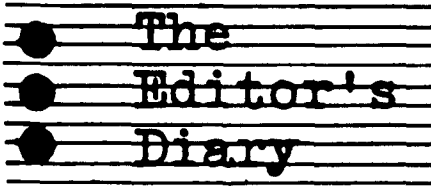


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The  
Editor's  
Diary

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## 40 Years Later —

One thing leads to another, and all actions have antecedents, but the action of the Faculty Senate of the City College of the City University of New York taken March 19, 1981 all began April 13, 1980. On that sunny Sunday afternoon, I set foot on the campus of the City College for the first time in 40 years. From 1921 to 1941 I had virtually lived on that campus: first as a student at the Townsend Harris Hall High School (the preparatory school for the City College), then as an undergraduate, and from 1928 to 1941 as a member of the English Department. For over 25 years I had continued to live very near the College; often on a Sunday while I was teaching there, Sonya and I would stroll on or through the grounds. In 1941, however, I was one of over 40 teachers and staff members driven off the campus as a result of the anti-Communist witch-hunt conducted by the Rapp-Coudert Committee of the N.Y. State Legislature. Because I was the conspicuous "red" on the campus, and because I refused to be an informer, I wound up serving 13½ months in state prisons, a full-fledged felon (so that to this day I cannot serve on a jury, or drive a car — or own or work in a liquor store).

During those 40 years since 1941 I had made no vow not to step onto that City College campus, but somehow Sonya and I strolled in other directions on Sundays. A knot of resent-

ment grew within me until I knew, consciously, that I would not go onto that campus again until I was invited to do so for some official function. And for April 13, 1980 I had such an invitation: to witness a ceremony — the unveiling of a plaque to the 13 teachers, students and alumni of City College who had been killed in Spain fighting Franco fascism. For such an occasion, I had agreed to return. The City College would be the first in the USA to have such a memorial plaque, with the names of all the 13 and a definition of the cause for which they had gone abroad to die — the first in the world perhaps. I felt I belonged there again.

The project that led to the unveiling of the plaque had begun on Dec. 13, 1977, when I attended a small meeting to launch a drive to raise \$25,000 for a scholarship fund the interest on which would be awarded annually in the name of the 13 who had died as volunteers in Spain, and \$1,000 for the bronze plaque designed by Maximilian Vogel. The project was the happy brain-child of Dr. Irving Adler, City College '31, himself once a brilliant teacher of mathematics in the New York high schools who had been ousted as part of another witch-hunt. With free tuition at the City College abolished by the Rockefeller governorship, Adler conceived the idea of simultaneously serving Alma Mater and memorializing the Spanish

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# But Not Too Late

By *MORRIS U. SCHAPPE*

Vets, many of whom he, and we who joined him, knew personally.

Well, in two years, our handful had raised \$34,000 and the money for the plaque. The College Administration had arranged to have us make the unveiling in the Lincoln Corridor of the Main Building (most appropriate for the Veterans of the Abraham Lincoln Brigade), and with the Acting-President of the City College, Dr. Alice Chandler, as one of the speakers. (See "The Editor's Diary," in our issues for May and Nov., 1978 and June, 1980 for details.)

*It was not without emotion that I entered the marble-floored, lofty, long, stately Lincoln Corridor, on which my classrooms and my office in the English Department had once fronted. Some 350 people had turned out for this unveiling. There were 16 Veterans of the Abraham Lincoln Brigade, comrades of the 13 fallen. There were some fellow-victims of the Rapp-Coudert Committee attack: John Kenneth Ackley, who had been the Registrar of the College when the axe fell; the historians Philip S. Foner and his twin, Jack Foner, the first now Professor Emeritus of the Lincoln University and the latter Professor Emeritus of Colby College; David Goldway, now Professor of English at a State University college in Farmingdale, N.Y.; and Jesse Mintus, who had worked in the Registrar's of-*

fice, now retired after a career in the business world that he hated and then as administrator of a mental health facility that brought his social conscience into play. There were others, whose jobs would not be made more secure today if I identified them as victims of a witch-hunt of 40 years ago.

With Irving Adler presiding, the program went smoothly in that thronged corridor, with standees along both sides. I was seated in the front rows, among the committee members, speakers and special guests. In her address as Acting-President, Dr. Chandler, a Professor of English before she became Provost and then Acting-President, spoke very well. Responsive to the spirit of the occasion, she pointed to the mission of the College now, serving Black and Hispanic students as it had once served Jewish students who were poor immigrants or the children of such immigrants.

