Rights and Rebellion: The Faculty Role, Revisited

Kim Emery

> Words are also actions, and actions are a kind of words
> — Ralph Waldo Emerson

> Reading a book may help someone decide to take action, but it is not the same thing as taking action. The responsibility of every writer is to take their place in the vibrant, activist movements[,…] putting their bodies on the line with everybody else.
> — Sarah Schulman

By the time he sat down to reflect on the question in a scholarly way, Dr. Marshall Jones had already grappled with "the role of the faculty in student rebellion" in directly practical and personal terms. As faculty advisor to the University of Florida's Student Group for Equal Rights in the early 1960s, he had protested, picketed, defied unjust laws, and been arrested more than once. Ultimately, his political commitments cost him his job.

Despite Jones's stellar credentials, the "recommendations of the chairman and faculty of his department and the dean of his college that Dr. Jones be granted tenure were rejected by the University's Personnel Board," apparently at the behest of University President J. Wayne Reitz. On June 27, 1967, Jones was informed of the decision and given notice that his appointment at UF would be terminated as of June 30, 1968.[1] Jones appealed the decision to the University Senate Committee on Academic Freedom and Tenure, which heard testimony in a series of meetings from February 3 through April 9, 1968.[2] Ultimately, Jones withdrew his bid to have tenure awarded, but sought judgment that it had been inappropriately denied and his academic freedom violated; two members of the hearing panel signed a minority report agreeing with him, but three members signed the majority report siding with the (now former) University president, Reitz. New UF President Stephen C. O'Connell "accepted the majority report of the Senate committee as a final disposition of the case," and "Dr. Jones was separated from the University at the end of the academic year 1967-68."[3] Even a rare censure from the American Association of University Professors (AAUP) for violating

faculty academic freedom could not induce the University to change its position.[4]

Dr. Jones's experience speaks to the difficulty of reconciling the identities *activist* and *academic*. Ironically, his tenure denial turned, at least technically, on the administration's reading of an essay devoted to this very question. Jones began articulating his thoughts on "The Role of the Teacher in Social Change" in a 1965 talk presented at a meeting of the academic honor society Kappa Delta Pi. In 1966, a modified version was published in *The Educational Forum*. This essay, "The Role of the Faculty in Student Rebellion," makes clear that Professor Jones had come to understand his responsibilities to students very differently than the University wished him to. In refusing his assigned institutional role, ancillary to "the movement proper," Jones explicitly rejects the traditional "division of labor" by which faculty are expected only to "talk, write, and maneuver," run "minimal" risk, and never "participate personally in anything undignified" (139). Over and above his professional identity as a scholar, teacher, and member of a university faculty, Jones prioritizes his membership in the broader "moral community" exemplified by the Movement; a community in which, "common ideals are mediated by a public and testable logic [and] apply to everyone in the same terms" (142).

Jones's recognition of the suspect utility of traditional divisions between faculty and students in contexts beyond the University thus implicitly calls into question the practical consequences of other institutional distinctions, as well. The traditional defense of academic freedom as a professional privilege grounded in credentialed expertise, for example, is difficult to fully reconcile with a commitment to "common ideals" that "apply to everyone in the same terms." (Indeed, one point of contention in Jones's appeal was the question of whether untenured faculty can have—or have any right to—meaningful academic freedom [*AAUP Bulletin*, 1970, 413-414].) Here, I read Jones's essay and his example as a reminder to remain critical of a range of institutional distinctions that serve arguably valid purposes within the university but have dubious viability in the wider world.

As former AAUP President Cary Nelson explains, "the concept of academic freedom exists in differential relationship with a series of other concepts, discourses, and cultural domains" (5). Here, I'm interested in exploring how certain constructs crucial to the practical operation of academic freedom are normatively framed as oppositional pairings. Jones's case makes clear, for example, that the shifting fields of differences between faculty and students, between teaching and advocacy, and between professional endeavors and extramural activity serve to define and delimit possibilities for the exercise of academic freedom. Distinctions between academic freedom and freedom of speech, between individual and collective rights, and between employees and "appointees" carry similarly significant consequences.[5] Finally, Jones's case demonstrates that even such apparently esoteric considerations as the difference between form and function, talk and action, or principle and "precept" also play a part in the construction of the practical contexts in which the "aspirational" ideal of academic freedom is at best approximated.[6]

