

# Christian tenure issue

## Background and main events of controversy

By Earl Lawrimore

On February 1-2, two candidates for an opening in Davidson's political science department, selected from a field of 190 applicants, were invited to the campus for interviews. One of those candidates was Ronald Linden, currently a visiting lecturer at Swarthmore College.

The two candidates talked with members of the political science faculty and four student majors, academic vice president Frontis Johnston, and president Samuel Spencer.

"During my interview with Dr. Linden," Spencer stated, "we talked at length about the nature of Davidson as a Christian community and its character as described in the Statement of Purpose. We also discussed the policy of the college with regard to appointments and tenure as set forth in the by-laws of the Trustees. Dr. Linden is Jewish, and we discussed this in relation to college policy having to do with appointments and tenure."

Although Linden raised questions and did not indicate agreement with the policy, he gave Spencer no indication that he viewed it in terms he would later use.

Harris Proctor, chairman of the political science department, said he found Linden's credentials "quite impressive. He has a Ph. D. from Princeton University. His training was suited for the courses we needed for him to teach, specifically international and Soviet policy. He seems to have the sort of personality which would have made him a productive scholar and an excellent teacher." Linden, 29, had won seven different fellowships during his academic career.

On Feb. 7 the political science department unanimously recommended to Dr. Spencer that Linden be offered the position. On Feb. 9, the president wrote Linden to offer him a two-year appointment as assistant professor of political science. In addition to usual information about salary, fringe benefits, housing, and general responsibilities of professors at Davidson, Spencer wrote:

### Spencer's letter to Linden

"It is a part of my responsibility to point out to you in this letter the Statement of Purpose of the college to be found in the Charter and By-Laws and in the college catalogue. A copy of this statement, together with a copy of the section of the Trustee By-Laws dealing with tenure, is enclosed herewith. As you know, Davidson is a Presbyterian College, founded by churchmen and continuing in its relationship to the Church. Though it is non-sectarian in its practices, it has a basic Christian commitment and orientation. I understand and respect the fact that your orientation is different. However, you should accept the appointment offered to you in this letter only if you genuinely want to join such a community and are, as the By-Laws state, prepared conscientiously to uphold and seek to increase the college's effectiveness as a church-related college. I owe it to you in all fairness to repeat the admonition that the Trustees' conviction about the shared commitment of the permanent tenured faculty is very strong."

After saying he had enjoyed talking with Linden at Davidson, Spencer added, "A letter from you accepting the terms of this letter will constitute a contract. We would appreciate hearing from you at your earliest convenience."

The portion of the by-laws to which the president referred states:

"It is natural and desirable that the educational service of a church-related College should be carried forward from one generation to another by persons committed to the faith of its founders. The Christian commitment of a church-related College is reflected not only in its corporate policies, programs, and stewardship of resources, but especially in the lives of the individuals who make up its community, particularly its officers and tenured Faculty members. For that reason, the President is directed to seek out and secure as officers and Faculty members Christian men and women who are not only highly competent but who understand and respond to the implications of their commitment as Christians. In view of the fact that the Christian community has always had a place for the reverent seeker, the Trustees may in special circumstances grant tenure to a person who respects the Christian tradition without commitment to all its tenets. Within the general policy stated above, such cases will necessarily be rare. The President shall be responsible to the Trustees for being certain that each person employed as a member of the Faculty and staff, at the time of his or her appointment, is fully aware of and supports the purpose of the College as set forth in the Davidson College Constitution, and is prepared conscientiously to uphold and seek to increase its effectiveness as a church-related college."

On Feb. 25 Linden called Harris Proctor, chairman of

the political science department, to say he would accept the offer. Proctor said Linden "raised no question about the offer's terms."

When no letter came to the college, Proctor wrote Linden on March 9 to ask him to reply. Still no letter came, so Proctor wrote him a second time on March 23. Linden's letter to Spencer

Linden replied in a letter dated March 24. He stated his acceptance of the faculty appointment and apologized for the delay in responding, which he said "was a product not of mere procrastination but of my desire to think through all aspects of the position thoroughly."

Then Linden stated, "With respect to the college by-laws which mandate or encourage discriminatory hiring and promotion practices, I should make clear my strong opposition to such policies as morally repugnant, socially anachronistic, and scholastically unwise. During my time at Davidson, I will strongly support any movement to eliminate such laws and practices."

"I welcome this and other responsibilities to the college community," Linden wrote, "and hope to be able to make a contribution toward insuring the high scholastic standing of Davidson College."

To President Spencer, and other college officials, Linden's reply raised a question of his acceptance of the appointment as offered. Spencer referred the letter, "because of the possible legal implications," to the college's legal counsel, Larry Dagenhart, a trustee, Charlotte attorney, and alumnus. Dagenhart consulted with former trustee and law partner William Mullies, and with trustee and attorney James Dorsett.

All three attorneys agreed that Linden had not accepted a "key condition" of the appointment and, consequently, no contract existed. The attorneys advised Spencer that his responsibility under the college's governance documents would not permit him to treat the reply as an acceptance, and that he should write Dr. Linden to inform him of this and withdraw the offer.