Then it came time for Phil Foner to speak. He was the only one on the program who had been teaching at the College during the Spanish Civil War, and had been a colleague of the two teachers killed in Spain — Alfred "Chick" Chaikin and Ralph Wardlaw. When Phil had written to me asking for suggestions of things he might say, I had responded with several, including: "If Wardlaw and Chaikin had not been killed in Spain they would undoubtedly have been fired from the College by the Rapp-Coudert Committee like the rest of us." And Phil, in the course of a historian's analysis of the Spanish Civil War, did just that: "They would have been dismissed in 1940-41, along with over two score anti-fascist teachers (myself included), all victims of the Rapp-Coudert Committee, premature victims of McCarthyism." And he called on Ackley and me for bows. In the audi-

ence there was a sudden intense brief hush.

When the ceremony ended after some fine addresses by the Lincoln Vet and University of Pittsburgh History Professor Robert C. Colodny and by Pulitzer Prize winning biographer Joseph P. Lash, there was a crackle in the air. There was milling around, there was crowding around the plaque, there was a sense of reunion. Colodny had hit it perfectly when, in his speech, he turned solemnly to Dr. Chandler and said, "By these official proceedings, you have restored the integrity of the national memory, you restored these heroes to the American people." When the Lincoln Vets who had given me a lift to the College were ready to take off, I went — all of us aglow with the success of the event in legitimizing the Spanish Vets on such a college campus, I with a private warmth that this had been achieved on a campus on which the Rapp-Coudert Committee had once wrought its academic havoc.

It wasn't until the following Saturday, when I made my weekly telephone call to Ken Ackley, that I learned that something else had happened on April 13 that might start a new chain of events. It seemed that Dr. Chandler had been hard hit by Foner's pointed remark that Wardlaw and Chaikin, had they lived, would have been fired too. She had gone over to Ackley when the ceremony ended, had told him she was only a girl of six when the Rapp-Coudert Committee was operating, but that in her parents' home the words Rapp-Coudert were "dirty words;" she knew nothing else — and what was it all about? Ken told her a few of the facts. On leaving him, she said that, before she left City College June 30 to take up her new post as president of the State University of New York at

New Paltz, perhaps she would "have some fun" and see whether she could do something about this. Was this a polite way of disengaging herself, or was she serious? And how much could she do between April 13 and June 30?

Early in May, I think it was, I received a phone call from a Dr. Stephen Leberstein of City College. Dr. Chandler had asked him to look into the operation of the Rapp-Coudert Committee for her. He had been digging into the archival material available at the College and wanted to interview me. The next Wednesday I took a few hours out of my one day a week that I set aside to work on the rewriting and updating of my history of the Jews in the USA, to go to the College to meet Dr. Leberstein. He turned out to be an administrator in the Provost's Office and responsible for some of the College's new efforts at worker education. A student activist leader at the University of Wisconsin in the 1960s, he had obtained his doctorate in history there with a dissertation on the French labor movement at the turn of the century. He had never heard of the Rapp-Coudert Committee until now and was appalled at the witch-hunt.

Steve explained that at the moment he could not be as thorough in researching the material for Dr. Chandler as he would like to be. So I supplied as much information as I could. He then interviewed Ackley at his home, and later David Goldway too. He soon had a paper with the evidence to convince Dr. Chandler that she should petition the Board of Higher Education (now the Board of Trustees of the City University) to recognize the injustice it had done to all those who, having tenure, had been dismissed after "due process," and to those who were forced to resign or simply not reappointed since they had no tenure.

Her first step was to have Dr. Leberstein present his memorandum to a session of the President's Cabinet, consisting of the heads of all the various schools that now make up the City College. Only one person present had ever heard of the Rapp-Coudert Committee before hearing the Leberstein report; Prof. Arthur Tiedeman of the History Department was of the class of '43 and remembered it vaguely. He was to succeed Dr. Chandler as Acting-President when she left June 30. The Cabinet too was favorably impressed with Leberstein's paper and agreed with Dr. Chandler that something should be done to set the record straight.

Dr. Chandler left the College on June 30, 1980 before she could put her name to any official action, but Leberstein was determined to carry on. At the College he organized the support of sympathetic colleagues, among them Haywood Burns, Dean of Urban and Legal Programs, and began intensive work on the research with Barbara Caress, an urban historian now teaching at Baruch College. She too in the 1960s had been a student activist — at the University of Chicago.

The more they studied the record the more they were convinced that, as Leberstein wrote in his 25-page paper, "The investigation marked a new era in the repression of political dissent in this country, and resulted in a major attack on the academic freedom of the faculty of the municipal colleges." He also noted that of those fired, dropped or resigned, "None was ever officially charged with any misuse of his office as a teacher or with any other matter of professional competence and conduct."