However the story of Marshall Jones is read—cautionary tale, inspirational example, ancient history—the takeaway from his own remarkable essay remains critically relevant for scholar/activists today: *changing the status quo requires challenging the institutions that sustain it, including the key terms and distinctions on which their operation relies*. The University wants its faculty to be scholars, but not activists; public servants, but not political agitators; teachers, but not advocates; it defines and regulates relationships between professional and extramural activities, faculty and students, speech and action, freedoms and responsibilities, etc, in the interest of serving such institutional ends. These definitions cannot be fixed, however, because the concept of academic freedom is "of necessity frequently rearticulated to new challenges, technologies, and historical conditions" (Nelson 5), even as it is simultaneously interpreted across diverse disciplinary contexts that are themselves "fundamentally in flux and in dispute," and reliant upon contested norms that are "inevitably applied in differential, interested, and inconsistent ways" (Nelson 7). Given these realities, Cary Nelson concludes, "academic freedom is worth little unless it is vested in the individual faculty member's right to negotiate these overlapping and conflicted intellectual and professional commitments and decide for himself or herself how to proceed" (7). Nelson's immediate target here is the inadequate understanding of academic freedom as an institutional rather than individual right. In his estimation, it is both—but primarily the latter: "academic freedom cannot *simply* be construed as an individual right," he explains; however, "it is fundamentally exercised by individuals" (emphasis added). Court rulings to the contrary— the determination in *Urofsky v. Gilmore* (2000), for example, that the right to academic freedom "inheres in the University, not in individual professors"—must be contested (5). Nelson argues for a commodious and flexible understanding of "academic freedom," one that "recognizes that many of the choices and decisions faculty make are context specific." He does not, however, explore the extent to which shifting, contested, and contradictory definitions comprise a critical aspect of the contexts in which academic work gets done.

The story of Marshall Jones's mistreatment by the University of Florida, in contrast, encourages us to take these foundational inconsistencies to heart. As Eve Sedgwick demonstrates in her brilliant breakdown of "The Epistemology of the Closet," the inconsistent, contested, constantly shifting demands on gay people throughout much of the 20th century to come out, stay closeted, "Don't Ask. Don't tell," but be proud, etc, made "the space for simply existing as a gay person" into a trap "bayonetted through and through, from both sides, by the vectors of a disclosure at once compulsory and forbidden." Faculty, I contend, are similarly "vulnerable to such a contradictory array of interdictions" concerning the exercise of academic freedom. From this perspective, the confusion engendered by the "complexity" and "flexibility" of related terms appears less a regrettable lapse in communication and more a strategic "system of double binds." Like the intertwined inducements and punishments for coming out as queer, the multiple and intersecting oppositions that undergird the idea of academic freedom operate by "undermining through contradictory constraints on discourse the grounds" of

(in this case) academic freedom *per se*. Parts of Jones's story may feel distant to some readers today—the *de jure* segregation that he fought, for example, or the *in loco parentis* attitude of the University. His insistence on grappling with moral and human responsibilities beyond the reach of institutional definitions, however, remains pertinent as ever. Unfortunately, this example of the University's manipulation of conflicting definitions and contradictory demands to control faculty and constrain progressive social change remains relevant, as well.

* * * *

Jones came to his activism through personal connection. He was working as a research psychologist at the US Naval School of Aviation Medicine in Pensacola when a promising high school student named Jesse Dean came to him for advice on a science fair project. Recognizing a kindred spirit, Dean, who was president of the area's NAACP Youth Council, soon invited Jones and his politically active wife Beverly to attend "otherwise all-black mass meetings" led by Minister Bill Dobbins. The Joneses' interest in Civil Rights, along with Beverly's bold leadership of the local League of Women Voters, was not well received by everyone in the "stringently racist, right-wing town." After being targeted by a cross-burning, the Joneses decamped for the more liberal Gainesville, where Marshall joined the faculty of the UF medical school. In the fall of 1962, the University of Florida finally—albeit barely—desegregated its undergraduate school, admitting seven African American students: Alice Marie Davis, Oliver Gordon, Rose Green, Stephan Mickle, John Redic, Johncyna Williams—and Jesse Dean. It was Dean's inspiration to start a campus Civil Rights group; he and a friend, Jerry Essick, approached Jones with the idea, and on Wednesday, June 6, 1963, "about two dozen faculty and students met on campus and formed the Student Group for Equal Rights" (SGER).[7]

SGER emerged in the context—and in explicit support—of the burgeoning black-led grassroots movement for Civil Rights in North Florida and across the nation. The spring and earlier summer of 1963 had seen increased activity from the Gainesville NAACP's Youth Council, with young people including Joel Buchanan (then still in high school) and Charles Chestnut committed to challenging the entrenched segregation of public accommodations downtown. Although the young activists "attempted only to obtain services and did not sit in, picket or provoke arrest" that summer, the segregated city grew "jumpy." Things came to a head on Sunday, June 3, outside the Florida Theater, when a "threatening white crowd" gathered to harass two young black men who had been denied admission. The police were slow to intervene, allowing the conflict to escalate. After authorities finally stepped in and took control of the scene at the theater, "cars full of young whites rampaged through the black sections of town, and several people were stabbed, shot, or beaten."[8]

