

letters

Unions of the campus

I was filled with sadness as I read Edward Harrison's letter, "Unions invade the campus" (January, page 11). Here was a distinguished colleague, from whose work we had learned so much over the years, either engaged in a deliberate attempt to mislead us or in the throes of a terrible delusion. To begin with, the union did not "intrude itself" at the University of Massachusetts. *It was formed and elected by the faculty.* Why? Harrison himself tells us that the University "[fell] prey to authoritarian and arbitrary administration . . . in times of financial stridency. . . . The faculty, demoralized by maladministration and financial deprivation, formed a faculty-librarian union in 1977." Even if conditions at U Mass have improved since then, can one blame the faculty if they choose to maintain an organization they believe has helped bring about such improvements? Would it be so reasonable for faculty members elsewhere to form unions so as to prevent the same misfortunes befalling them?

The contract ratified by the whole faculty at U Mass provides that the union will process grievances and otherwise represent all faculty members, whether union members or not, and thus all faculty members, whether union members or not, are to pay for these services by means of an agency fee. Reasonable people can disagree about the wisdom of such an arrangement (a possible compromise would be maintaining the compulsory agency fee but allowing individuals to press their own grievances) but it must be pointed out that we have similar situations in many other areas: Many states have compulsory automobile insurance; almost all public employees, including professors, receive government-paid health insurance so that people in perfect health or those who object to medical intervention for religious reasons cannot ask for cash-in-hand instead of health insurance; we are forced to contribute sizable sums to retirement funds with investment policies many of us consider to be either stupid or wicked and often indeed both, funds from which, because of poor health and

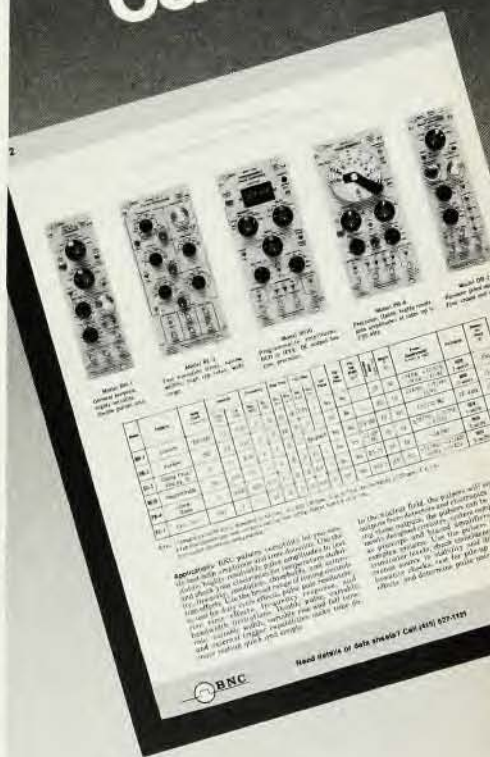
the lack of eligible beneficiaries, one may have no way of benefitting; finally, in all circumstances, when one believes one has been the victim of a crime, one has no other recourse than to let the state prosecute the criminal, even if one thinks one can do a better job oneself.

Harrison claims that paying the agency fee is "paying homage to the union" and that academic freedom exempts him from paying it if he chooses not to. First of all, most of us know the difference between paying money and paying homage. Also we know that Harrison's appeal to academic freedom is disingenuous. He himself defines academic freedom as "the right of scholars to teach and do research without fear of consequence," but he must recognize that what is meant is only *consequence arising from such teaching and research* and not immunity for any and all behavior. Of course unionism, pro or con, is not subject for physics teaching or research. Furthermore, one can be prevented from teaching or doing research without academic freedom being in any way infringed: One can be made to serve on a jury, drafted in the army, jailed for a crime or merely dismissed for grossly immoral or unprofessional behavior on campus, tenure or no tenure.

