

The CAUT, the Crowe Case, and the Development of the Idea of Academic Freedom in Canada

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Although the administrative side of Canadian universities formed a national organization as early as 1911, university teachers did not do so until 1951. Prior to the Second World War faculty on a number of campuses formed local associations which seem to have been part club and part a rather mild pressure group. The small number of faculty and the fragmentation (geographic, linguistic and ecclesiastic) of Canadian universities along with the controls and shortages of staff during the Second World War inhibited any effective grouping of these associations. In 1948 the faculty association at Alberta suggested the formation of a national body. Two years later a preliminary meeting was held in Kingston, and the following year the CAUT came into existence at a meeting at McGill.

The primary impetus for this move was economic. The suggestions from the Alberta association grew out of their interest in national salary data. University professors found the economic situation in the immediate postwar period very difficult. Those with jobs in the nineteen-thirties had found that they could manage reasonably well on a relatively low salary. The postwar inflation quickly eroded that economic position. The real salaries of professors fell.¹ Furthermore, the influx of returning soldiers both increased the size of the universities and brought into the academic profession many who would not accept the old pieties and paternalism.

For eight years the CAUT managed without any permanent structure or officials. Dues were kept to a few dollars. Attempts were made to ensure that the executive came from the same area in order to minimize costs. The entire administration fell onto the elected officers. Real power remained with the local associations and, as a consequence, CAUT unlike the AAUP became a federation of locals rather than an organization with individual memberships. The main focus in these eight years remained economic. This took two forms — the gathering and distribution of salary data and the support of the general university campaign to secure federal financing of higher education. There was a feeling in CAUT that without reasonable economic security, it was not very useful to pursue other matters.

Professor A. R. M. Lower had raised the issue of academic freedom at the first annual meeting of CAUT and urged the association to ensure that "one of the basic activities of the Association... be to keep constantly in view the issue of academic freedom".² But only one individual appeal is recorded in the minutes prior to the United College affair. Nor did the association have any procedures for dealing with such matters. As a consequence, some professors looked to the United States where the AAUP had been founded in 1915 and had developed policy statements regarding the handling of faculty contracts. UBC suggested that CAUT endorse the well-known 1940 *Statement of Principles on Academic Freedom* of the AAUP while others wished the CAUT to join the AAUP.

In June 1958, just as the storm was beginning to gather at United College, the CAUT met in Edmonton and discussed the issue of academic

Le renvoi de Harry Crowe de son emploi permanent au United College en 1958 a été la première occasion pour l'ACPU de procéder à l'examen d'un grief présenté par l'un de ses membres. A l'occasion de cette affaire, de nombreux universitaires canadiens ont dû se pencher sur les notions de liberté universitaire et de permanence de l'emploi ainsi que sur celle de la gouvernance des universités de façon beaucoup plus approfondie qu'ils ne l'avaient jamais fait auparavant. Elle a également amené l'ACPU à rédiger des énoncés de principe sur la question de la liberté universitaire et de sa protection.

freedom at length. The minutes record that there was general agreement that the CAUT should proceed with caution. This was demonstrated by the defeat of a motion by Professors D. G. Pitt (Memorial) and W. A. Packer (United College) that a standing committee be created immediately "... to keep a watching brief with regard to policies of tenure and academic freedom in Canadian universities and to keep a record of cases which might warrant discussion by the executive council of the CAUT". Instead, the executive decided to create a committee to consider the role CAUT should play in protecting individuals in matters of academic freedom and tenure although it did accept an amendment to state that these were indeed the concern of the organization.³ Professor Gordon Turner of the University of Western Ontario was appointed to undertake the task.

A Known Radical

The case of Harry S. Crowe at United College presented the CAUT with the direct and immediate problem of how to resolve disputes concerning academic freedom and tenure. He was an associate professor of history at the college who had been a first class honours student at the college where he had enrolled in 1938. He had also been president of the student society and was known as a radical. He graduated in 1942 and became an officer cadet in the Winnipeg Light Infantry. He was posted overseas and served on loan with the Fourth Battalion of the Welsh Regiment between 1944 and 1946. At the time of his discharge he held the rank of captain and the Military Cross which he received for gallantry at the crossing of the Aller River.

Crowe returned to the University of Manitoba and took an honours degree in 1947. The following year he took his M.A. at Toronto and then with strong support from Frank Underhill, went to Columbia to study for the Ph.D. While at Columbia, he taught a number of summer sessions at the University of Manitoba and then for one year at the university before taking a contract at United College in 1950. He received tenure the following year and became an associate professor in 1956. He was a popular lecturer and was well regarded by his colleagues in the history department even though he could on occasion be somewhat

abrasive. He also made no secret of his social democratic views. For the year 1957-58 he was visiting professor in the department of history at Queen's University.

A certain amount of mythology has invested the history of United College and its predecessor Wesley College. It had been influenced by the rise of the social gospel movement and by the Winnipeg General Strike and its aftermath. Two of the leading figures of the social gospel movement, Salem Bland and A. J. Irwin, were members of the faculty at Wesley College. In 1907, Sir Rodmond Roblin and Sir James Aiken had tried unsuccessfully to get Bland dismissed. Around the beginning of the First World War, the chairman of the board had asked Bland to tone down his pronouncements, and in 1917 both men were fired on the grounds of financial exigency — a decision which produced acrimonious debate throughout the West.⁴ Inevitably the college was also influenced by the General Strike and by the rise of left-wing movements in Winnipeg. J. S. Woodsworth, the founder of the CCF, and Stanley Knowles were both graduates, and a number of individual faculty and students sympathized with these developments.