To me it was an inspiration to witness the zeal and dedication with which Steve worked. What was most significant to me, and to others of us

who were soon drawn into consultation, was that it was not we who were "self-servingly" conducting this new struggle but people of another generation, who had known nothing of the Rapp-Coudert Committee. Yet these new administrators and scholars at the City College, who knew none of us victims personally, were impelled by their own social consciences not only to see that an injustice had been done but to feel personally committed to doing something about it, even if it was 40 years later.

As a first step Leberstein proposed that the Faculty Senate at the City College, consisting of representatives of every department totaling about 90 members, pass an appropriate resolution. Preparing a draft resolution, he took it, with his supporting memorandum, to the Executive Committee of the Faculty Senate. There it was referred to the Academic Freedom Committee for its recommendation. Duly that Committee decided unanimously to recommend to the Faculty Senate that this resolution be passed. The Senate was to meet March 19, 1981. Two weeks before that date each Faculty Senator received a copy of the memorandum and the resolution.

***Would there be opposition and a debate?*** The Faculty Senate consisted of people with a wide range of sociopolitical views. Would a climate of opinion in which neo-conservatism was in full cry be a context unsuitable for such an action by the Faculty Senate? At its meeting on March 19, when the chair of the Faculty Senate, Prof. Barbara B. Watson of the English Department, called for discussion of this resolution, no one rose to speak. When she put the resolution to a vote, it was passed — with one dissenting nay from a professor in the Sociology Department. On this issue

of academic freedom and constitutional rights of teachers, unity had been established.

Worth recording is the full text of

this "Resolution on the Rapp-Coudert Victims and on the Repression of Political Dissent."

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*THE FACULTY SENATE RESOLUTION, MARCH 19, 1981*

**“Resolved,** that the Faculty Senate of the City College expresses its profound regret at the injustice done those former colleagues on the faculty and staff of the College who were dismissed or were forced to resign in 1941 and 1942 as a result of the investigations carried out by the Joint Legislative Committee to Investigate State Monies for Public School Purposes and Subversive Activities, popularly known as the Rapp-Coudert Committee, solely on the basis of their political associations and beliefs, and their unwillingness to testify publicly about them; and be it further

“Resolved, that the Faculty Senate states its determination to safeguard for the College community those fundamental American rights of association and speech, without which a citizen is deprived of his rights, and without which intellectual discovery and discourse is not possible; and be it further

“Resolved, that the Faculty Senate requests that the Board of Trustees consider the matter of this injustice with a view toward obtaining an official resolution of regret and a pledge to safeguard in the future the Constitutional rights of the faculty, staff and students of the University.”

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Noteworthy is the fact that this resolution looked not only to the past in attempting to redress a wrong but to the future, committing the Faculty Senate to warding off possible violations of academic freedom and constitutional rights in a Reaganized neo-conservative atmosphere. The resolution was eventually transmitted to the Board of Trustees by the new Acting-President, Prof. Arthur Tiedemann. And to each of the surviving victims, Prof. Watson sent an official letter, with a copy of the resolution. When the text of the resolution was printed in the April issue of the *Newsletter of the City College*, the entire City College faculty and staffs learned of the action. The New York metropolitan press, however, which had so zealously in 1941 spread on its front pages the news of our hearings, trials and dismissals, was not yet interested in this reversal of judgment.

As the news spread in the College a train of consequences began to emerge. It so happened that the English Department had been, 40 years ago, the one with the greatest concentration of targets of the Rapp-Coudert witch-hunt. Five of us in the department had been ousted: Arthur Braulich and Seymour A. Copstein (who died in 1979 and 1977), David Goldway, Arnold Shukotoff and I. On the few occasions when Steve Leberstein had invited me to the College for consultation and we had gone to the Faculty Dining Room for lunch, he had seen to it that two or three faculty people were also present to meet me, among them Prof. Edward Quinn of the English Department, a Shakespearean scholar. Dr. Saul N. Brody, chair of the English Department, was co-chair of the Academic Freedom Committee of the Senate that had recommended the resolution. And so

things began to happen between the English Department and me. On March 28, a few days after the Faculty Senate action, I received a telephone call from Prof. Barry Wallenstein, whom I had met once a few years ago in some other connection. He explained that the College was preparing a small anthology of pieces by "distinguished alumni" of the College about their College experiences. The book, which he was editing, was to be used by the College for promotion, — and would I please supply something of mine for the book? Irving Howe was to be in it, and some other writers . . . Did he think that an account of how, in 1936, the head of the English department came into my classroom for the first time in eight years, caught me reading Shelley, thought I was quoting Marx, and tried to fire me — would such a tale be appropriate? He thought it would, but I suggested he consult his colleagues about it. A few days later he called again: everyone had agreed that account would be quite suitable — and could I please have it in by the end of May? Well, overburdened as I am, now that I was suddenly turned from an outcast into a Distinguished Alumnus, I managed to write up that story, sent it in May 6, and was assured it was accepted for publication.