I, for one, would argue that the above definition of academic freedom should be extended to protect participation in the governance of the university, thus guaranteeing a faculty member's right to speak on university or union policy—just as one can speak on government policy. But freedom of speech does not entail the right to sabotage policies that have been properly arrived at, and failure to pay taxes or fees is but such sabotage. Some say that one should refuse to pay when the policy in question goes counter to one's conscience. Indeed, but one cannot expect to get away without punishment: Pacifists go to jail (as Thoreau did in 1849). Besides, conscience cannot be invoked to cover prejudice or mere avarice. Would Harrison support the religious fundamentalist who

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would object to paying taxes (should we say, and thereby homage?) for research in cosmology going counter to the text of the Bible? I doubt it. And what about the fellow who refuses to pay taxes because a highway is going to be built to a town he has no intention to visit? Harrison's objections turn out to be of the highway variety. He has no objections to unions per se. There are situations, he says, where "a union acts as a mediating level of administration advantageous to all concerned." He objects to it at *his* university because he thinks it will benefit more the non-scientists; because he claims it "operate[s] in the interests of the majority, favoring the preservation and growth of academic mediocrity." Would Harrison really have us believe that the majority of his colleagues at U Mass are mediocre? What arrogance!

There is indeed much foolishness in Harrison's letter and I will cite but one more example. He would have us believe that by noting "the growth of [teacher] unions over the last 15 years coincides with the decline in the Scholastic Aptitude test scores . . .", he has proven that the unions are to be blamed. Thus Harrison makes light of what others believe to be even more persuasive coincidences: the outlawing of school prayer, for instance.

To conclude, I submit that Harrison's suspension from the U Mass faculty because of his refusal to pay an agency fee was merely the result of pigheaded avarice buttressed by arrogance and foolishness in a situation where appeals to academic freedom cannot be of any help. It is indeed a tragedy that this should happen to someone of Harrison's unquestionable abilities. I hope someone will be able to talk some sense into him and that the situation will be resolved so that he, and the ten other refusers as well, can continue to teach at U Mass according to the democratically negotiated and ratified contract binding both the university and the faculty.

CHARLES NISSIM-SABAT
*Northeastern Illinois University
Chicago, Illinois*

2/84

THE AUTHOR COMMENTS: Charles Nissim-Sabat's letter presents the view that unions are beneficial to universities.

First I must point out that unions are private institutions that serve political causes. Refusal by professors to support education unions is not undemocratic, and not in any way similar to refusing to pay state and Federal taxes. Private institutions in a lawful society may not arrogate to themselves those powers that citizens surrender to the state for the common good. Nor, in an enlightened democratic society,

should such powers be delegated to private institutions in return for partisan political support.

A climate of tolerance is essential for fostering the diversity of views that constitute a healthy university. Tolerance means that those who wish to join a union may, and those who do not need not. Intolerance in this matter entails persecution and leads inevitably to scholarly mediocrity. Several distinguished professors have resigned from the University of Massachusetts, and we know in some cases that their decision to leave was influenced by a dislike of union mentality. Otto Vogl, who is an eminent polymer scientist, has given me permission to quote him: "I liked Amherst very much, but I left mainly because of the faculty union." I am aware of tendencies toward scholarly mediocrity at this university, as a consequence of the union, but of none toward excellence. Recruiting distinguished scholars and able administrators has become difficult. When an outstanding candidate for the position of dean of the School of Engineering withdrew his application on learning of the union, it is reported that a union supporter said, "Good! We can do without his kind."

David Knapp, president of the University of Massachusetts, in collaboration with the union, threatened 11 faculty members with suspension for one week in March 1983. Four non-compliant faculty members, myself included, were suspended without pay. Details of this event were given in my previous letter (January, page 11). The loss in salary exceeded the sum demanded by the union, and the term "avarice," used by Nissim-Sabat, seems inappropriate. More recently, on 2 December 1983, David Knapp sent a second letter threatening the suspension of 46 noncompliant faculty members on the Amherst Campus. This time at the request of the union, the suspension would be more punitive and include, among other things, the withholding of pension contributions.

Following this second letter, a lawsuit was filed in the Superior Court of Hampshire County citing 26 (now grown to 36) faculty members as plaintiffs. This action averted the threatened suspension of the plaintiffs. The remaining threatened members adopted other remedies, such as filing complaints with the State Labor Relations Commission, and only one person, Betsy Goss, suffered the penalty of suspension. Administrators of the University and officials of the union fail to realize that persecution creates martyrs among persons motivated by principles.