### Attorneys advise action

Spencer consulted trustee chairman Warner Hall of Charlotte and vice chairman Fred Stair of Richmond, Va., both of whom concurred. He discussed the matter further with Dr. Johnston and Dr. Proctor, informing them of the advice of counsel. On April 13 he wrote Dr. Linden, relating the steps he had taken to discuss with him the requirements of the trustee by-laws and the Statement of Purpose, and said:

"Against this background, I do not feel that your letter of March 24 is an acceptance of our offer, because your letter indicates that you have failed to accept a key condition of the offer, as outlined by me to you both personally and in my letter.... I do not feel that you were as straightforward with me as I tried to be with you; and I am very much concerned about this in view of the sensitive and important role of a teacher at Davidson College.... I regret that we cannot treat your letter as an acceptance, and that given all the circumstances, we are withdrawing our offer. It is an unfortunate situation for us both."

On the advice of counsel, Spencer suggested to department chairman Proctor that Dr. Linden be given a reasonable time to reply before making the matter public, and set April 21, a week after he mailed the letter, as a time limit on confidentiality.

On Wednesday, April 20, Spencer called for a meeting of the faculty executive committee on April 21, "intending to give the executive committee the facts of the case so that they in turn could give a factual account to faculty colleagues; in this way, the campus could have been informed in a calm and rational way."

But students found out about the issue, and several of them met with Davidsonian (the student newspaper) editor Cathy Landis '78 late Wednesday night. On Thursday morning Landis decided to publish a story in Thursday's Davidsonian, and dispatched several staff members to round up details. She also worked with other student leaders to stage a boycott of Spring Convocation set for Friday, April 22.

Thursday evening's Davidsonian carried the front page headline, "Spencer rescinds job offer from Jewish Professor," and a three-column story.

### The convocation boycott

A group of faculty and students put out a flier at about the same time, urging "Boycott Spring Convocation." The flier stated the opinion that "A grave administrative error was made in not informing Dr. Linden (sic) the preliminary sessions that an outspoken stance could jeopardize his possible employment.... Dr. Linden has been punished because he refuses to be a hypocrite."

Thursday night the boycott organizers called Richardson Preyer and Richard Reynolds, the two honorary degree recipients of Spring Convocation, to inform them of their plans and assure them that there was no intention of demeaning their honor from the college.

About 10 a.m. a crowd of students, faculty, parents, alumni and other visitors had gathered in front of Chambers Building at a reception prior to the Convocation. Several students and professors stood on the steps of Chambers and made statements about their beliefs. Several professors and a few dozen of the 300 seniors who were expected to participate in a cap-and-gown academic procession into Spring Convocation, plus some underclassmen, boycotted the ceremonies and remained outside.

The Convocation was opened by President Spencer, who explained briefly the nature of the protest and introduced student body president Thom Young '78. Young, scheduled to give the traditional welcome to the Convocation, explained, "Our concerns are particularly that our policy may be discriminatory, that it limits our educational diversity, and it seems to lead to unchristian acts that must defend our Christian tenure policy." He invited students, faculty and staff who shared the concern of the boycotters to stand for a brief moment of silence. Most of the students and some of the faculty present did so.

Friday afternoon things were quiet. On Saturday morning, the Charlotte Observer ran a story about the Linden situation and the boycott on the front page.

### Alumni Weekend statement gives objectives

At the annual Alumni Weekend luncheon April 23 in Johnston Gym, Dr. Spencer summarized the "incident involving our offer to a candidate in political science and the broader issue of college policy having to do with appointments and tenure."

First, he related the various events prior to April 23, as we have done above in this article. Then he stated:

"What is at issue, with respect to the college's policy, is first, whether the college has a right to take religion into account in the appointment of faculty members, and second, whether it is wise and proper to do so. About the right there is no question. The law specifically grants that right to church colleges like Davidson.

"Whether it is wise and proper is a matter for judgment. For centuries there have been groups of Christian scholars and teachers who have banded together to offer education to the young. Since its founding, Davidson has been such an educational institution. Its Statement of Purpose and its whole history and tradition make clear that those responsible for college policy have believed that a group of persons who share a common commitment to Jesus Christ as Lord can together form an academic community distinctive in its approach to higher education—distinctive in combining a concern for intellectual competence with a concern for Christian values. They have further believed that society is well served by the existence of some institutions like this which consciously attempt to give their students not only intellectual skills but the love of truth, respect for human dignity, and unselfish desire to serve which naturally flow from Christian commitment. They have offered it not as a model for all of higher education, but as an option for those who choose it, for it is consciously different from the purely secular college or university.

"A common Christian commitment does not and must not for a moment imply denial of freedom of speech. On the contrary, there are few more important objectives in a society plagued by distortion and riddled by distrust than to maintain the college and university campus as a forum where ideas of all kinds, unpopular or inaccurate as they may be, can be freely expressed. We have, and will continue to have on this campus, expression of the most widely varying points of view, and I will personally continue to protect the right of that kind of expression as fundamental to our educational objectives.

"For those who define the term 'educational institution' in monolithic terms, an option such as the one Davidson has represented over the years is something less than the best. Central to this position is the conviction that an institution which seeks, in its permanent faculty, commitment to any particular faith cannot attract the 'best' teachers. This of course depends upon the definition of 'best.' Davidson's answer has always been that the 'best' is that person who combines to the highest degree academic competence with Christian commitment. It logically follows that in some cases, the choice of faculty members might be different from that of a college which chooses on the basis of intellect alone. The policy has been an honest one, openly and clearly stated for all to see. There is no denying, as is the case in this instance, that it is subject to misinterpretation and misunderstanding. Obviously there are those who feel that it should be changed.

"The entire matter is an important and basic one. It is a matter for legitimate and rational discussion, and the college campus is the kind of place which should encourage that exchange."