The incident prompted the city to form a bi-racial commission on Civil Rights, provoked the founding meeting of SGER, and inspired two white UF students, twins Dan and Jim Harmeling, who would become committed Civil Rights activists and close friends with Mar-

shall Jones, to get involved.[9] Like Jones, Dan and Jim would quickly immerse themselves in the movement, running afoul of the UF administration even as they risked beatings and arrests for acting on their beliefs. In the beginning, however, "SGER was in no sense a radical group." As Jones recounts, "SGER was organized on a single issue only, segregation, to the exclusion of any other question" and was also "tactically moderate." The organization's first target was a popular restaurant across the street from campus called the College Inn, "a huge operation which ordinarily served some 4,000 students a day"—none of them black—and whose management was "vehemently racist." Now that the university was officially desegregated, SGER reasoned, the College Inn should be open to all of the college's students.

When the new school year began, they appealed to the restaurant to desegregate. Polite negotiations went nowhere, however, so SGER began picketing. From early October until the November assassination of President John F. Kennedy, the protesters stoically maintained their presence, walking the line four hours a day, every day. The educational picket offered a principled example of noncooperation with the Inn's discriminatory practices, ongoing opportunities for discussion and engagement, and a symbolic—but not literal—barrier to white complicity. Would-be patrons were not physically blocked from entering the College Inn, only dissuaded. Although many respected the picket, others crossed the line. Dean of the Graduate School Linton E. Grinter, for one, reportedly relished confronting the protesters on his way inside the segregated eatery.[10] Others, however, rallied around the activists, supporting their efforts and even joining the line. When fall class schedules and administrative pressures thinned the student pickets, Bev Jones and other faculty wives stepped up, first filling in on the line and then organizing what would evolve into an integrated, long-lasting, and remarkably effective community organization called Gainesville Women for Equal Rights.

As the struggle to desegregate the College Inn slogged on, UF students Judith (Judy) Benninger (later Brown) and Dan Harmeling stepped in to up the ante for SGER. According to Dan, Marshall Jones was at this point something of a "conservative influence" on the group, so it was no great surprise that he reacted negatively when Dan and Judy were arrested along with hundreds of black students from Florida A&M at a protest in the state capital. Dan recalls returning to Gainesville with the hope "that our students here would be energized and that we'd maybe even return to Tallahassee, join with the Florida A&M students,[…] and show that the support of the University of Florida was with them." Instead, Jones and the rest of the SGER Executive Committee decided that Dan and Judy "really shouldn't be members any more." By risking arrest in an unapproved activity, ostensibly, they had recklessly jeopardized SGER's reputation and flouted its internal structure and process. Judy and Dan saw things differently: the students in Tallahassee—including CORE organizer and FAMU student Patricia Stephens (later Due), with whom they had become close friends—were doing important work; when they needed reinforcements, it was only right and natural for Dan and Judy to answer the call. SGER's grassroots membership agreed

with them, rejecting the leadership's recommendation. Judy and Dan demanded that their fate be brought before the general membership, and the group "not only endorsed what we did, but wanted to encourage other people to indeed be activist." In the end, SGER "voted each of [them] $300 of the Student Group for Equal Rights treasury money to support[…] legal costs and other things."[11]

In retrospect, it is hard not to see the incident as a turning point for Jones, who was himself arrested, along with students as young as seventeen, just a few months later in Ocala. After their arrest in Tallahassee, Dan and Judy had been immediately suspended and slated for expulsion from UF, but then reinstated by a faculty committee on appeal. However, their financial aid was withdrawn. A graduate assistant in English, Judy lost her job and had to drop out to support herself. Still an undergrad at that point, Dan kept his part-time job in the library when his supervisor elected to pay him under the table. However, his UF transcript to this day documents the disciplinary probation and marks him as having engaged in "conduct unbecoming" a UF student.[12] The idea that students and faculty both could be compelled to uphold certain standards in their private lives in order to remain in good standing with the university was common at the time. At UF as at most colleges and universities, it formed the core of the student conduct code.[13] But even as universities across the country "reasserted their intentions to regulate—in form and content—political activities of students on and off campus," campus activists in Gainesville, Berkeley, and elsewhere began to push back against the institution's intrusion into their personal and political lives, Marshall Jones included.

In the crux of struggle, his thinking evolved quickly, as did the ethos of the group. Jones explains that "the long demonstration at the College Inn was a fortunate beginning for the local movement":

> Student groups were impossible to organize without action; people just wouldn't go to meetings which issued in nothing but talk. But quick demonstrations were equally fruitless, because they didn't serve to build relations.

