

Tenure revisited, House Bill 145



By Ken Macdowell

Glad to have you with us. I like your goals - specific and easily measured. Last guy told me his goal was to be on a first name basis with all his students and colleagues. Very difficult to measure.

New Instructor: I see that. He could just cheat and pretend to know everybody at his yearly evaluation.

Dean: Right. But we'll find out the truth. We have ways.

Teaching excellence is nice but nebulous. Establishing it as a contractual academic goal is a prescription for popularity contests - and not very accurate ones at that since people disagree (as people will) on exactly what constitutes excellence. In any event, no set of noble goals will eliminate the problem of incompetent teachers - as incompetents tend to settle in all occupations. But tenure may be the best hedge against deadwood. The decision to grant lifetime tenure is much weightier than the decision to grant a five year contract to a nice guy who needs the job. As such, the process is likely to produce a higher quality of permanent faculty positions. To be sure, there is room for improvement - and the faculty is currently working on a set of recommendations that will upgrade tenure procedures.

Gaston lauds mobility because "if you don't move, you don't grow." Heavy. Not too penetrating either. Presumably, proponents of a contractual system would ask the 55-year-old professor to accept perpetual uncertainty; to undergo the grueling pursuit of acceptance on a regular basis. If HB 145 were to pass, many professors would likely seek employment elsewhere - it being a natural human tendency to seek stability.

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BY BERKE BREATHED

Blind justices

Every country contains its share of individuals who feel the governing structure is not giving them a fair shake, whether it's through discrimination or some other means of unfair treatment.

America is no different. But the majority of our citizens believe such inequities are not intentional, not targeted at a particular group, instead we perceive inconsistent treatment as coincidental.

The 5th U.S. Circuit Court of Appeals, when it refused to alter the light penalties dealt three Houston police officers in the murder of Joe Campos Torres, proved Monday that discrimination is indeed intentional.

Torres was found beaten and drowned in Houston's Buffalo Bayou three days after he was arrested. Tracking the punishments handed to the officers involved, it would seem a human life is worth very little in Texas.

A state court jury assessed two Houston policemen the penalty of one year's probation for misdemeanor negligent homicide. This punishment was unjustifiably lenient and therefore appealed to the U.S. District Court.

When the district court failed to stiffen the penalties, the Justice Department requested the 5th U.S. Circuit Court of Appeals to issue a writ of mandamus ordering stiffer penalties.

The request was denied by a 2-1 majority of the circuit court even though the majority, Judge James C. Hill and Judge Robert A. Ainsworth Jr., admitted District Court Judge Ross N. Sterling exceeded his authority by suspending sentences of the

officers, who faced possible life terms on federal charges.

It is an embarrassing abrogation of the law when a code is broken by the very people who dictate it. Judges Hill and Ainsworth set a dangerous precedent when they agreed Sterling erred, but failed to reverse the light sentence.

Dissenting Judge Irving L. Goldberg, seemingly the only one of the trio with a sense of justice, perhaps best reflected our sentiments when he said, "Such a sentence has been imposed here, for a crime that is singularly offensive to a free society - a flagrant and violent breach of the law by those charged with enforcing it."

If the justice system coddles its own, then the general public must expect the same preferential treatment. If the courts are to be respected then there must be fair and equal treatment for all.

But, the rationale for the rejection of the request to alter the suspended sentences of the officers who faced possible life sentences is as absurd as the decision is unjust. The court's statement said, "To withdraw the probation granted for which the defendants and their families have prepared themselves would work hardship on the defendants and their families."

Hardship on the defendants and their families! What about the hardship of the Torres family? Joe Torres was murdered, so he suffers no hardship. Maybe if he'd only been maimed the courts would have considered the well-being of the Torres family.

The liberal myths of tenure

By Dr. James Sledd

In the Daily Texan for Feb. 5, Neill Megaw of the English department is quoted: "Tenure has become such a precious commodity that we cannot afford to waste it."

That's an odd statement. The one plausible justification for the tenure system is that it protects academic freedom. Is academic freedom so precious a freedom to waste?

But of course tenure as supposed protection for academic freedom is wasted already. Academic freedom can't be given, like a deanship or a research grant. Freedom is something that one chooses, and by middle age most academics have learned not to make that frightening choice.

In three terms in the Faculty Senate and the University Council, I heard a good many attempted justifications of known abuses, a lot of tiresome oratory in defense of faculty privilege, but precious little comment that could possibly offend anyone in power.

In fact, the real functions of the tenure system are to promote timid subservience at all ranks and to protect the established privileges of established academics, the comfortable seniors who least need protection.

The tenure system promotes subservience in two ways. First, it invites administrators to deny the "precious commodity" to anybody who they think might rock the boat. Second, the up-or-

out decision is so threatening that most young teachers soon choose to "go along to get along" (direct quotation - and he's tenured now).

But although the tenure system promotes subservience, it offers no protection to the bold and enterprising among the young and unknown, to the still undomesticated, the questioners of things as they are. Tenure is for housecats, the middle-aged and aging. The feisty young don't have it.

Defenders of the tenure system should also remember that the threat of arbitrary dismissal is just one of many threats which both colleagues and administrative superiors hold over an academic's head.

The ordinary academic can be just as easily intimidated by petty harassment, orchestrated denigration or the denial of raises and other goodies with which administrators and conformist colleagues can reward the unquestioning.

Against all intimidations, including the now customary pretense that the honest critic is a non-person, the best protection is courage and known ability, not tenure. One keeps a job by making the cost of dismissal too high.

So Megaw begs all the questions with his bland assumption that senior faculty are the infallible friends of freedom. There'd be no fuss about tenure if that were true - if the faculties of state universities really served the people, to whose enlightenment academic

freedom is just a means.

But lobbying outfits like TACT and the AAUP exist to maintain and extend professorial privilege, deserved or undeserved.

The old liberal cant about the tenure system is therefore no defense of academic freedom. It is instead a defense of the unparalleled privilege of an entrenched and selfish interest-group, the established professoriat, which wants to be recognized and rewarded as the brains of the great interlocking national bureaucracies, of governments and the big corporations, which grow less and less easily distinguishable. Tenure should be abolished, like academic rank.

What should replace ol' massa's plantation, with its Big House and slave quarters? I'd risk the suggestion that initial appointments, made with care, should be renewable so long as good service is rendered, but no longer.

Up to a reasonable maximum, raises should be uniform and automatic, with special raises for special merit. Beyond the usual maximum, cost of living raises should still be automatic, but anything more should be left to individual negotiation.

The incompetent would then be no burden, the competent would be secure, and the superior would be rewarded for their superiority.

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THE ACADEMIA WALTZ

