



# University of Delaware

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April 23, 1990

President E. Arthur Trabant  
Office of the President  
University of Delaware

Dear President Trabant:

I enclose the report on the relationship of the University of Delaware with the Pioneer Fund by the Faculty Senate Committee on Research. You charged the Committee to undertake a consideration of the many difficult questions involved in this matter in November, and in the time that has since passed we have collected and considered an enormous amount of information and opinion from both inside and outside the University. I would like to take the opportunity to thank the members of the Committee, who have expended vast amounts of their already heavily committed time to read a voluminous written record, and to attend meetings that must now total dozens of hours. That a group of scholars would be willing to devote such time and energy to a task suddenly and unexpectedly thrust upon them is a clear indication of the seriousness with which all have regarded and responded to your charge. I would also like to thank the members of the professional staff who have been particularly helpful to us in our work; Ronald Whittington, Assistant to the President, and Betty Garvin, Carolyn Grinnell and Rose Mary Rutt in his office, and Deanna Benson and Mary Sullivan in the Office of Research and Patents. Mary has kept track of all our documents, seen that copies were made and distributed, often on short notice, and managed to schedule and reschedule countless meetings, always with care, patience, and good humor. I could not have managed without her assistance.

As a standing committee of the Faculty Senate we are obliged to convey our report to the President of the Senate, even though we act upon a special charge given by you as President of the University. We will also be communicating with him about a number of matters not treated in our report but concerning which the Committee believes that future Senate consideration is appropriate. However, in view of the public character of the Pioneer Fund matter, and of the pressure that may come upon you when our report is published, we have decided to delay delivery of the report to Professor Dilley until the end of this week, Friday April 27, so as to give you some time to

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consider our report and consult with others about our recommendations. If you would like further information or clarification concerning any matters raised or not raised in our report, I know that I and other members of the Committee will be happy to help you in any way that we can. With sincere good wishes, for the Committee,

Lawrence Nees  
Professor  
Department of Art History

LN:ms

cc: Members of the Faculty Senate Committee on Research  
Susan Faw, Counsel  
Frank Dilley, President, Faculty Senate

April 19, 1990

Report of the Faculty Senate Committee on Research on the Issue of the University of Delaware's Relationship with the Pioneer Fund

Abstract

The University of Delaware should neither seek nor accept any further financial support from the Pioneer Fund as long as the Fund remains committed to the intent of its original charter and to a pattern of activities incompatible with the University's mission. The President of the Pioneer Fund has explicitly asserted his belief that the Fund should continue to be guided by the intentions of its founders. A preponderant portion of the activities supported by the Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds, and the procedures of the Pioneer Fund offer no assurances that financial support is extended without prejudice and according to academic merit. Academic freedom does not require that the University approve and forward every application for external funding generated by members of the faculty. The University has a right to set its own priorities for support of scholarly activity. The University's commitment to racial and cultural diversity is an essential part of, not a rival principle in conflict with, the University's commitment to the right of all people to participate in an environment of free and open inquiry.

Report

On November 22, 1989 President Trabant asked the Faculty Senate Committee on Research to consider several questions concerning the University's receipt of money from the Pioneer Fund. The Committee has met many times over the intervening months to consider the complex and important issues, has solicited and received information and opinions from many individuals and organizations inside and outside the University, and has held a series of meetings with people involved or particularly interested in the matter. The Committee has reached the following conclusion:

The University of Delaware should neither seek nor accept any further financial support from the Pioneer Fund as long as the Fund remains committed to the intent of its original charter and to a pattern of activities incompatible with the University's mission.