After 6 weeks of sustaining pickets, however, "a solid group had formed" and "a well-defined leadership had emerged." Moreover, the very "moderation" of SGER's first action "was also fortunate"—"because the group was too inexperienced and much too attached to conventional ideas to have withstood serious repercussions."[14]

They learned from experience, though. Prompted by Judy and Dan's arrests, SGER (and Jones) began to slough off previously taken-for-granted attachments to the status quo. Maybe their organization did not need to mirror the hierarchal structure and disciplinary attitude embodied by the university. Maybe its members could be free to follow the dictates of their own consciences without risking expulsion for "conduct unbecoming" (or in any case unauthorized by) the group. According to Jones, "the people in SGER" for the most part entered the group with "a traditionally liberal view of American life," only wanting to facilitate African Americans' inclusion in existing institutions. By 1966, however, Jones himself had come to re-

alize that "in opposing things as they are, [rebellion also by necessity] opposes the authorities which sustain them."[15] The structure and ideology of existing institutions—the university included—would be called into question. And the "traditionally liberal" approach of always going through appropriate channels, Jones learned, was part of the problem.

In the late fall of 1963, SGER received "a call for help" from Reverend Frank Pinkston in Ocala. Forty miles south of Gainesville, Ocala was a hotbed of both Civil Rights organizing and racist opposition. Pinkston regularly drew a couple of thousand people to weekly mass meetings in a city that was also home to the state headquarters of the White Citizens Council. As Jones recalls:

> In late fall of 1963 the situation in Ocala was desperate. Sympathetic elements in the white community had been silenced. The confrontation was strictly racial, black versus white; news coverage was hard to get. The Ocala movement needed to integrate its own picket lines, partly to put the conflict on moral rather than racial grounds and partly to draw attention to the extremity [of the situation] in which the black community found itself.[16]

When Pinkston asked SGER to come integrate the protests in Ocala, Jones and eleven others answered the call—just as Judy Benninger and Dan Harmeling had in Tallahassee. Again, however, SGER's students were more savvy about the situation than some of the faculty leadership. As Jones describes:

> The day previous [to SGER's participation in the protests] Dave Sheehan, one of the group's faculty advisors, and myself had gone to Ocala and talked with the local police and FBI. They assured us that the only danger in the action would come from local people who might attack the lines; and the two of us came away persuaded that we had nothing to fear from the law. The students were not convinced and kept insisting that Ocala was much too racist to tolerate our intervention on their streets.

On Saturday, December 7, 1963, four white faculty members and eight white students from the University of Florida joined Ocala's black demonstrators downtown. Within minutes, "it became obvious that the students [had been] right": the twelve were plucked from the picket lines and arrested.[17]

Marilyn Sokolof was a seventeen-year-old just finishing her first semester in college. Riding in the back of that police car, she worried about what might await them at the jail. The officers themselves probably wouldn't beat them, she reasoned, but just that past summer, a white CORE activist named Zev Aelony, one of the original Freedom Riders, had been arrested in Dunnellon and transported to the same jail in Ocala—where officers had kept their hands "clean" by inducing other prisoners to beat him, viciously.[18] Would similar violence greet the Gainesville 12? Marilyn, young mother June Littler, eighteen-year-old Mary Helen Kinnie, and the others sweated through some anxious hours, but were released on bail unharmed that evening. Warned that vigilantes had staked out the highway,

they drove back roads on their return to Gainesville and arrived safely.[19]

Jones would have worse luck following an arrest in St. Augustine the next summer, although he remained more fortunate than many activists in again escaping personal violence. In the summer of 1964, the Civil Rights Movement and with it much of the nation's attention shifted to North Florida, and SGER members were there. Although less well known than the Montgomery Bus Boycott, Mississippi Freedom Summer, or the Birmingham Campaign, the St. Augustine protests proved a pivotal factor in the passage of the national Civil Rights Act. Initiated by local black leaders, including dentist Robert Hayling and the NAACP Youth Council he led, the St. Augustine movement soon grew to involve the national staff of the Southern Christian Leadership Conference (including Dr. Martin Luther King, who stayed several months), massive non-violent direct action efforts, and also armed resistance to Klan violence.