*At lunch one day late in March, Prof. Quinn* asked whether I could accept an invitation from the English Department to attend the Department's annual Awards and Prizes ceremony, at which over \$10,000 is given out to students. This was something new. In 1927 and 1928, when as an undergraduate I had won certain English Department medals, there was no ceremony (the medals have since then been stolen by whoever burgled our apartment some 25 years ago). Wanting to meet the English Department

and curious about this new ceremony, I readily accepted the invitation.

Therefore on Thursday, May 14 I arrived at the College by 3 P. M. Steve met me at the elevator, which took us to the Webb Room in the tower of the Main Building (now renamed Shepard Hall) where he introduced me to Prof. Brody. We chatted. I told him what the English Department had been like in 1928 and the '30's, until our efforts through teacher organization had won a tenure system (until the late '30's all appointments were for one year only) and a democratic structure that provided for a department curriculum committee, a committee on appointments and promotions, election of department chairs — history that neither he nor anyone else in the department had ever heard of. At one point, Dr. Brody excused himself, and returned in a moment with the Program for the awards ceremony — and an envelope. Would I mind presenting one of the awards to a student? What award, to whom? The Tuck Award, of \$200 — to Mr. Nashid Al-Amin. I agreed.

As the ceremonies were about to begin, I took a seat at a table with three Black students. There were about 100 people in the room, English faculty members, college administrators, winners of the 23 awards and prizes and their friends. Prof. Quinn came over to introduce me to a man at an adjoining table: Prof. Brooks Wright of the English Department. He remarked that my former student, Marvin Magalaner, until recently a member of the Department, had often spoken to him about me. And then the proceedings began. The award I was to present was tenth on the list, so I settled down to listen.

Late in his opening remarks, Prof. Brody said that the Department was glad to have with it on this occasion a man who had been a member of the

department over 40 years ago and had, together with others in other departments, been dismissed for allegedly being a communist. He noted that recently this man had been teaching at Queens College and that for many years he has been editing the magazine JEWISH CURRENTS. He indicated that later in the proceedings I was to present one of the awards, but called on me now for a bow. I stood up. There was applause, more applause — and then suddenly everybody was standing up, applauding. I was overwhelmed — glad that I didn't have to make the award presentation at that moment.

The first award, a fellowship of \$3,000, was to be presented by Prof. Brooks Wright. In ironic solemnity he explained that the magnitude of the award required due pomp, and so he was going to present the award in Latin — which he proceeded to do, to an occasional titter. His fine Harvard Latin then was ceremoniously rendered into English by Prof. Arthur Zeiger (whom I had met some 30 years ago when he was writing a doctoral dissertation on Emma Lazarus). And so it went, award after award to men and women, among them many Blacks, reflecting the changed student body. There was good humor, laughter and joyous applause as the winners stepped up for their prizes. I had been debating with myself: should I or should I not, should I or should I not? And then it came my turn to make the presentation.

*Award envelope in hand, I stepped into* the center of the room. I indicated that it was a poignant pleasure to be invited back by the English Department after exactly 40 years of separation; that in the 1930s there were only four or five prizes, none of them in cash; that since Prof. Wright had made his award in Latin it would

perhaps be appropriate for the editor of a magazine named JEWISH CURRENTS to make this award in Yiddish — and proceeded to do so: "*Es iz far mir a grois fargenign ibertsugebn dem priz fun \$200 tsu Mr. Nashid Al-Amin.*"

Amid some laughter and much applause, a tall, sturdy Black student stood up and came forward. As I handed him the envelope, we shook hands, shook and shook, to mounting applause. Soon after that the ceremonies ended and broke up into a "Champagne Reception." When I asked Mr. Amin what his plans were, he told me he was going to work for his Master's degree in Communications at the City College, aiming for a career in journalism. He wanted to know — what was this magazine I was editing? I offered to send some specimen issues to his home in the Bronx — which I did the following day.

Several faculty people came over to express their pleasure at hearing Yiddish again after so many years and a couple were gratified that they could still understand what I had said before I had translated it. Apparently my bit of *hutzpa* was not taken amiss.

