

Divided by Loyalty: The Debate Regarding Loyalty Provisions in the National Defense Education Act of 1958 (0256)

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The National Defense Education Act of 1958 (NDEA) was the first federal student loan program for college students in the United States and formed the precedent for the expansive Higher Education Act of 1965, which continues to offer student loans to college-bound students. Though higher education was generally receptive to student aid made available through the NDEA, the bill was widely criticized for its loyalty provisions that required student loan beneficiaries to swear their loyalty to the U.S. Government and sign an affidavit that they were not members of subversive organizations.¹ Historical scholarship of higher education policy has largely treated the loyalty requirement as a McCarthyist distraction, rooted in Cold War concerns and peripheral to the purpose and effect of the NDEA.² In this paper, I conduct a historical analysis of primary and secondary sources to argue that the national debate concerning the loyalty provisions transcends American Cold War politics and illuminates fundamental concerns regarding the benefits and consequences of government funding for postsecondary education.

The NDEA was developed after several failed attempts to pass general aid legislation between 1947 and 1957. Sen. Lister Hill and Rep. Carl Elliott sponsored the NDEA and presented it as a limited investment in national security amidst the country's anxieties regarding

1 United States Senate Committee on Labor and Public Welfare, *The National Defense Education Act of 1958: A Summary and Analysis of the Act* (Washington: U.S. GPO, 1958).

2 Barbara Barksdale Clowse, *Brainpower for the Cold War: The Sputnik Crisis and National Defense Education Act of 1958* (Westport, CT: Greenwood Press., 1981); Christopher P. Loss, *Between Citizens and the State: The Politics of American Higher Education in the 20th Century*, Politics and Society in Twentieth Century America (Princeton, NJ: Princeton University Press, 2012); Wayne J. Urban, *More Than Science and Sputnik: The National Defense Education Act of 1958* (Tuscaloosa, AL: University of Alabama Press, 2010).

Sputnik and looming Soviet power. Moderate conservatives laid aside their reluctance to involve the federal government in education and lent their support to the bill. In the final minutes of Senate deliberation, Sen. Karl Mundt inserted the loyalty provisions, which were accepted without debate. While conservatives in Congress applauded the provisions as a method to ensure NDEA beneficiaries served government interests, higher education voices claimed that the loyalty provisions trespassed upon their academic freedom.³

As a result, 32 colleges and universities refused to participate in the loan program, and 166 others publicly protested the provisions while reluctantly participating.⁴ Sen. John F. Kennedy and other progressives in the Senate responded with attempts to repeal the loyalty provisions in 1959, sparking a lively debate about the purposes of federal aid to higher education. Kennedy wrote, “The loyalty oath has no place in a program designed to encourage education. It is at variance with the declared purpose of this statute; it acts as a barrier to prospective students, and it is distasteful, humiliating, and unworkable to those who must administer it.”⁵ He also expressed concerns that the federal government was encroaching upon institutions’ academic freedom and students’ liberty to critically examine their loyalty to the U.S. and beliefs in democracy. Proponents of the loyalty provisions argued that it was reasonable to expect students who benefitted from a national defense program to affirm their opposition to

³ *More Than Science and Sputnik: The National Defense Education Act of 1958*; A. Whitney Griswold, "Loyalty: An Issue of Academic Freedom," *The New York Times Magazine*, Dec 20 1959.

⁴ "Disclaimer Affidavit: Non-Participating and Disapproving Colleges and Universities," *Bulletin of the American Association of University Professors* 47 (1961).

⁵ "Disclaimer Affidavit: Non-Participating and Disapproving Colleges and Universities," *AAUP Bulletin* 48, no. 4 (1962).

treason. Sen. Strom Thurmond could not accept the assertion that loyalty provisions enforced ideological conformity, since students were not compelled to participate.⁶

This debate exposed the fault lines of compromise between progressives and moderate conservatives in the NDEA. Because progressives were more concerned with prying open the door to federal funding for student aid than bolstering education for the sake of national defense, their opposition to the loyalty provisions was grounded in an effort to ensure that higher education maintained sufficient autonomy as federal support was introduced and expanded. The supporters of the loyalty provisions, on the other hand, viewed the NDEA as student aid subservient to national defense aims. Under this assumption, the requirement of student loyalty was reasonable and defensible.

Though Kennedy's repeal bill passed the Senate in 1959, it eventually failed when the House of Representatives did not consider it in 1960.⁷ In 1962, Kennedy, as President, finally repealed the loyalty provisions from the NDEA. It is true that the loyalty provisions did not set a precedent for future federal higher education policy, yet the substance of the debate they engendered remains relevant to contemporary policy concerns.

While the federal government is no longer interested in supporting higher education as a defense strategy as it was during the Cold War, it is increasingly concerned with higher education's role in advancing the nation's global economic position and long-term viability. Consequently, legislators and the Department of Education are interested in holding higher

6 *Congressional Record*, 86th Cong., 2nd Sess., June 15 1960.

7 John Stephan Schwegler, "Academic Freedom and the Disclaimer Affidavit of the National Defense Education Act: The Response of Higher Education" (Ed.D Dissertation, Columbia University Teachers College, 1982); H. I. Orentlicher, "Disclaimer Affidavit: A Valediction," *Bulletin of the American Association of University Professors* 48 (1962); "Exit: College Affidavit," *New York Times*, Oct 18 1962.

education accountable for the production of economic outputs that align with current federal priorities. In order to sustain or increase federal allocations to higher education and student aid, institutions have been willing to emphasize the economic benefits of postsecondary education and research and have relied upon aggregate studies to demonstrate the validity of such instrumental arguments. But, the ingenuity of advancing instrumental arguments, either for defense or economic development, in exchange for federal dollars and involvement necessarily prompts questions of accountability that challenge institutions to justify their utility to government priorities. The aggregate evidence alone is insufficient for a Department of Education that sends financial aid dollars to thousands of institutions with diverse missions and disparate quality.

Since 2013, the Obama administration has proposed to establish a college ratings system that would evaluate an institution's quality in comparison to a peer group. The government would then offer students better financial aid packages to attend the high-scoring colleges. This proposal stems from the very anxieties that motivated Thurmond to defend the NDEA loyalty provisions—if higher education is supposed to advance government interests in exchange for funding, by what mechanisms will the government be assured that its investment pays dividends? The contemporary movement for accountability to government priorities at the institutional level should not be surprising to a higher education community that has levied an instrumental arguments in favor of continued, or even expanded, federal funding for student aid. In short, instrumental arguments for government support may beget expectations for instrumental results. Especially in times of national uncertainty and increased skepticism of higher education's efficacy and lack of innovation, funding to higher education continues to illuminate tensions between educational principles and government priorities, raising enduring questions about the

proper relationship between a government that expects a return on investment and institutions that prize their historic and highly prized autonomy.

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