

**THE NEARING CASE: THE
LIMITATION OF ACADEMIC
FREEDOM AT THE UNIVERSITY OF
PENNSYLVANIA BY ACT OF THE
BOARD OF TRUSTEES. JUNE 14, 1915**

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The Nearing Case: The Limitation of Academic Freedom at the University of Pennsylvania by
Act of the Board of Trustees. June 14, 1915 by Lightner Witmer

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LIGHTNER WITMER

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The Nearing Case

The Limitation of Academic Freedom at the
University of Pennsylvania by act of
the Board of Trustees
June 14, 1915

A Brief of Facts and Opinions prepared by

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"Not only is eternal vigilance the price of liberty, eternal struggle is the price of liberty."

HON. ELIHU ROOT.

Address to The Union League of Philadelphia, March 23, 1915.

"I assert that this perversion of democracy, this robbing democracy of its virility, can be changed as truly as the system under which Walpole governed the Commons of England by bribery, as truly as the atmosphere which made the *Credit Mobilier* scandal possible in the Congress of the United States has been blown away by the force of public opinion."

HON. ELIHU ROOT.

*Address to the New York State Constitutional Convention,
August 31, 1915.*

"The American university that best catches the spirit of the coming era, that is truly abreast of the truest tendencies of the times, that does the most to promote individuality rather than to standardize it, as is the result of a purely mechanical age, that does the best to apply it to the current affairs of life, and does the best to develop our institutions according to safe and workable channels, that American university is going to be the great university of the future; for the universities standing upon the mountain ranges have always in the past history of the human race, when there have been universities, been the first to catch the dawn of the new era; and, just as Wittenberg, in the beginning of the sixteenth century, first caught the period of extraordinary intellectual fermentation and protest and thus gained so wide and splendid a prestige in Europe, that Shakespeare makes its college, the youngest of all, the university of his favorite prince; so precisely in the race for supremacy that is still to be run, the American college that is most truly American, the one that catches the first breath of the dawn, the one that proceeds along the safest and surest channels, and that best reflects the tendencies of the American people, that will be the college that will have an unquestioned supremacy among American educational institutions."

HON. JAMES M. BECK, '10.

Address at New York Alumni Dinner, March 14, 1914.

(From the Alumni Register, April, 1914.)

INTRODUCTION

On June 14, 1915, the board of trustees of the University of Pennsylvania voted not to reappoint Dr. Scott Nearing assistant professor of economics for the academic year 1915-16. Acting under orders of the board, the Provost sent Dr. Nearing this letter:

June 15, 1915.

My dear Mr. Nearing:

As the term of your appointment as assistant professor of economics for 1914-15 is about to expire, I am directed by the trustees of the University of Pennsylvania to inform you that it will not be renewed. With best wishes, I am

Yours sincerely,

EDGAR F. SMITH.

Although this action of the board was technically a refusal to renew an annual appointment, throughout the discussion which followed it was justly treated as a dismissal. The legal right of the board of trustees to dismiss an assistant professor is admitted. The objections offered to the action of the board in the Nearing case have reference to the mode of procedure.

The issues involved are much more complicated than the mere fact of dismissal would seem to indicate. In order to present the more important of these issues, I prepared a series of statements which were published from time to time during the summer months in two Philadelphia newspapers. These I am now republishing together with some arguments on both sides of this discussion, as well as extracts from various sources, including the *Alumni Register*, a periodical under the editorial control of the board of directors of the General Alumni Society. This partial summary of what preceded and followed Dr. Nearing's dismissal constitutes a brief of facts and opinions which I hope will prove a useful guide for those seeking to form a sound and independent judgment, as well as for some future historian who