But it would be a mistake to see United College as a centre of either socialism or Prairie populism. The leading figures in the nineteen-thirties were A. R. M. Lower, Jack Pickersgill and Donald Masters who were hardly socialists or populists. Undoubtedly social democratic views increased after the Second World War. Tension between faculty and the board of regents was not, however, party political. It grew out of the liberalism and professionalism of the faculty in the thirties and forties which challenged both the doctrines of the United Church and even more importantly the absolute rights of the board as an employer. That absolute power was even more offensive when it was wielded by those who were clearly anti-intellectual. "... there was always a feeling hovering about", wrote Lower, "that the official College, with so many business men on its board, were out of sympathy with the genius of the place."⁵ By the nineteen-fifties only a mild paternalism could hold the traditional structure together without major conflict.

The Crowe case began in 1958 although there were hints of the trouble to come before that. In 1955, Rev. Wilfrid C. Lockhart had become the new principal and Alan H. Watson, a Winnipeg businessman without experience of the university world, the new chairman of the board. The faculty hoped that Dr. Lockhart would provide leadership, and they generally welcomed the new appointment. Lockhart held an M.A. from Toronto, a Ph.D. from Edinburgh and a D.D. from Victoria University (Toronto). He had been SCM secretary at Hart House and minister for a number of years at Kingsway-Lambton United Church in Toronto. He had also been chairman of the Board of Colleges and Secondary Schools of the United Church.

But not everyone welcomed the new arrival. A letter from J. H. Stewart Reid, the chairman of the history department, to Frank Underhill in May 1955 indicates that he was unhappy with the appointment but even more so with the

general conditions in the college and was trying to find another post.⁶ Reid wished to see the college transformed professionally and to be run by academics not by clergymen. It did not take very long for conflict to develop.

The central factor was the creation of a faculty association at the college in affiliation with CAUT. This was regarded by Watson as an affront to the board of regents, particularly when the association began to present the demands of the faculty. Reid, Crowe and Kenneth McNaught all played an important part in this development. Watson and Lockhart had hoped to create a new era at the college by running it on sound business lines. The new regime increased salaries somewhat and improved certain fringe benefits. Teachers were to be rated on a point system calculated by multiplying the number of courses by the number of students. Flood lights were installed to light the building which had all the ivy scrapped off. *Saturday Night* reported that this was done, according to one Board member, on the theory that "If you have a good product to sell, you should package it properly." Inside the college the walls were covered with thousands of square yards of plywood in pleasant modern colours, and the pictures and emblems of the past removed. In 1957, Crowe and others formed a delegation to the board of regents to protest that the federal grant which had been specifically created to improve the salaries of university professors was being diverted at United College into the cosmetic flourishes of the administration.⁷

The Storm Breaks

The storm broke the following year. On April 1958, Principal Lockhart called Professor W. A. Packer of the department of German and secretary of the faculty association into his office and showed him a letter from Professor Crowe to Packer in which Crowe discussed the forthcoming federal election with some precision, attacked the attempts of the board of governors to force the faculty to contribute to the college building fund and made some passing but acid comments on the involvement of the ministers in public administration.⁸ The principal told Packer that the letter had been turned over by a student and that it indicated that there was a conspiracy on the part of the faculty at the college against the administration. Packer replied that he had never received the letter and denied that there was any such conspiracy.⁹ The following day the principal modified his remarks to Packer stating that Crowe's letter had been enclosed in an anonymous letter mailed to him with the statement — "Found in College Hall. We think you should read it. Some staff loyalty?" Thus began the train of events which would erupt into public controversy in the next academic year.¹⁰

Between April and the beginning of September the college began to divide into factions. On May 7 there was a meeting of the general faculty council chaired by the principal who discussed the Crowe letter at length denying that he had acted in any improper way even though he had photo-stated the letter. The principal indicated that he planned to put the letter before the board of regents the next day. In a heated interview with Professor McNaught, a member of the history department and chairman of the faculty association, the principal stated that he might not have done what he did if he had only been a private citizen but that he

represented the Church and the board and had to do what he was doing in order to defend them. He also considered that the letter was merely part of a pattern of behaviour on the part of Professor Crowe. Ultimately, however, the principal decided not to put the letter officially before the board but the board nevertheless discussed the issue that night.¹¹ This episode marked a shift in the principal's actions. From then on he repeatedly stated that he did not wish to fire Crowe and had not recommended that anyone do so. The control of the case on the administration side passed into the hands of the chairman of the board, Alan H. Watson.

Crowe is Fired

Between May and September there was a series of private discussions involving the colleagues and friends of Professor Crowe, the details of which can be found in the CAUT report. The board fired Crowe for the first time on July 2. At no time was Crowe heard or given reasons for this decision. Professor Stewart Reid appeared at this meeting and was asked about the reasonableness or otherwise of dismissal for criticism, for possible lack of sympathy with the aims of the institution or for incompatibility. However, since the board had indicated that Crowe could come back for a year on a term contract, there followed another round of discussions to determine whether a tenured contract had been replaced by an annual one. During these the chairman of the board attempted to penalize Crowe financially and to pay him less than the minimum for his rank. Watson wrote on July 21: "In the normal course, the following factors govern salary increments: (a) teaching proficiency, (b) loyalty to the institution, (c) measure of cooperation extended in attaining the objectives of the College."¹²

By the beginning of September Professor Crowe was back at United College, and it appeared as though there was a prospect that the issues involved might be satisfactorily settled. Then on September 15 the board summarily dismissed Crowe in a letter without reasons and without a hearing.

The matter then became a public issue. The chairman of the board had already on the 26th of August written a letter to all members of the faculty stating the board's position:

"What the Board has had under consideration has been Professor Crowe's expressed attitudes to the College, the Board and the Principal as reflected in his communications to the Principal and the Board and his actions pertaining thereto. He has attempted to intimidate the Principal and the Board by threats of legal and other action and by public denunciation. He has imputed improper and false motives to the Principal and has made accusations against him of distortion, and grotesqueness, deliberately misrepresenting the facts to accomplish this end. The intemperate tone of his communications... reflects an aggressive belligerency that appears to make any long term relationship between himself and the College impossible."¹³

After firing Crowe, the board released a statement to the *Winnipeg Free Press* which was printed on September 20. The board stated that its "... opinion of the letter is that the attitude toward religion revealed by it is incompatible with the traditions and objectives of United



Harry S. Crowe

College, and that, in the manner in which he has named in the letter six faculty members, two of whom are deceased and of hallowed memory, Professor Crowe overstepped the limits of decency."¹⁴ It then went on to quote an AAUP statement requiring professors to act responsibly in public statements as a matter of professional ethics. The board also stated that it had fired Crowe because it had received and read for the first time the contents of the letter Crowe had addressed to Packer.