As Patricia Stephens Due would recall thirty-odd years later, "St. Augustine was *vicious*. Dr. King said it was one of the most vicious cities he had ever visited. And everyone knew Dr. Hayling. He was right in the middle of it" (283). Terrorized by the Klan's notorious "nightrides" through black neighborhoods, frequent and credible death threats, attacks, beatings, and firebombings, Hayling and other local leaders had taken up arms to defend their community, as local law enforcement was inconsistent—at best—in providing protection, and sometimes complicit in the attacks. In the fall of 1963, for example, while SGER members were peacefully picketing outside the College Inn back in Gainesville, black St. Augustine residents Hayling, Clyde Jenkins, James Jackson, and James Hauser had been attacked and beaten with chains and clubs in the course of a Klan rally on the outskirts of the city. The four NAACP leaders were rescued by state police only to be themselves *arrested for assault*—ostensibly against the hundreds of armed Klansman—by the St. Johns County sheriff.[20] A month later, a Klansman was shot and killed by return fire during a "nightride" through the Lincolnville neighborhood, as he and a carload of compatriots fired indiscriminately into black homes. During "wade-ins" undertaken to desegregate the ocean, black demonstrators were beaten and driven far into the waves, some nearly drowning. And in one of the better-known incidents in this local history, black and white activists integrating the swimming pool at the Monson Motor Lodge were met by a manager who poured muriatic acid into the water in an attempt to drive them out.

Marshall Jones, Dan Harmeling, and Jim Harmeling were all arrested in St. Augustine that summer, and suffered several days locked in the cramped and sweltering "sweat box" at the St. Johns County jail. Jones had driven a carload of activists, including a young black man who turned out to be a minor, to the protest; the accusations against him included "violation of the segregation statutes, trespass, contributing to the delinquency of a minor and transporting…people to the scene of a crime."[21] Increasingly, "traditionally liberal" confidence in democratic processes, established institutions, and polite, lawful protest came to seem irrelevant, if not ridiculous.

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The next few years were hard ones for the small group of committed activists that had emerged at UF. A rift between the radicals and more moderate members effectively destroyed the organization. Jesse Dean received a draft notice and left for Canada rather than fight in a war he opposed. Jim Harmeling was forced out of his graduate program and had to fight for reinstatement. Then his thesis, approved by the faculty committee in his department, was turned back by Dean Grinter in an unprecedented display of administrative discretion. Even after Jim was finally granted the Master's degree he had earned, Grinter refused to allow his thesis to be shelved in the library, as was customary, lest it serve as a bad example to future students. As Jones recounts, UF authorities "were out for Jim"—"Grinter especially." In Jones's estimation,

> Jim was a very unusual young guy in many ways. He was very gifted, attractive, intelligent. He didn't believe that people were bad or malign. He had a hard time adopting actions which would injure people, even people with whom he very strongly disagreed. He suffered on that account.

Insofar as the harassment by UF affected Jim, "the part that injured him was not so much the actions, as their malevolence. It was hard for him to understand."[22] Jim joined the Peace Corps after receiving his degree and spent time in Sierra Leone, but then returned to Gainesville, where he fell into a deep depression. Hospitalized in the psychiatric ward of the University's medical center, he overdosed and almost died. A few days later, in the psych ward on suicide watch, he reportedly shot himself with a smuggled handgun. He died a few hours later. While the details of Jim's death are not well understood, his twin brother remains understandably upset by the lapses in diligence, protocol, and good sense that allowed this tragedy to occur.

In March of 1967, Marshall Jones came up for tenure. Despite unanimous support from his med school colleagues, his candidacy was denied. Jones would have one year to find other employment before his position at UF was terminated. That fall, Jones and his allies challenged the decision in hearings before a faculty senate committee. As the AAUP investigating committee would later conclude, UF's upper administration "did not entertain any serious doubts respecting Dr. Jones's professional competence." Instead, they determined, the tenure denial hinged on three more questionable considerations: (1) "the espousal by Dr. Jones of rebellion by students and faculty as the only practicable course open for bringing about institutional change"; (2) "the implementation of his declared principle 'by action and precept'"; and (3) his "manipulation of students in the service of personal, ulterior ends" (408). In addition to the essay in *Educational Forum*, administrators identified as evidence of Jones's malfeasance, Dan Harmeling's marriage to a black woman, and, shamelessly, Jim's tragic death. Indeed, shortly after Jim had died, UF President J. Wayne Reitz travelled to Orlando to meet with

the Harmeling's father—less to offer condolences, it would appear, than to secure the elder Harmeling's support for blackballing Jones.[23] Both Jim's widow and his twin remained resolute in their support for Jones, as did his academic department, but the Personnel Board's decision would stand.