Within a half hour, the reception was thinning out — and Prof. Brody and I drifted together again. He told me he had not yet been born when the Rapp-Coudert Committee was doing its work and had never heard of it until the matter came before him on the Faculty Senate Academic Freedom Committee. It had occurred to him to ask his parents, who had in those years been Jewish workers, whether they knew anything about the Rapp-Coudert Committee. "And they did," he said, "and they gave me an earful about the whole dirty affair." So both Dr. Alice Chandler and he had parents who knew about the Rapp-Coudert Committee attacks on the colleges! This point was underlined when I learned that Leberstein's

father-in-law, Charles Kagan, a Jewish worker, had also been aware of the case at the time, and that the parents of Prof. Caress were City College and Brooklyn College graduates of the Rapp-Coudert days. Parental experience, apparently, had not been entirely lost.

After a few moments, Dr. Brody suddenly said, "Look, Mr. Schappes, would you be able to come back to the Department to teach a couple of courses?" What had sometimes in these 40 years been a fantasy of mine was becoming a reality! But I was sober. No, I explained, much as I might like to accept such an invitation, I could not, for the same reason that, in 1977, I declined an offer to resume my Adjunct Professorship in the History Department at Queens College after having been "let out" in 1976 because of the budget crisis. At my age, I thought I should rather devote the day or day-and-a-half I spent in teaching my courses in American Jewish history at Queens into working on a rewriting and updating of my long out-of-print history of the Jews in the United States. Dr. Brody understood, but persisted: "Can you give us *something* that would not take much of your time — even for one session?" So we left it at this: if he could get together a few students for it, I'd be glad to come onto the campus for a one-session seminar on Emma Lazarus . . .

Another coincidence was to round out that day for me. When I came home, Sonya handed me a letter that had arrived that day — the official notification from Prof. Barbara Watson enclosing the text of the Faculty Senate Resolution and adding, "It is a great personal satisfaction to me to be able to inform you of this action . . ." May 14, 1981 was indeed a red-letter day for us.

**D**uring all this period, the action of the Faculty Senate had been all but blacked out as far as the public was concerned.

On May 19, the issue was coming up again in another forum. The City College Faculty Senate had sent its resolution to the Faculty Senate at other colleges that had been affected by the Rapp-Coudert inquisition: to Brooklyn, Hunter and Queens Colleges, and to the City University Faculty Senate.\* After minor semantic changes, the resolution was adopted by the University Faculty Senate. Now the Board of Trustees had two of its constituent bodies asking for action to redress the old injustice. Again the press ignored the story.

Then it occurred to Steve and Barbara that if the story was not seen by the press as "news," perhaps it would be receptive to a "historical piece." They submitted an article to the

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\* A word here is necessary about the possibly confusing names, the College of the City of New York (CCNY), the City College and the City University of New York (CUNY), not to be confused with New York University, which is a private institution. Here is history on a pinhead: The Free Academy was established by the N.Y. State Legislature in 1847, ratified by a public referendum in 1848 and opened its doors in 1849 as the first free public college in the country (and the world). In 1866 the name was changed to the College of the City of New York, and in 1929 to the City College. At the time of the Rapp-Coudert Committee operations, there were four municipal colleges in New York: City, Hunter, Brooklyn and Queens. In 1961, the City University was constituted of all the four-year Senior and two-year Junior or community colleges, now numbering 17, plus the Graduate School. Now in 1926, the Board of Higher Education had been created to govern City and Hunter Colleges — and all the municipal colleges born after that date. In 1980, the BHE had been reorganized and enlarged as the Board of Trustees of CUNY, its members appointed by the Governor and the Mayor. It was this Board of Trustees that the City College Faculty Senate had urged to act, since it was the predecessor Board of Higher Education that had dismissed the victims of the Rapp-Coudert Committee.

Op-Ed page of the *N.Y. Times*, where, after much negotiation with the editor, it appeared June 2, 1981 with the head, "40 Years After Firings." Following a thumb-nail sketch of the tactics of the Rapp-Coudert Committee and the press hullabaloo it provoked, Caress and Leberstein noted the action of the Faculty Senate of March 19 and said, "The issue awaits the board [of trustees'] action."

One passage in this Op-Ed article aroused considerable curiosity. The authors had written: "The firings ended some promising careers. One scholar changed his name and, after dismissal from another university in a 1952 episode of repression, went to Cambridge University, where he was knighted for scholarship." Who was this academic knight? Well, in 1941, when he was simply not reappointed to the City College history department because he had no tenure, Moses Finkelstein had been for some time the executive secretary of the American Committee for Democracy and Intellectual Freedom, headed by the great anthropologist at Columbia University, Franz Boas (1858-1942). Changing his name to Moses I. Finley (probably after a past president of City College from 1903 to 1913, John H. Finley), he completed his doctoral work in ancient history at Columbia University and obtained an appointment at Rutgers University. There late in 1952 another red-hunt blasted Finley out of his teaching post. In England, however, Finley's Marxism was no barrier to academic distinction; he in a few years established a reputation defined as "the foremost expert on ancient slavery — as on Greek and Roman social and economic history in general — in the English-speaking world" (Harvard historian E. Badian, reviewing Finley's latest book in *N.Y. Review*, Oct. 22, 1981).