At the same time, the General Council of the United Church set up a committee to investigate. It heard two members of the board but not Crowe or anyone else from United College and concluded that the church should exonerate the principal and the board and declare confidence in both. The General Council accepted the report.¹⁵

"Rotten Apples"

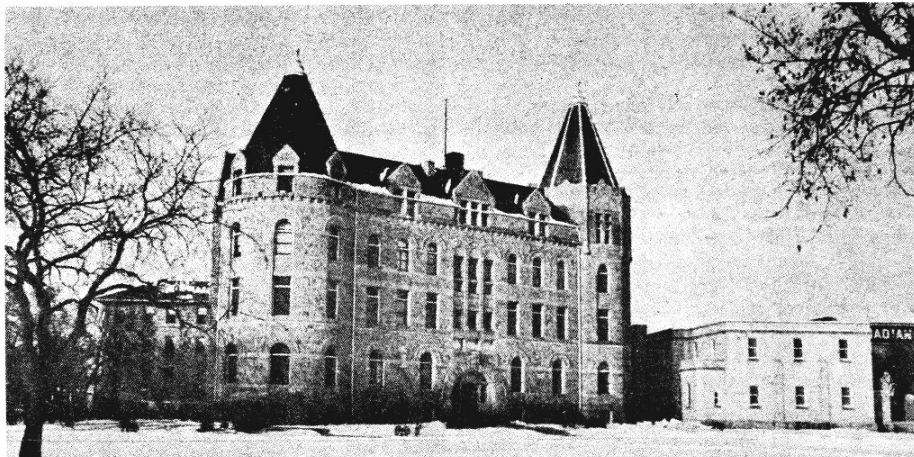
The columns of the newspapers then began to fill with letters pro and con. A few examples will indicate the bitterness engendered by the case. Rev. D. A. MacLean, the minister of Gordon United Church wrote that Principal Lockhart and the board of regents were responsible for "an unbroken series of blunders that is quite incredible", that their position was untenable, and that the principal should resign. Other letters supported Lockhart demanding that Crowe publish the letter¹⁶ or that "rotten apples" should be tossed out of the college.¹⁷ The editors were somewhat more cautious. The *Free Press* refrained from comment. The *Tribune*, however, called on Crowe to resign:

"Professor Crowe should realize that the point he wished to make to the public has been made. The board should realize that its side has been given a public hearing.

"Further pursuit of this course could only be corrosive. Surely 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."¹⁸

Some months later Crowe spoke to the Winnipeg Press Club praising the work of the Winnipeg reporters but attacking editorial policy as "feckless, meaningless and impotent".¹⁹

Meanwhile, the CAUT had decided to send an ad hoc committee of enquiry to Winnipeg composed of Professor Vernon Fowke of the University of Saskatchewan and Professor Bora Laskin of the University of Toronto. That year the President of the CAUT was Clarence Barber of the University of Manitoba. Barber favoured taking action but preferred a committee of enquiry because he felt that his own position in Manitoba made it difficult for him to seem to act impartially. The committee was entirely separate from Professor Turner's investigation into the general question of academic freedom and tenure in Canada although it would profoundly influence the results.



United College (Now University of Winnipeg)

The committee of enquiry was a fact-finding committee designed to report to the CAUT so that it could decide what action to take on the Crowe case. It was neither a court nor an arbitration. "What it did do", as the editor of the *CAUT Bulletin* wrote, "when the facts were ascertained, was to evaluate them to determine to what extent issues of academic freedom and tenure were involved, and, in the light of the findings, to make recommendations for action". The use of a fact-finding committee and the publication of its report had long been the practice of the American Association of University Professors which undoubtedly provided the precedent for the Fowke-Laskin Report. The Faculty Association met on September 15 and agreed to support any properly constituted investigating committee.

Procedural Difficulties

The CAUT committee arrived in Winnipeg in early October and immediately ran into difficulties with the principal and the board of regents. Even though the chairman of the board had publicly indicated that he would cooperate with the enquiry, it became obvious that the college was not anxious to do so. The board raised a series of procedural difficulties by demanding such matters as the constitutions and by-laws of the CAUT, the United College Faculty Association and the Queen's Association which had raised the case in the first place, the names and addresses of all officers, the financial statement of the CAUT, etc. More seriously, the board pointed to the legal power in the United College Act whereby it had the power to appoint faculty, set salaries, define duties and that all such duties were at the pleasure of the board, thus indicating a very restrictive view of tenure. The Fowke-Laskin Report noted that the university solicitor "found it difficult to appreciate that there was any difference between security of tenure in the

sense in which it is understood in an academic community and tenure as it is covered by the enactment which he quoted." Finally, the board demanded that the committee act as an arbitration with members appointed by the College.