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To this day, academic freedom is often defended, both rhetorically and practically, on the basis of its grounding in professional expertise and importance to the advancement of knowledge. The AAUP's "1940 Statement on Academic Freedom and Tenure" remains exemplary; "Teachers are entitled to full freedom in research and the publication of the results," it reads. Moreover, "teachers are entitled to freedom in the classroom in discussing their subject" (although "they should be careful not to introduce into their teaching controversial matter which has no relation to their subject"). Once we move beyond appropriately academic research and our acknowledged academic subjects, however, we risk finding ourselves on somewhat shakier ground. The 1940 "Statement" wrestles with the question of faculty members' potentially conflicting roles and responsibilities as academics and as private persons, but cannot reach clear conclusions:

> College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, *but their special position in the community imposes special obligations*…. [T]hey should at all times be accurate, *should exercise appropriate restraint*, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.[24]

Today, in the era of personal branding, social media, and academic op-eds, it is often difficult to draw the line between extramural activity engaged in as a private "citizen" and writing and speaking that forms part of one's professional profile. Accuracy is an admirable goal and reasonable standard, but the prospect of institutional punishment for failing to maintain it "at all times" in private life seems a step too far. "Appropriate restraint," moreover, is a dangerously vague and ill-conceived standard, subject to arbitrary interpretation and institutional abuse. And the mandate that faculty must "make *every* effort" to distinguish private speech from professional activities is obviously impossible to observe or enforce. However, the distinction itself is critical to most current conceptions of academic freedom: research and teaching are granted protection on the basis of the faculty member's expertise and professional status; when a professor strays from her academic specialty and subject, she forfeits those protections (and hence "should be careful"). Extramural speech, in contrast, is protected to the extent that it exists *outside* that expertise and status. It is protected precisely because it is *un*informed, per-

sonal and not professional (although simultaneously subject to the impossible standard of "accuracy at all times"). Ideally, this might mean that all speech is protected; in practice, however, a great deal of what we do and say falls into the less-well-protected grey areas: professional speech that is not quite professional enough; private speech that overlaps areas of professional expertise. Like the "related incoherence couched in the resonant terms of the distinction of *private* from *public*" identified by Sedgwick (70), this ambiguity can be exploited to constrain political activity as well as to restrict academic freedom. However, the ambiguity is also real; hence, efforts to fix and enforce a stricter distinction between professional and extramural activities risk reifying dangerously narrow understandings of faculty expertise, appropriate classroom conversation, academic freedom of inquiry, and just what it is we have the "right" to research or to publish.[25] Since the AAUP first articulated these principles in 1915, the concepts of "freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action" have served faculty and the university well on the whole (although the lattermost is increasingly ignored, watered down, and even excised from policy documents). Nonetheless, faculty activities in university governance, in public service, and in scholarly and political discussions on social media fall into a grey area of ambiguous protection and therefore tenuous freedom.

When Marshall Jones discovered that UF's decision to deny him tenure had hinged on distaste for the opinions expressed in his essay, he thought "it seemed too good to be true." After all, "the administration was basing its case against tenure on an article [he] had published in a national educational journal!" The violation of Jones's academic freedom could not have been clearer, it would seem: punished for publishing, Jones had been appropriately engaged in scholarly discussion of a professional matter. If "The Role of the Faculty in Student Rebellion" was somewhat removed from his usual specialization in human psychology, no one could deny that he was a professor at an institution of higher education writing from that position of expertise about issues intimately related to it and of interest to his academic peers: all this was validated by the fact and place of publication itself. Moreover, he observed, the UF administration "wasn't attempting an academic-sounding argument; it didn't even point out that I practiced what I preached. And to top it off, the article at issue may have been spirited but little more."[26] In retrospect, however, both his optimism and his modesty seem misplaced. Had Jones reread his own work closely, he might have reflected on the following passage:

> Rebellion is defined by the context, not the content of behavior; picketing is not necessarily an act of rebellion; it may be a waste of time. Nor is writing a letter to the editor necessarily a conventional act; it depends on what you say, when and under what circumstances you say it.

Fifty years after its conception, "The Role of the Faculty in Student Rebellion" remains an unusually bold statement of beliefs and prin-

ciples at issue both in the idea of higher education and its contributions to a democratic society and in the practical assignment and acceptance of rights, responsibilities, and roles involved in its organization. Publishing an essay in a leading higher education journal is not necessarily a conventional act—"it depends on what you say." Among other things, his essay says that "of the sources of social change, ordinary human beings have access only to rebellion."[27] Democratic process is all well and good as a means of negotiating and implementing change, he explains, but it will never *initiate* meaningful change to the status quo. Power knows its own interests and will not subvert itself. Jones's insights emerge directly from his own experiences and from the example of the broader movement:

> Let us take the Civil Rights Bill of 1964 as an example. Is there anyone here who supposes it would have passed or, for that matter, have been introduced into Congress if black Americans and their white allies had not been protesting publicly for ten years and with increasing militancy? If there had been no Montgomery bus boycott, no freedom riders, no Birmingham, no CORE, no SNCC, no Martin Luther King, no Albany, no long hot summers, there would have been no Civil Rights Bill; there would have been no Voting Rights Bill or Anti-Poverty Act either. (136)

"Without resistance," he writes, "there is no occasion for authority to change its policies, no reason."