Provisions of the union contract (a new contract has not yet been published) require that bargaining-unit

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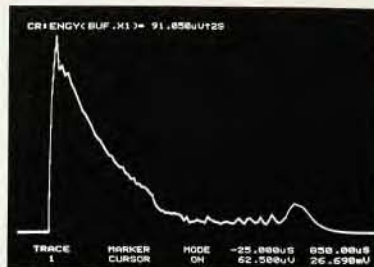
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members who seek exemption because of conscientious objection must be judged by union appointees. Applicants are required to bare their souls to the union by submitting documentary testimony and are tried and judged *in absentia* by a union tribunal. Among those suspended in March, and those threatened with suspension in December, were faculty members whose applications for recognition as conscientious objectors had been denied by the union. The union is faced with the paradox that its *raison d'être* prohibits recognizing as genuine conscientious objection argued on the grounds that militant unionism violates the spirit of higher education.

The lawsuit now pending has two main thrusts. First, it seeks to establish the validity of tenure granted to faculty members prior to the contracts negotiated with the union. Second, it seeks to clarify the conditions determining what constitutes conscientious objection, and to gain a ruling requiring that objectors be judged by persons not identified with union interests. This second point conforms with common sense and common law.

Nissim-Sabat states in his letter that the union was "formed and elected by the faculty" (his italics). We lack evidence that a faculty majority on this campus voted in favor of a union. The bargaining unit, determined by the pro-union State Labor Relations Commission, consists of librarians and faculty of the Amherst Campus, represented by the Massachusetts Society of Professors, and librarians and faculty of the Boston Campus, represented by the Faculty Staff Union. We have thus the anomaly of one bargaining unit and two unions, and both unions are backed by the politically powerful Massachusetts Teachers Association and National Education Association. Librarians have no teaching duties, and many faculty members on the Boston Campus are part-time teachers; both these groups in the bargaining unit favor education unions. As far as we can determine, a faculty minority on the Amherst Campus voted for a union, and, on the principle of divide and rule, the majority has been gerrymandered into an unwanted union. When a move was made in 1980 to institute decertification (a petition from more than one-third of the bargaining unit members is required for a decertification ballot), the 450 signatures obtained on this Campus were sufficient, but insufficient to carry the Boston Campus.

I make these remarks in order that the academic community may understand how this unfortunate university, having aspirations to excellence, has suffered in the interests of unions

serving political causes. By all means let us organize, in the form of faculty senates, and by all means let us contribute handsomely to the campaign expenses of politicians, if we must, but not by affiliation with unions.

EDWARD HARRISON
University of Massachusetts
Amherst, Massachusetts

3/84

Scientific freedom

I would like to comment on Robert Marshak's editorial "The peril of curbing scientific freedom" (January, page 192). At an APS symposium in Washington, D.C., in 1982, our Executive Secretary William Havens gave an invited paper whose arguments were similar to those presented in Marshak's editorial. In answer to my comments, which concerned the inconsistency of his arguments in view of the fact that the *Physical Review* journals used a policy of censorship similar to that proposed by the government, Havens agreed with the argument that there is no such thing as an objective physicist, but defended the *Physical Review* policy on the grounds that it saves paper and that people are free to start their own physics journal. I suspect that the government officials concerned with creating the new censorship policy who attended the symposium probably felt that national security is a better reason for censorship than saving paper, and, after all, anyone is free to move to a different country.

The APS Council has approved a POPA resolution on open communication (January, page 99). The resolution states that the Council "Affirms its support of the unfettered communication at the Society's sponsored meetings or in its sponsored journals of all scientific ideas and knowledge that are not classified." The policy of unfettered communication at APS-sponsored meetings is an established practice, but it has not been the policy of the APS *Physical Review* journals. A *Physical Review Letters* editor has arbitrarily rejected a current paper I submitted without sending it to a referee. I suspect the true reason for the rejection was the fact that I had the audacity to publish a letter in *PHYSICS TODAY* that was critical of the journal's editorial policy (January 1983, page 11). If the Council follows up on its resolution by adopting a policy of allowing APS members the right to publish in the *Physical Review* journals, the concerned government officials will see that the resolution is more than hypothetical rhetoric, and may see the wisdom of adopting a similar policy!

BRYAN G. WALLACE
St. Petersburg, Florida
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