When the demand for a reconstitution as a five-man arbitration was refused, the board of regents withdrew from the hearing. This reflected what was to become a fairly standard response of university administrations to CAUT enquiries, namely to question the fairness of the CAUT committees on the grounds that they were not formal arbitrations although the administrations in question had rarely thought fit to consider fair hearings or arbitrations until the CAUT committees appeared on the spot.²⁰ The Fowke-Laskin Committee remarked in its report that it was, of course, possible to resolve disputes through other me-

chanisms than a CAUT enquiry but that they were not prepared to take seriously the suggestions of the College which had had three months to consider their response and only made these suggestions when a CAUT committee was on the spot. Nor were they prepared to accept the trade union model suggested by the university solicitor:

"Throughout the discussions on credentials and procedure... and the discussion leading to the withdrawal of the board of regents and of Principal Lockhart (through his counsel)... it was quite clear that Mr. McGavin (the university solicitor) was determined to treat the investigation as if it arose out of a labour relations dispute between an employer and a trade union. The concept of a University as a community of scholars, as an integrated body of civilized men and women (composed of administrative heads, teaching faculty and students) dedicated to pursuit of knowledge and development of wisdom, was completely absent from his presentation. He was less than subtle in trying to cast the members of the Committee in the role of trade union nominees to a Board of Conciliation; and even if there was nothing else to illuminate his attitude, his request for affidavits of impartiality carries its own condemnation. The Committee cannot believe that Mr. McGavin's philosophy of a University is that of the board of regents. The degradation involved is the very antithesis of higher education."²¹

Finally, they stated that they were prepared to ensure the fair presentation of all evidence that anyone wished to present so that the committee could make its report having heard the representations of all parties. Professors Fowke and Laskin considered the withdrawal of the board of regents and of the principal "a gross breach of faith".

Fowke and Laskin continued their investigation and reported to CAUT which published

the report in the latter part of November and printed it in full in the *CAUT Bulletin*.²² Fowke and Laskin concluded that the actions of United College constituted "an unjust and unwarranted invasion of the security of academic tenure". They considered that neither the principal nor the board had "any tenable ground for the severe treatment of Professor Crowe" and that one of the reasons for the action clearly revealed by the documents was that he "was not sufficiently complaisant, not servile enough in thought and attitude to his administrative superiors". They found that Crowe "refused to countenance abjectly a sustained invasion of his privacy and the possibility of adverse use of a private letter the content of which he declared was taken out of context and misinterpreted. The Committee holds that Canadian scholars are not commonly or properly held in such low esteem that they must abstain from protest in such circumstances. The Committee find... that Professor Crowe's protests were neither intemperate nor aggressively belligerent nor vigorous beyond the point of reasonable firmness. In themselves, they warranted neither dismissal nor discipline short of dismissal."

Salaries Dependent on Grace

Fowke and Laskin commented on the disquieting revelation that salaries depended on grace and that they could be less than the published minima. They recorded the deep division among the faculty at United College and the bitterness which the case had produced. In particular, they noted the attempts of some of the senior faculty to secure motions of loyalty to Principal Lockhart and the alleged victimization of the Registrar, Miss Peggy J. Morrison, who had supported Crowe.²³ The Committee analyzed the board's press release of September 20 and indicated that the AAUP statement quoted therein was meant to apply to public statements, not private letters and that the statement continued on to say that the professor "should be free from institutional censorship or discipline".

The Committee also concluded that the Principal must bear a direct responsibility for inaugurating and escalating the crises even though he attempted to abdicate responsibility to the board. They considered his actions as deliberately persisting "in the invasion of personal privacy... an encroachment on one of the most elementary rights of a citizen, academic or otherwise, in any society in which freedom is anything but an empty word."

Finally, the Committee took aim at what it considered the central fact of the case, namely that Professor Crowe had been fired without reasons and without a fair hearing. "The facts which are of the greatest concern", wrote Fowke and Laskin, "... are, first, that the board of regents took a decision of crucial importance for the future of Professor Crowe ... on what can without exaggeration be characterized as less than a shred of evidence; and, second, that they failed to confront Professor Crowe with any charge and gave him no opportunity to speak to any charge." The board did not suggest that there was any evidence, the Committee wrote, other than the letter of March 14 concerning Professor Crowe's attitudes to religion and his colleagues. The Committee observed "that the administration of United College, judged by its conduct, seems to hold the view that religious belief is so fragile that it may be shattered by a breath of criticism."

The publication of the report immediately made the Crowe affair a matter of national interest, particularly in the university world and in the media. In an editorial the *Free Press* reproached the CAUT for the one-side-

ness of its report. But it went on to say that "the missing evidence does not bear on the report's basic criticism, which is the manner in which Professor Crowe was dismissed. That ought not to have been done without a personal hearing...." The editor then suggested that there would be no insurmountable barrier to the restoration of Professor Crowe to his job.²⁴

The board of regents attacked the report as biased. Principal Lockhart issued a statement on academic freedom stating that such freedom was necessary in research but that it should not be interpreted "to mean an immunity to cover irresponsible action or expression...." He considered that there was an obligation on academics to exercise appropriate restraint, to be fair and accurate and to show respect and consideration for the opinions of others. Professors could not 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 had to recognize a modification of academic freedom in a church college in the area of religion. "While the teacher will exercise full privileges to bring under comment and criticism all matters of faith and doctrine", Lockhart wrote, "if he, nonetheless, finds himself out of sympathy with the basic tenets of religion, he should in all honesty refrain from attacks upon religion as such or the religious views of his colleagues." Furthermore, the Principal stated that if he could not share the aims of the institution, he should "find opportunity in an environment that is more congenial to his own convictions."²⁵

An Unhappy Place to Work

Canadian academics, particularly historians, reacted vigorously. Professor A.R. M. Lower, who had been on the staff of United College from 1929 to 1947, wrote from Queen's that, although he maintained a great interest in the College, he could only report that it had never been a very happy place to work. He maintained that poverty had exacerbated the division in the College. "Every honest difference of opinion", he wrote, "has tended to be regarded as treason". The saving grace of the College was the faculty and the "dynamic and forward-looking student body", but that this was vitiated by an arbitrary board and administration.²⁶

