary period. Their services should be terminated only for adequate cause and only by means of fair procedures, except in the case of retirement for age.

In the matter of investigational procedures, the Turner Report proposed that a standing committee of the CAUT be empowered to investigate complaints of violations of academic freedom and tenure. This committee would, in turn, create *ad hoc* investigating committees as in the Crowe case. These committees were not to be arbitrations but fact-finding committees. Investigations would take place privately and a full report would be made to the CAUT.

Together with the Statement of Principles and investigational procedures, the Turner Report put two other matters before the CAUT. A dispute-resolving procedure was outlined, to be approved by the CAUT and recommended to individual faculty associations, and a statement of acceptable procedure for dismissal was proposed.

It was decided, however, that institutional procedures should be determined through negotiation between local associations and their respective university administrations. At the same time, dismissal procedure was deemed a matter for joint study by CAUT and the National Conference of Canadian Colleges and Universities, a body representing the corporate interests of Canadian universities.

In November 1959, the CAUT council endorsed the amended versions of both the Statement of Principles and the investigational procedures outlined in the Turner Report. At the same time, the council reconstituted the *ad hoc* committee as the Standing Committee on Academic Freedom and Tenure. These initiatives, approved by the annual meeting of the Association in June 1960, represented a milestone in the development of the CAUT.

FROM ITS inception, the CAUT had sought to achieve a sense of distinctive professional status and responsibility among university teachers. This goal required the rejection of the prevailing system of academic paternalism, which had placed the rights and interests of academic staff in the hands of university presidents. By equipping

itself with policies and procedures for dealing with problems of academic freedom, and by demanding a greater role for faculty in university affairs, the CAUT served notice that university professors were not merely hired hands. They were members of an academic community with rights and obligations which must be addressed in an atmosphere of law.

The Crowe case was the catalyst that spurred this movement toward a new professionalism within the academic community. It raised serious questions about the governance of Canadian universities and it reinforced the view of the CAUT that faculty should have a predominant voice in the running of the university. This dispute forced leaders of faculty associations across the country to consider the importance of academic freedom and tenure and to acknowledge their responsibility to protect and defend those principles. And finally, it persuaded the CAUT to provide an institutional framework through which the academic profession could work to achieve greater freedom and democracy in Canadian universities.

Notes

- 1 Until 1958, the issue of academic freedom did not figure prominently in the affairs of the CAUT. Founded in 1951, the association focused initially on the economic status of university teachers and worked to improve their salaries, pensions, and workloads.
- 2 Unlike the CAUT, the AAUP was brought into being by scholars reacting to widespread abuses of academic freedom. According to the official historian of that organization, the AAUP was Committee "A" (Committee on Academic Freedom and Tenure) for all practical and apparent purposes. W. Metzger, "The Early Years of the AAUP," CAUT Bulletin, December 1956.
- 3 One outcome of the dispute at United College was an overture to CAUT from the National Conference of Canadian Colleges and Universities. The NCCU recommended that serious questions of academic freedom and tenure be mediated by a committee composed of a representative of both the CAUT and the NCCU. This offer of co-operation was rejected by the CAUT on the grounds that it would give the impression that the prime function of the association was to represent one party in a dispute and thereby hinder its role as a fact-finding organization.
- 4 Following his resignation from United College, Crowe declined offers of academic posts and took a research position with the Railway Brotherhood. Eventually he returned to university teaching and served as dean of York University's Atkinson College. In 1974 the CAUT granted him the Milner Memorial Award. This is awarded for "a distinguished contribution to the cause of academic freedom" and for "actions undertaken on behalf of academic freedom, or writings which contribute significantly to an understanding and strengthening of academic freedom in the Canadian community."

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