It so happened that Sir Moses I.

Finley coincidentally made the news columns in the *N.Y. Times* May 10. On May 9 he was scheduled to be awarded an honorary doctorate at the Syracuse University commencement. When he arrived and learned that Secretary of State Alexander M. Haig Jr. was also to be awarded an honorary degree at the same time, despite extensive protests from faculty and students, Finley announced to the press that he was refusing to attend the ceremony. "All honor to Sir Moses" was the private toast of those of us who knew him in his City College days.

The next hurdle, and the decisive one, was the Board of Trustees of CUNY. After all, it was not the faculty at City College that had unjustly fired us, or forced us to resign, or failed to reappoint us. It was good to have the sentiment of the Faculty Senate as expressed in its resolution of March 19. But redress of injustice, to be at all meaningful, should come from those who had perpetrated the injustice, or at least from the institutional successors of that body, the CUNY Board of Trustees. Two months had passed, without the Board having paid any attention to the Faculty Senate request. Now that the University Faculty Senate had acted, would the Board be more responsive?

*We hoped the June 2 article on the Op-Ed page of the Times would stimulate the Board to act. At the same time, there was a possibility that conservative or reactionary forces on the Board or outside might become alarmed and press the Board to reject the proposed resolutions.*

This possibility was sharpened on June 19 by an incident that occurred at the 50th anniversary dinner of the City College class of 1931. Some of us had been thinking that it would be good for the Board to know that its favorable action on the resolutions

would be well received in City College alumni circles. One of the Rapp-Coudert victims, Jesse Mintus of the class of '31, took it upon himself to seek out the president of that class and to arrange that he call on Mintus to read the resolution and propose that the audience present endorse the action of the City College Faculty Senate. When Mintus was called to the dais and read the resolution, up jumped Prof. Lewis Feuer of the Philosophy Department of the Virginia Polytechnical Institute and State University with an amendment: that the Board of Trustees also be urged to ban all secret political societies on the campus! The Class President and MC, fearing a controversy that would upset the festivities, fumbled for a moment for a proper procedure — and then announced that he would proceed to the next event on the program. Had the MC put the resolution to a vote, the probability is it would have been passed overwhelmingly, but one sudden irrelevancy injected into the scene by a Feuer, apparently an advocate of free speech for all except . . . , had derailed the proposal. Would Feuer, or others, mobilize to try to spike the resolution when it was considered by the Board?

When nothing was heard by the date of the Trustees' June meeting, a telephone call yielded the information that the Trustees had not yet received the resolution of the City College Faculty Senate. A subsequent telephone call by Trustee Herman Badillo succeeded in having the chancellery locate the resolution. Then interminable "due process" was started.

Finally we learned that the Board was to act on Oct. 26, 1981. Would there be opposition at the prior public hearing? Colleagues from the City College Faculty Senate were prepared to speak at the hearing — but when no one had asked to speak

against the action, their names were withdrawn and the hearing was cancelled. Because the public, by law, is allowed to attend the meetings of the Board of Trustees, I telephoned as many of the surviving victims as I could reach. The following came to the Board headquarters for the occasion: John Kenneth Ackley, the Registrar of the College when he was ousted; Jesse Mintus, who had worked in the Registrar's office; Anne Bernstein, widow of Dr. Paul Bernstein of the Biology Department, their sons Jonathan and Peter, who had flown in from other cities for this occasion, other members of the family and the Bernsteins' old friends, the artist Philip Reisman and his wife; and Minne Motz, whose husband, Emeritus Prof. of Astronomy at Columbia University Lloyd Motz, could not attend because he was teaching at that hour at the New School.

*Leberstein and Dean Haywood Burns* had tried to get permission for me to read a statement to the Board. But the Board's rules prohibit anyone but a member of the Board from addressing it. A satisfactory substitute, however, had been arranged: my statement was to be read to the Board by the Secretary before the vote was taken. And so it was. When our item on the long agenda was reached, the Honorable James P. Murphy, the Queens banker who is chairman of the Board, asked whether Prof. Schappes was present. When I stood up, he explained that my statement would be read and thus become part of the proceedings in the minutes. That was an unforeseen advantage we had not counted on. Sight-reading a statement he had not seen before, Martin J. Warmbrand, secretary of the Board, read my text, perhaps less fervidly than I should have, but effectively. (See pages 22-23 for this text.) At the end, from the

I thank you for your courtesy in reading my comment, on behalf of the victims of the Rapp-Coudert Committee and of the then Board of Higher Education, on the resolution you have before you.