Lower pointed out that tenure was unconditionally at the pleasure of the board. "What self-respecting man", he wrote, "will stay in an institution whose government is a despotism? It may be argued that it is a benevolent despotism. Events, however, hardly bear out that argument...." He was willing to consider that the principal was foolish rather than wicked but "it does not seem to me that on either score his qualifications as head rank particularly high". He called for his removal and for the United Church to take a principled stand to reform matters at the College.²⁷ The history departments at Toronto, Manitoba and Queen's gave strong support to Crowe as did the Faculty Association Executive at the University of Manitoba.²⁸ Professor Clifford J. Robson, chairman of the department of Psychology defended the principal and the board of regents stating that with the formation of the faculty association at United College, it was clear that a small group of professors were attempting a power play within the institution. He invited those who did not share the views of United College to leave for secular institutions. He pointed out that the principal had increased salaries every year since his appointment and inaugurated a group insurance plan and improved

pension arrangements, all of which demonstrated the concern of the administration for the faculty.²⁹

Resignations

Towards the end of November three members of the faculty, Professor J.H. Stewart Reid, Kenneth McNaught, and R.M. Stingle indicated that they intended to resign as a consequence of the college's handling of the Crowe case and its reaction to the CAUT report. They took this action even though none of them had other job offers. These letters were printed in part in the *Free Press* on November 27. The three professors also indicated that they considered the appointment of Professor Gordon Blake as dean of arts and science to be provocative and indicative of the refusal of the board to change its mind since Dean Blake was one of the strongest and most vocal opponents of Crowe on the campus. McNaught stated that he would not return if Blake remained as dean. The board replied that Crowe could not be reinstated because it would make the positions of Dean Blake and of the principal untenable.³⁰ Eleven more faculty resigned between December 5 and 10. (See table of faculty resignations.)

In the first week of December, the Reverend Stanley McLeod, President of the Manitoba Conference of the United Church, attempted to mediate but Crowe refused the proposal since the suggested statement, although it admitted that the board had erred in firing Crowe without a hearing and had misinterpreted his religious views, required Crowe to repudiate the CAUT enquiry and to apologize to the principal. Meanwhile, Dr. Lockhart had offered his resignation to the board and published a statement in defence of himself, thus stopping any further attempt at mediation by church leaders.³¹ Two days later, twenty-five members of the staff called for a judicial enquiry as did the *Free Press* and the *Tribune*; the students marched on the legislature to support Professor Crowe. At that point the Honourable Gordon Churchill, who was a member of the board, intervened and succeeded in getting a settlement by which Professor Crowe was unconditionally reinstated.³² For a moment it seemed as though the Crowe case was settled, and the United Church issued a judicious statement reaffirming academic freedom at United College, affirming confidence in the Principal while recognizing that he made an error in photostating the letter, stating that Professor Crowe was justified in protesting and welcoming his reinstatement. It was signal victory for the CAUT.

Peace Shortlived

The peace treaty, however, was short lived. The Principal accorded a lengthy interview to the *Toronto Telegram* which was published on December 19 and another to the *Globe and Mail* which appeared on January 5. The Principal stated, among other matters, that the police were convinced that Professor Packer had lost the famous letter. The Chief of the Winnipeg police denied this. Crowe and Packer also replied. There was also a lengthy and acrimonious exchange in the *Free Press* between Senator T.A. Crerar who attacked Crowe and supported Lockhart and Professors Richard Glover and T.J. Oleson who defended him.

The real problem, however, centred around the resignation of Reid, McNaught and Stingle. The Board did not accept the other resignations which had been made in December. Professor Crowe considered that the Board had made a commitment during the Church settlement that they would reinstate the three whose resignations had been accepted. W.J. Waines,

the dean of arts and science at Manitoba, and W.L. Morton, the head of the history department, testified that Crowe had consulted them and that they urged him to trust the good faith of the Board rather than to insist on a written guarantee. The abortive McKeod proposals had also included such a commitment. It would appear, however, that only Watson and perhaps one or two other members of the Board actually made the commitment to Churchill, who was unable to persuade the Board to honour the promise. Principal Lockhart wrote to the three professors towards the end of January confirming their resignations. Private negotiations failed to settle the situation. Meanwhile, the college was placing advertisements for faculty posts in British publications, and the CAUT was placing counter-ads.³⁴ At the beginning of March a "Carry on Dr. Lochart Drive" was started in which postcards were sent to members of the United Church asking for support. Ultimately, he was presented with a petition in April with 7,000 signatures asking him to remain at his post.³⁵



Ken McNaught

Crowe resigned on March 22, protesting the failure of the college to re-hire his colleagues. Eleven other faculty also resigned.³⁶ He declined several offers of academic posts and took a research post with the Railway Brotherhood. There then followed another public battle in the press with twenty-seven members of the staff alleging that Crowe had accepted the settlement knowing that his colleagues would not be reinstated and with denials from Crowe, Dean Waines and H.L. Morton along with the publication of Crowe's letter of resignation.³⁷

The focus then moved to the CAUT Council which was to meet in Saskatoon in June. Both sides re-fought the original Crowe case. An anonymous group of faculty circulated a three-part attack on Crowe, the Fowke-Laskin report, and the CAUT. This was answered by McNaught, Crowe, Packer and Stingle in one circular letter and by a larger group. The letters in the CAUT file indicate the interest of faculty in all parts of the country, the divisions between them, and the determined effort of those remaining at United College to reverse the CAUT position.^{37A}

The previous November the CAUT Executive had received and adopted the Fowke-Laskin report. Not all members had favoured this course of action but the support of the Toronto executive proved decisive.³⁸ The report was then published in full in the January issue of the *CAUT Bulletin*. There then followed the placing of advertisements in the *Times Literary Supplement* which had been criticized in some quarters, particularly at the University of Toronto. Other voices, however, were heard in favour of more militant action, notably the censure of United College. Barber himself wrote in favour of this possibility in February. The idea of censure or some form of blacklisting had

been used for some time by the AAUP. But there was, of course, no precedent in Canada.³⁹

In anticipation of the June meeting and at the suggestion of Keith Callard at McGill, the President of CAUT struck a committee headed by Frank Scott to review the situation which concluded that the failure to re-hire the three professors was a breach of faith but did not recommend censure. The Saskatoon meeting adopted the report and thereby affirmed its support of the Fowke-Laskin report, commended the executive for the actions it had taken, and authorized the publication of a further account of the affair since the Fowke-Laskin report. The press gave considerable space to the remarks of Frank Underhill who stated that he had once thought Winnipeg "a city of the world" when it was led by John Daffoe but that the Crowe case indicated "... that it was not that kind of city at all." Rather it had "... sunk to the intellectual and moral level of Toronto" where togetherness, harmony and Rotarian virtues had replaced intellectual values.⁴⁰

The issue of censure did not come before the meeting. The majority considered that the publication of the report along with the subsequent publicity accomplished the same end as a formal censure. Some confirmation of this can be found in the request of the University of Winnipeg Faculty Association (formerly United College) to the CAUT in 1970 to lift the censure of the College and to modify the references to United College in its rhetoric.

