P.S. to **the NEWS**

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ACADEMIC FREEDOM

Academic freedom was a popular slogan used by college professors and adminis trators 20 years ago to resist attempts by parents, taxpayers, trustees, or donors to influence campus conduct or curriculum. Under this theory, the campus is a privileged sancturary which need not conform to values or guidelines set by any outside forces, even if such persons are financing the institution.

Although the theory contradicted the old adage that he who pays the piper calls the tune, the academic elitists pretty well established their immunity from outside influences. The 1957 Supreme Court case of Sweezy v. New Hampshire held that the State Attorney General was without authority to question Professor Sweezy whether he advocated Marxism in his lectures at the state university.

Today, however, college faculty and adminstrators have surrendered without a fight to the federal bureaucrats who have undertaken to supervise and regulate almost every aspect of higher education in both tax-supported and private institutions. Federal regulations govern student admissions, financial aid, confidential records, university research, faculty hiring, salaries and retirement. Title IX regulations specify requirements on facilities, equipment,access to academic programs, extracurricular activites, and athletics.

• Federal regulations have become a major cost to the colleges. Some duplicate and overlap one another, some are confusing and ambiguous, others are meddlesome and trivial. When Secretary Califano last year threatened 49 school districts and colleges with a cutoff of funds for failing to fill out their Title IX forms, it turned out that half the schools on the hit list had never received any HEW money.

HEW's behavior in trying to stretch its **pover** beyond what Congress int ended is a good lesson in how, if you give the bureaucrats an inch, they will take a mile. The Education Amendments of 1972 extend federal control to "any educational program

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or activity receiving federal financial assistance." But HEW promptly wrote the regulation to extend to "any educational institution recei '1federal assistance;• and now tries-to regulate every program in every college receiving any funds for any program or activity.

HEW is also trying to extend its power by defining "receiving federal financial assistance" to include any college enrolling any student who receives any loan or grant, even though the college never touches the federal money. HEW regulations do not distinguish between massively supported colleges and the small independent and religious colleges which may enroll only a handful of students who rec ive government loans.

Probably aware of the weakness of its position, in May 1978 HEW sent a letter to colleges and universities asking them to sign an agreement "ir\prder to be able to participate" in student assistance programs. If HEW has the legal power over small colleges which receive no direct federal aid, it doesn't need the colleges to sign a letter agreeing to submit to federal control. If HEW doesn't have the power under our laws, it is a highhanded piece of bureaucratic arrogance to try to bluff the colleges into complying.

So far there has been no federal regulation of curriculum, but many believe this is the next step. The Justice Department has already compelled the American Institute of Real Estate Appraisers to make changes in its textbooks and training courses in regard to what it teaches about the economic significance of a racially changing neighborhood.

Several years ago, Congress debated requiring certain course work for all medical students. There was also a vigorous but unsuccessful attempt to assert HEW curriculum control in its Title IX regulation by requiring the elimination of sexist materials in textbooks.

Colleges and universities have acquiesced in the galloping federal control because they fear a cutoff of federal funds and/or being singled out for bureaucratic harassment or litigation. But federal regulations about schools, coll ges and universities should be viewed as just as suspet.t as f deral interferences with public meetings, or any other exercise of our right to free speech -- at those who believe in academic freedom.

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