If the university authorities found Jones's advocacy of open rebellion objectionable, they couldn't have been too happy with his radical reconception of the faculty role, either. According to the accepted "division of labor," Jones reflects, "professors are not asked to do anything but talk, write, and maneuver, all of which are standard professorial behaviors." There are advantages to this arrangement; for example, the "risks to faculty are minimal." Jones, however, questions "whether it is feasible to excuse all faculty from running the risks of rebellion." In particular, it strikes him as "suspect" that "functions within the movement [should] be divided along lines that correspond exactly to institutional divisions."[28] To the contrary, he concludes, in the matter of Civil Rights and civic responsibility, "common ideals are mediated by a public and testable logic; they apply to everyone in the same terms; and they bind all of us, faculty and student alike, in a single moral community."[29]

It would be illogical to assume that activist efforts "don't need professors except in a professorial capacity"—even off campus, outside the institution, in the service of goals not academic in nature. Marshall Jones had learned this much by December of 1963, when the Reverend Frank Pinkston asked SGER for assistance: "Ocala did not need statistical acumen, historical grasp, or a mastery of biological methods," Jones understood. "It needed white bodies" on the line. At such moments, in such contexts, the categories and distinctions that serve specific institutional ends fall away and "a man has no way out," Jones writes. "Whatever else he may contribute, it is himself that the occasion requires."

Marshall Jones rose to that occasion by rejecting the traditional faculty role, flouting the AAUP's admonition to "exercise appropriate restraint," and embodying open resistance to a racist status quo. "Rebellion is resistance," he wrote. "In opposing things as they are, it opposes the authorities which sustain them." As UF's actions demonstrate, the authorities don't like that. Nonetheless, "authority is based on power, and power has its interests." Approved procedures, appropriate channels, and inherited definitions are in place to protect those interests, which is why only rebellion represents a real chance for forcing change.

Ultimately, the AAUP "conceded that Dr. Jones expressed approval of a role for faculty and a role for students in the university that many members of the university community find repugnant to their own views of what these roles should be," while "President Reitz insisted that he had no objection to Dr. Jones espousing his own social and political views." Officially, at least, the University accepted the AAUP's position that "it would be an unacceptable development in the history of academic freedom and tenure in this country if the social or political beliefs expressed in a publication in a scholarly or professional journal should be offered…as a basis for denying tenure, or even as a significant factor in an adverse decision on tenure" (413). "Dr. Reitz conceded that delivery and publication of the speech by Dr. Jones on the role of the faculty in student rebellion were within Dr. Jones's rights as a citizen." However, he simultaneously exploited ambiguities in both institutional understandings of the faculty member's role and also, less predictably, in the distinction of speech from action. Jones may have a right to free *expression ("as a citizen")*, Reitz contends, "but 'by his *action* and *precept'* in *his position of trust and responsibility with students* he exceeded the boundaries of permissible conduct" for faculty members (409, italics added). The issue, by this logic, is not the ideas expressed in his published work, but that "Jones went beyond the *abstract discussion* of the faculty role and *implemented his views by precept and example*" (414, italics added). To this end, the Majority Report upholding the tenure denial characterized Reitz as "not condemning 'mere beliefs, or expressions thereof'" but instead concerned with "the implementing of such beliefs by actions" (411). The mere expression of ideas may be protected, but speech that constitutes *action*—threats, promises, and apparently "precepts"—are another matter entirely.

* * * *

"One of the many fallacies under which we labor," Jones wrote in 1966, "is that people in authority do not know what their interests are, that they can be persuaded into losing their jobs."[30] Two years later, ironically, it was he who lost his job: not because he didn't know his interests, however, but because he had come to understand them differently than the university defined them. (And because he and his allies lacked the political leverage to force a favorable redefinition of the administration's interests.) Jones's conclusions on this score still resonate: "*Faculty are no more able to manipulate power that they do not possess than students are. They too in the last analy-*

sis must rebel if they expect to be taken seriously."[31]The force with which Jones and others were expelled from the University, the range of rhetorical and logistical strategies ranged against them, suggest that this small band of Gainesville activists had indeed massed the power to be taken seriously. The administration's insistence that freedom of expression, academic or otherwise, excludes by definition speech that moves beyond "abstract discussion" and into action is itself compelling evidence. Thirty years after Marshall Jones published his life-altering essay in *The Educational Forum*, author and activist Sarah Schulman would observe that "in the US people are allowed to be political as long as they don't actually accomplish anything" (*Girls* 81). Apparently, the same standard was in place at the University of Florida during the Civil Rights era.