The United College affair indicated that the CAUT would have to take certain steps if it were to have an effective voice in the area of academic freedom. The first problem was a national office and staff. The CAUT first considered this matter in 1955 on a motion by Professor Clare Pentland of Manitoba. Most of the development work was undertaken by Professor H.W. McCready (McMaster) both during and after his presidency. There was general agreement that an office should open at the latest in 1959 but some disagreement as to the type of staffing. McCready favoured a permanent general secretary who would be a senior academic on the level of a deputy minister while the McGill association and others wanted secretarial help to assist the executive. McGill believed that it would lose one-third of its membership if the former plan prevailed. The events at United College, however, made it clear that the executive could not handle future academic freedom cases on a part-time basis. Hence the decision definitely to establish the office in 1959 and to appoint a senior academic full-time. J.H. Stewart Reid was chosen by open competition as the first executive secretary.

AF&T Procedures Developed

The second important step was to develop procedures in relation to the defence of academic freedom and tenure. Clearly tenure at United College meant nothing since everyone was serving at the pleasure of the board and could be dismissed without reasons or a hearing, much less an arbitration. Professor Turner's committee surveyed the practice in Canadian universities and found the great majority with few or any safeguards for the faculty members. The need for a Canadian code of practice was obvious.

Both the Executive and Professor Turner were much influenced by the policies and practices of the AAUP. Clarence Barber as president had visited the Washington office of the AAUP for discussion of these and other matters. For many years the AAUP had been committed to a due process approach to the handling of disputes involving academic freedom and tenure. It had produced a statement in 1915 with the intention of creating norms or standards of procedure in such circumstances. Professor Turner relied upon the 1940 revision, the 1957 statements on procedures and institutional regulations, and the 1958 statement on dismissal. Turner produced a report in May 1959

which dealt with the main issues and which recommended four policy documents. This report was debated by the CAUT Council in June and November, and a statement based on it was ratified in 1960.⁴¹

Turner's committee unequivocally recommended that CAUT attempt to secure reasonable procedures and to investigate the cases of individuals. There was, of course, in existence another body which represented the corporate interests of Canadian universities, the National Conference of Canadian Colleges and Universities (NCCU, later the AUCC). Because of the Crowe case the NCCU had struck a committee on academic freedom. It produced a brief statement recommending adjudication of disputes by a three-person committee, one nominated by the CAUT or the local faculty association, one by the administration and the chairman by the NCCU. Although one local association favoured a trial of such proposals, no one else did and the committee recommended against it. It was firmly of the view that CAUT was a professional organization which should undertake its own enquiries although it should attempt to cooperate with the NCCU.⁴²



J.H. Stewart Reid

The four documents included a statement of principles concerning academic freedom and tenure, procedures for CAUT investigations, recommendations concerning institutional regulations and dismissal procedures. There was a good deal of division about this. The faculty association at United College had already recommended the adoption of the AAUP statement prior to the creation of a Canadian version.⁴³ Waterloo College, which was also having local difficulties, favoured a detailed statement. As Turner pointed out, it was not surprising that smaller institutions with autocratic boards would want detailed procedures and legal redress.

Saskatchewan and Alberta, however, were opposed to any definition of principle. Alberta was most emphatic about this. Professor S.R. Sinclair presented the views of the association's committee on academic welfare:

"expressing the unanimous opinion that no statement of principles at all should be adopted... The Alberta statement pointed out that while 'there is a disarming but superficial attraction about declarations of rights', it is also true that 'once codification is achieved, and strict lines drawn' the tendency is for both sides in a controversy over academic freedom 'to attempt to sail close to the wind'. The result will be that staff and administration will be come antagonists in the academic community."⁴⁴

Toronto and Queen's led those who favoured expression of principle but feared that too much definition would lead to restriction. They favoured a general statement by CAUT with the local association working out the details on each campus. They thought that such a combination of general CAUT statements with local autonomy would provide a sure foundation for the organization. This view carried the day.⁴⁵

In the final statement of principles the CAUT Executive and Council rejected the then AAUP view that there could be justifiable limitations on academic freedom notably in religious institutions and that an academic had to disassociate himself from his institution when making public statements. It also rejected the lengthy period of probation favoured in the United States. Instead, it adopted a brief statement of principle along the lines suggested by Turner with the specific addition that: "therefore, academic staff should have continuous (permanent) tenure after the expiration of a short, specified probationary period. Appointments should be terminated only for adequate, specified cause, and only by means of fair procedures".⁴⁶ This apparently was prompted by protests on the part of Turner that the original draft was too vague. "The question of whether our investigation procedures will make much sense", he wrote to Stewart Reid, "in the light of the new 'principles', e.g. how can we determine if there was a 'proper hearing' when the CAUT will not commit itself to the proposition that there should, in dismissal cases, be any obligation to provide a hearing, let alone a 'proper' one."⁴⁷ The Carleton faculty association had also pressed for more clarity on this point and their proposed wording was accepted.