In the span of a single life, 40 years is a long time to wait for justice to be done, or rather for injustice to be admitted. So long that for about one third of our some 40 victims your notable action comes as a posthumous redress, nevertheless fully valued by surviving members of their families. Your action, no matter how late, vindicates our faith in the democratic process.

For us it is almost a matter of poignancy to find that, 40 years later, an entirely new generation of administrators, faculty and staff at the City College, learning for the first time that a wrong had been done to former colleagues whom they did not know personally, decided that it was their duty to attempt now to right that old wrong. It was Dr. Alice Chandler, then Acting-President of the City College, who almost accidentally stumbled upon the facts of what had happened when she was but a girl of six, and was moved speedily to set in motion the process that, after 18 months, has resulted in the action you have just taken. It was she who charged Dr. Stephen Leberstein to study the record of those events and prepare the memorandum of facts that later became the basis for the resolution recommended by the Academic Freedom Committee and adopted by the Faculty Senate of the City College and then by the University Faculty Senate of the City University of New York. It is to Dr. Chandler, Dr. Leberstein and their associates that we, and also you members of the Board of Trustees, owe the impetus to your formal recognition of the injustice done to us.

But it is not only for what your action means to us individually that we greet and applaud your resolution. In these times particularly it is of no small public significance that a Board as responsible and distinguished as yours "pledges diligently to safeguard the constitutional rights of freedom of expression, freedom of association and open intellectual inquiry of the faculty, staff and students of The City University." I say in these times because today the rumble of repression is again heard in our land. Why, the very New York State legislature that some 40 years ago spawned the Rapp-Coudert Committee and its train of ill-consequence has this year rejected a bill to repeal the Feinberg Law, which, although the Supreme Court of the United States has declared it unconstitutional, is still on the statute books of our state. The vote on May 21 was 59 to 48 *against* repeal in the State Assembly. The reason for such willful flouting of the constitution, as given by one assemblyman, was that the Feinberg Law might need to be reactivated in the future! Your Board of Trustees, which only recently had to redress the grievance of those it had wronged because of the Feinberg Law, is thus alerted from Albany on the possibility of the repetition of this tragic history, this time as farce. In these times, therefore, your action today, as it becomes known to academe and to the general public, will fortify the resolve of others who cherish the constitutional rights of our country to the point of being willing to fight and sacrifice for their protection.

Finally, while we accept in good faith your recognition of the injus-

tice done to us, we cannot forget the still unrecorded harm done to us. Careers were wrecked; families were disrupted; suffering of all sorts — economic, academic, social — was widespread. Even in the armed forces of our country in World War II, in which a goodly number of us served honorably, the Rapp-Coudert tag on our names was a source of suspicion, harassment and, most distressingly, a barrier to rendering our country the full service of which we were capable. Yet the calibre of these men and women who 40 years ago were wrongfully dismissed, or forced to resign, or not reappointed was such that many had the resilience to build second careers, some of them of high distinction. Nor did we abandon our social concerns because of our private woes. Sometimes it took decades to break through the barriers set up by the Rapp-Coudert Committee — but it was done.

One of us had to change his name, leave the country, and then established such a reputation as an ancient historian in England that the Queen knighted him and he is now Sir Moses [Finley]. Another [Dr. Lloyd Motz], having been a past president of New York Academy of Science, recently became Emeritus Professor of Astronomy at one of New York City's eminent private universities. A third [Arnold Shukotoff] changed his name and occupation to become a widely recognized musicologist. A fourth [Dr. Philip S. Foner] has published some 40 books in American history, is an Emeritus Distinguished Professor of a university in Pennsylvania and is currently a Distinguished Visiting Professor at a university in New Jersey. A fifth [Sidney Eisenberger], a chemist, won a first prize of \$10,000 for an essay entitled "We are the Founding Fathers of the Future" in a contest sponsored by the Smithsonian Institution and a famous bank as part of the Bicentennial of our American Revolution. A sixth [Dr. Jack Foner] has just retired as a Professor Emeritus of History at a university in Maine. A seventh [Maxwell Weissman] went abroad to become an M.D. and is now Director of Public Health Services in a nearby state. An eighth [David Goldway] is about to retire as a Professor of English at one of our State University of New York colleges. A ninth [David Cohen] heads an institute in one of the colleges of our City University. A tenth has just earned the signal honor of being selected by the Jewish Book Annual of the National Jewish Welfare Board as one of five American Jewish writers whose birthdays next year are worthy of public notice in the Jewish book world; on this roster, Barbara Tuchman's 70th and our Rapp-Coudert victim's 75th birthdays are to be celebrated. And last, one [Dr. Saul Bernstein], a biologist, had to change his name, retool and finally became the president of a sizable machine tool company in New Jersey.