Notes

[1] "Academic Freedom and Tenure: University of Florida." *AAUP Bulletin* 56.4 (1970): 405–422. http://www.jstor.org/stable/40224490.

[2] Carl Van Ness, Finding Aid, *Marshall Jones Hearings* (University of Florida, Committee on Academic Freedom and Tenure, February 3-April 9, 1968), University of Florida Smathers Libraries, Special and Area Studies Collections, 2004.

[3] "Academic Freedom and Tenure: University of Florida" (1970), 405.

Indeed, O'Connell dismissed the AAUP report as "inaccurate and distorted." ("Academic Freedom and Tenure: University of Florida" (1970), 422.

The related distinction between *employee* and *apprentice* offers an especially cogent example, as the long struggle of graduate-student workers to gain rights and recognition will attest.

Principle versus "precept" (AAUP Bulletin, 1970, 414); academic freedom as "aspirational" (Nelson 5).

http://www.gainesvilleiguana.org/2012/articles/history-and-the-people-who-make-it-marshall-jones/#more-546; Jones, *Berkeley of the South*, 21.

Jones, *Berkeley*, 21.

Dan Harmeling, interviewed by Kim Emery for the Samuel Proctor Oral History Program, University of Florida (SPOHP), 14 April 2015.

Dan Harmeling, interviewed by Kim Emery for the SPOHP, 5 May 2015.

UF 326; Harmeling, 9.

Interview with Dan Harmeling by Ryan Morini, Justin Dunnavant, and Randi Gil-Sadler. Samuel Proctor Oral History Program, University of Florida, AAHP-362B, 15.

Indeed, a few years later, this long-standing rationale would become the first target of attack for UF's nascent student movement. When a female student challenged the policy by posing nude—off campus, for an off-campus publication, UF's first mass protests emerged in opposition to her expulsion.

Jones, *Berkeley*, 23.

Jones, *Role*, 137.

Ibid, 141.

Jones, *Berkeley*, 23. Nor were the arrests a snap decision or spontaneous

development: "the decision to arrest the 12 was made the day before [when Ocala Police Chief K.C. Alvarez convened a meeting with city prosecutor Fred Krim; county prosecutor Gus Musleh; and the Sheriff's Office's chief deputy, H.A. Geiger[, and] the four made the decision to arrest the group as quickly as possible" (Medina, "UF Activists," 7 December 2013)—despite what they told Sheehan and Jones.

Aelony recalls: "a man who later identified himself as Chief Deputy Geiger as best I can recall, ordered me into his car and drove me to Ocala, a town known for its extremism. I again asked with what I was being charged and he angrily told me to shut up if I knew what was good for me. He led me into his office and asked if he could record a conversation. He then asked me my name and maybe some other things and told me that I was under arrest, that my rights would be protected. He then turned off the recorder and spat out hatefully that if it were up to him he'd slit my throat. […] A deputy was then told to take me to the white drunk tank where he threw me in, telling another prisoner that I was a Freedom Rider. I then was beaten and kicked for some time and my head slammed repeatedly against the rim of the toilet." Zev Aelony, "My Road to 'Insurrection'" (February 22, 2007), posted on the website VeganWolf, (accessed July 3, 2015), http://veganwolf.blogspot.com/2007/02/my-road-to-insurrection-every-human.html

Carlos Medina, "UF activists recall roles in Ocala segregation protests 50 years ago," the *Gainesville Sun*, 17 December 2013. Archived at http://www.gainesville.com/article/20131207/ARTICLES/131209695/0/search

Although four white men were also arrested, the charges against them were dismissed, whereas Hayling himself was convicted.

http://www.gainesvilleiguana.org/2012/articles/history-and-the-people-who-make-it-marshall-jones/#more-546

http://www.gainesvilleiguana.org/2012/articles/history-and-the-people-who-make-it-marshall-jones/#more-546

Dan Harmeling, SPOHP interview, 5 May 2015.

"1940 Statement," *AAUP Policy Documents and Reports* (10th ed.), 3-4 (emphasis added).

Indeed, academic freedom in practice is often understood to cover only research and teaching, narrowly defined, while tacitly excluding professional activities involved in service and governance.

Jones, *Berkeley*, 149.

Jones, "Role," 135.

Ibid, 139.

Ibid, 142.

Ibid, 137.

[31] Ibid, 140 (emphasis added).

Learning from Those who Taught Us: Tributes