Standing Committee Formed

The Council also transformed Turner's committee into a standing committee on academic freedom and tenure and adopted with minor modifications the lengthy terms of reference which he suggested. These were much influenced both by the current AAUP practice in investigations and the Fowke-Laskin report. Basically, the procedures allowed for the standing committee to create ad hoc investigating committees as in the Crowe case and laid down procedures so that these investigations would take place privately and would report to the CAUT. Such committees were not considered to be arbitrations but fact-finding committees of the association. It was assumed that private negotiations would precede and succeed any such investigation. Nevertheless, the purpose was clear:

"The report shall state (a) definite conclusions on the issues submitted to the Ad Hoc Committee by the Chairman of the Standing Committee on Academic Freedom and Tenure, or upon an alternative formulation by the Ad Hoc Committee of the issues involved; and where applicable (b) whether the dismissed faculty member was accorded a proper hearing and, if not, whether the shortcomings in the procedure invalidated the dismissal; (c) whether the record of the dismissal hearing contains substantial evidence in support of the factual conclusions which led to the dismissal (not whether the Committee would itself have reached these conclusions); and (d) whether the grounds for the dismissal accord with the CAUT Statement of Principles of Academic Freedom and Tenure. In short, the Committee shall determine whether the decision to dismiss was fairly reached and is rationally supported in the light of the Association's principles both procedural and substantive."⁴⁸

Since the Executive and Council decided to defer any action on the other procedural documents suggested by Turner, this in fact became the statement of procedural justice of the association. It clearly pointed the CAUT in the direction of reasonable procedures to guarantee academic freedom and tenure. But it equally clearly in its third clause indicated that the association would not take a narrow legalistic view. In its final clause it enunciated the principle that CAUT would investigate on the basis of its own principles and procedures rather than local ones. Both of these have been matters of great contention ever since but have been fundamental to the development of the CAUT doctrines of academic freedom and tenure and to the work of the Academic Freedom and Tenure Committee. These procedures also foresaw the possible publication of such reports in case the university proved recalci-

trant. Publicity was considered to be the main weapon; there was no mention of censure. Furthermore, the procedures were limited to dismissal cases. It would not be until 1967 that the CAUT elaborated procedures in regard to denial of tenure and non-renewal of a probationary contract and adopted the device of formal censure.

The general approach of CAUT officers throughout this period between 1958 and 1960 seems to have been based on certain assumptions. They believed that the university was a plural institution which should tolerate any point of view. They had professional pride and assumed that university teachers should become self-regulating in the manner of other professions. This in turn would lead to a great deal of discussion in the nineteen-sixties on the issue of university governance and collegiality. Finally, they supported the view that the principles of natural justice, particularly the right to a fair hearing, should be secured for the academic profession. Since this could not be established in the courts or by legislation at that time, it was necessary to do so by altering the terms of service of university professors. The second and third of these ideas flowed into each other and formed the basis for most discussion within the university concerning academic freedom and governance in the next decade.

Donald Savage is Executive Secretary of the CAUT. This paper was initially presented at the Canadian Historical Association in Edmonton, in June 1975.

FOOTNOTES

- V.C. Fowke. "Professional Association: A History of the CAUT". *A Place of Liberty*, ed. G. Whalley. Toronto, 1964. K.A.H. Buckley. "The Declining Status of the University in the Canadian Community", address to the CAUT Council, 1954.
- CAUT Council Minutes, 4 June 1952
- Executive Council Minutes, 9-10 June 1958. The motion was moved by J.W. O'Brien (Sir G. Williams) and E.M. Counsell (McGill) and the amendment by D.G. Pitt and J. Bestiz (Montreal)
- For opposing views on the genuineness of the reasons for dismissal, see K. McNaught, *A Prophet in Politics*, 1959, and Richard Allen, *The Social Passion*, 1971.
- A.R.M. Lower, *My First Seventy-Five years*.
- J.H. Stewart Reid to Frank Underhill, 10 May 1955. Underhill Mss., Public Archives of Canada.
- Saturday Night*, 22 November 1958.
- The questionnaire sent to faculty in January 1958 stated: (a) Have you contributed to the College Building Fund? (b) Do you intend to contribute to the College Building Fund? (c) Do you intend to raise money for the Building Fund? Underhill, Mss., vol. 13
- CAUT Bulletin, VII, 3, 1959, p. 22
- Ibid.*, p. 23
- Ibid.*, p. 25
- A. Watson to H. Crowe, 21 July 1958. *Ibid.*, p. 61
- A. Watson to Faculty Members, 26 August 1958. *Ibid.*, p. 66
- Winnipeg Free Press*, 20 September 1958
- Saturday Night*, 22 November 1958
- Ian J. Harvey. *Free Press*, 24 September 1958
- Anonymous letter, 26 September 1958. *Tribune*
- Tribune*, 25 September 1958
- Free Press*, 25 April 1959
- cf. Victoria. Lovola. Ottawa
- CAUT Bulletin, VII, 3, pp. 12-13
- Ibid.*, Special Issue Vol. VII, 3 January 1959

Resignations from United College in connection with the dismissal of Professor Crowe

The dates given are not necessarily those on which resignations were submitted, but are the dates on which resignations were announced in the press.