Had we not been driven from our beloved campus of the City College, these achievements and others might well have been effected for the direct benefit of the City College community. For every one of us has been, according to our varying talents, a useful and productive citizen of our republic. Now too, today, we stand ready to support the City College and the City University in "diligently safeguarding the constitutional rights of freedom of expression, freedom of association and open intellectual inquiry. . . ."

**Morris U. Schappes**

Board members and the CUNY officers and staff present, there was a tremendous well-sustained burst of applause. A couple of Board members who had not seen me when I first stood up asked the chair to have me stand again. This time Ackley and Mintus at my side stood with me, to more applause. The chairman put the resolution to a vote — which was unanimous, to more applause. And that was that — 1941 to 1981.

Finally, my associate-victims and I stole out of the Board meeting room, there was a round of congratulations — and Steve, for whom no chore was too small and no courtesy too minor, drove Ackley and me to our homes. And so it was morning and evening of another day . . .

Despite the efforts of the CUNY public relations office, the *N.Y. Times*, which in 1941 had regarded the Rapp-Coudert proceedings against us as front-page news, printed nothing. Only the *N.Y. Daily News* of Oct. 27 had Sheryl McCarthy's account, headed, "City U issues apology/ to Red scare victims." The City College student weekly, *The Campus*, carried a news story on Nov. 2. In its Dec. issue, the *City College Alumnus* published a fine article by Leberstein and Caress and the full text of my statement.

What does it add up to? Well, the harassment, persecution and prosecution waged against us was not merely personal, and so our victory in exacting an apology, no matter how belated, is not only personal. Profound democratic principles and constitutional rights were involved in 1941 — and are now in 1981. The fact that the Reagan administration is bent on repression did not deter Dr. Chandler and Dr. Leberstein and their conscientious associates from waging their protracted struggle nor did the untoward climate of opinion prevent a

victory — a victory that we hope will make it that much harder for repression to make its way again onto these campuses. During this very period, in fact, there were three other instances of redress of academic injustice, although not on the same wholesale scale as ours. The *N.Y. Times* May 31, 1981 had a story from Portland, Ore., "College Apologizes to Professor for 1954 Dismissal" — in which Reed College trustees apologized to Prof. Stanley W. Moore for having dismissed him for refusing to discuss his political affiliations with the House Committee on Un-American Activities.

On June 7, 1981, the *N.Y. Times* carried a very short story from Los Angeles, "5 Teachers Dismissed in 1950's/ Ruled Eligible for Reinstatement" — in which a Superior Court judge ruled that the late David Arkin (father of the actor Alan Arkin) and five other school teachers dismissed in 1953 for refusing to discuss their political affiliations should have been reinstated, possibly with back pay. And then Aug. 1 the *N.Y. Times* reported that Barrows Dunham of Temple University in Philadelphia, a Marxist philosophy professor fired 28 years ago for refusing to testify before the House Un-American Committee, was reinstated with a \$9,000 annual pension. One conclusion I draw from such developments is that no struggle for social progress is every totally lost — or, for that matter, permanently won. That is what is meant by the old saw, "Eternal vigilance is the price of liberty."

I have been asked, what about your criminal conviction as a felon for refusing to name names and be an informer — is this affected in any way by this apology from the CUNY Board of Trustees? Not legally, I guess, but morally there is a relation. At my trial for perjury (in denying I knew any

other communists at City College) I had as a character witness the great teacher of philosophy at City College, Morris Raphael Cohen (1880-1946 — see my interview about Cohen in our issue of July, 1980). He had explained to me privately that he understood what I was doing because, in the Tsarist *shtetl* in which he had been born, there was a saying, "It's no use to tell the truth to the police, because they wouldn't know what to do with it." And so Cohen swore in court that I had the highest reputation for veracity, although I had refused to give names to the Rapp-Coudert Committee. The Board of Higher Education then fired me after my conviction — and for my convictions. Now the successor to this Board wakes up to the fact that it had been an invasion of my academic freedom and a subversion of my constitutional rights even to ask me about my political affiliations or associations. So it seems that, if you ask foolish — or forbidden — questions, you get foolish — or unresponsive — answers, which were ruled perjurious. Was it not Shakespeare — but not in *The Merchant of Venice* — who said, "The law is an ass"? ■

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