		First Resignation	Second Resignation
Michael Oliver	Asst. Prof., Pol. Science	May 1958	
* J.H.S. Reid	Prof. & Head, History	Nov. 27, 1958	
* K.W.K. McNaught	Prof., History	Nov. 27, 1958	
* R.M. Stingle	Asst. Prof., English	Nov. 27, 1958	
Fred Harper	Asst. Prof., French	Nov. 28, 1958	
Michael Jaremko	Asst. Prof., Greek & Hebrew	Dec. 5, 1958	
Walter Young	Asst. Prof., Pol. Science	Dec. 5, 1958	Feb. 6, 1959
John Warkentin	Asst. Prof., Geography	Dec. 5, 1958	Feb. 6, 1959
Margaret Stobie	Asst. Prof., English	Dec. 5, 1958	Mar. 25, 1959
Roman R. March	Instructor, English	Dec. 5, 1958	Mar. 25, 1959
William Packer	Assoc. Prof., German	Dec. 8, 1958	March 25, 1959
G.E. Panting	Instructor, History	Dec. 8, 1958	Mar. 25, 1959
Hugh E. Makepiece	Instructor, French	Dec. 8, 1958	Mar. 25, 1959
Andrew K. Sigurjonsson	Instructor, English & French	Dec. 8, 1958	Mar. 27, 1959
Elizabeth F. Morrison	Instructor, Latin and Dean of Women	Dec. 8, 1958	Mar. 25, 1959
Marion Martin	Instructor, French	Dec. 10, 1958	
George Kenneth Brown	Assoc. Prof., Religious Studies	On sessional appointment; does not choose to seek re-appointment.	
Peggy Morrison	Registrar	Mar. 26, 1959	
Mrs. Doreen Patteson	Asst. Registrar	Jan. 31, 1959	

* Professors Reid, McNaught and Stingle wrote letters of protest indicating that they would be forced to resign unless conditions changed. The Board of Regents chose to consider these letters as resignations.

- Principal Lockhart is alleged to have repeated to the Registrar a story concerning Winston Churchill who when criticized by a junior official supposedly remarked, "I don't remember having done you a favour recently", and Principal Lockhart added to Miss Morrison, "I hope you get the full implication".
- Free Press*, 25 November 1958. See also "Freedom in Winnipeg", *Canadian Commentator*, November 1958; "Harry Crowe and Human Rights", *Saturday Night*, 22 November 1958; Geoffrey Pavant, "More on L'Affaire Crowe", *Canadian Commentator*, December 1958.
- Free Press*, 28 November 1958
- Tribune*, 4 December 1958. Lower mentioned as former faculty: Jolliffe, Kirkconnell, Pickersgill, Phelps, Woods, Graham and Thomson.
- Tribune*, 4 December 1958
- Tribune*, 3, 5 December 1958. *Free Press*, 6 December 1958, 28 November 1958. See also letter of Professor Norman Zaccour, 9 December 1958. *Free Press*.
- Tribune*, 13 December 1958. See also J.G. McGregor, "Dr. Lockhart Justified", *Canadian Commentator*, February 1959.
- Free Press*, 27 November 1958.
- Free Press*, 8 December 1958. *United Church Observer*, 1 January 1959.
- The full text of the statements, documents and news reports can be found in the *CAUT Bulletin*, VII, 4 (1960) and in the files of the *Free Press* and the *Tribune*. See also "The Groves of Academe", *Canadian Forum*, January 1959.
- Free Press*, 22, 31 December 1958, 14, 19 January 1959.
- Times Literary Supplement*, 2, 9, 16, 23 January 1959. Also an attack on this practice of CAUT by the *United Church Observer*, March 1959. Circular letter of C.L. Barber, 3 February 1959, CAUT Archives.
- Underhill Mss., vol. 13.
- H.S. Crowe to A.H. Watson, 22 March 1959. *CAUT Bulletin*, 4 (1960); interview with H.S. Crowe, March 1975.
- CAUT Bulletin, VIII, 4 (1960). See also statement supporting Crowe by the Association of the Academic Staff of the University of Manitoba, 1 April 1959. *Free Press*, 2 April, 1959; exchange of letters between J.W. Graham (Western Ontario) who attacked Crowe and the CAUT and James Eavrs (Toronto) who defended them. *Free Press*, 27 April, 19 May 1959.
- Anonymous document dated 4 April 1959; reply by 13 faculty, n.d., 1959. "Analysis of Anonymous Documents" by H.S. Crowe, K. McNaught, W.A. Packer, and R.M. Stingle.
- Interview with K. McNaught, March 1975
- See for instance N.H. Morse, President Acadia Association to C.L. Barber, 26 February 1959 mentioning the possibility of censure; L.A. Duchemin, President Mount Allison Association to C.L. Barber, 7 February 1959, opposing further action. CAUT Archives; interview with H.S. Crowe, March 1975.
- Free Press*, 8 June 1959. Report of the Special Committee on the Crowe Case, n.d., 1959. CAUT Archives. The other members of the committee were F.W. Gibson (Queen's), L.E.M. Lynch (Toronto) and L.M. Read (Carleton).
- G.A. Turner, "Academic Freedom and Tenure: Notes on Investigational Procedures", *CAUT Bulletin*, XII, 3 (1964). Also Turner Report. CAUT Archives.
- A.J. Monahan, "Academic Freedom and Tenure and the CAUT — the First Twenty Years", *CAUT Bulletin*, XVIII, 4 (1970). Turner Report, 1959.
- CAUT Executive Council Minutes, 22-23 November 1959
- CAUT Council Minutes, 14-15 November 1959
- CAUT Executive Council Minutes, 6 June, 14-15 November 1959. See also G.H. Turner to A.F.T. Committee, 16 May 1969. CAUT Archives.
- CAUT Council Minutes, June 1960.
- G.H. Turner to J.H. Stewart Reid, 14 December 1959. CAUT Archives.
- Turner Report: CAUT Council Minutes, November 1959

PRESIDENT and VICE-PRESIDENT C.A.U.T.

The Canadian Association of University Teachers solicits suggestions for nominations for President and Vice-President of the C.A.U.T.

The nominee must be a member of the C.A.U.T. and must be nominated by another member of the C.A.U.T.

Nominations must be accompanied by a curriculum vitae and written agreement of the candidate to serve. Duration of term — one year.

Correspondence should be addressed to Professor Richard Spencer at C.A.U.T. Central Office, 66 Lisgar, Ottawa, Ontario K2P 0C1 and should arrive no later than February 29, 1976.

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La correspondance doit être adressée au Professeur Richard Spencer au siège de l'A.C.P.U., 66 rue Lisgar, Ottawa, Ont., K2P 0C1 et doit parvenir le 29 février 1976 au plus tard.