The background and reasoning for this conclusion and for the Committee's recommendations are discussed under three headings:

- Academic freedom and support of faculty research through the University
- The University's commitment to support racial and cultural diversity
- The relationship of the Pioneer Fund to the University of Delaware

Before turning to these three central topics, as a preamble, the Committee wishes to make clear that Professor Linda Gottfredson, the principal investigator and recipient of Pioneer Fund support through the University, has not been the focus of this investigation. The University has established procedures for periodic peer review of the scholarship and other activities of its faculty, and this Committee would reject any charge to conduct an ad hoc inquiry into a faculty member's work. That work enjoys the full protection of academic freedom extended to all faculty members of this University. Furthermore, the Committee's review revealed that the principal investigator complied with University procedures and policies, and obtained the signatures and the approval of the department chair, of the college dean, of the University Provost and other relevant University officials. In the application for funding the principal investigator described the nature of the proposed work, and upon receipt of support fulfilled the funding requirements. The work performed under the grant, whether research or service activities, is not at issue. With this essential point having been stated we can turn to the three major areas considered by the Committee in formulating its recommendations.

#### Academic Freedom

Academic freedom does not require that the University endorse and forward every application for external funding generated by members of the faculty. The University has a right to set its own priorities for support of scholarly activity.

In his letter charging the Faculty Senate Committee on Research President Trabant asked that we "recognize the fundamental right of a faculty member to pursue research in a field of the faculty member's choice, even if that research is unpopular." Some who have written to the Committee have perceived a threat to academic freedom. In considering the questions raised in relation to the Pioneer Fund the Committee has never directed its attention to the content or method of any faculty member's research or teaching, and would oppose any attempt to restrict a colleague's rights in these protected areas.

It is important to distinguish between a faculty member's right to pursue research and a faculty member's privilege to seek funding for that research through the University. Some have asserted an absolute right to

seek funding through the University from any source whatsoever. The Committee has found no basis for such an assertion in academic practice or in law. Many universities recognize, as does the University of Delaware (see the Faculty Handbook III-B-1), "the freedom of the faculty to teach and speak out as the fruits of their research and scholarship dictate, even though their conclusions may be unpopular or contrary to public opinion, . . . [and the] full freedom in research and in the publication of results . . . [and] in the classroom in discussing his or her subject."

The argument that the ability to pursue research is made meaningless if the financial support to do that research is denied deserves serious consideration. However, it is by no means an obvious and necessary corollary of academic freedom that the University must endorse and support that research. In fact, under current practice several policies already in effect at the University of Delaware restrict a faculty member's ability to secure funding in some circumstances. For example, for more than fifteen years University policy has prohibited the acceptance of funds to do classified research, on the grounds that such research is incompatible with the University's mission to pursue free and open inquiry. Also for a number of years it has been University policy that faculty "may not accept gifts, grants, or research contracts from private firms in which they have an equity interest," on the grounds of conflict of interest.

Therefore the University's right to restrict possible funding sources is already established. It is essential that such restrictions be applied in a fair, reasoned, and consistent manner. Members of the faculty must also recognize the University's right to establish its own priorities, interests and commitments. The fact that a faculty member may have the good fortune to find a donor willing to establish at the University a research center or program does not obligate the University to accept such a grant or establish such a center. Without such a right of refusal the University would have no control over its own destiny. The question before this Committee is whether the Pioneer Fund is a potential funding source to which faculty members may not apply under University auspices, and upon what grounds such proscription may be founded.

#### Racial and Cultural Diversity

The University's commitment to racial and cultural diversity is an essential part of, not a rival principle in conflict with, the University's commitment to the right of all people to participate in an environment of free and open inquiry.

The charge to the President's Commission to Promote Racial and Cultural Diversity reads in part: "The University of Delaware is committed to creating an educational community that is intellectually, culturally and socially diverse, enriched by the contributions and full participation of people from different backgrounds. Towards that end, the University is further committed to . . . creating a climate that

expects and encourages all members of the University community to respect and appreciate individual and cultural differences, promoting equity for people of different backgrounds throughout all areas of University life." This is a special commitment by the University, reflecting its effort to redress the results of generations of cultural, gender and especially racial discrimination. If the University decides that it does not wish to seek or accept financial support from organizations opposed to its policy on and commitment to racial and cultural diversity, no general precedent applicable to other potentially controversial issues is established.

It has been suggested to the Committee that although the University's commitment to racial and cultural diversity is important, the University has a more fundamental commitment to free and open inquiry, which constitutes a higher value to which the commitment to diversity must yield in the event of conflict. This contention fails for two reasons. First, as has already been stated, the refusal by the University to seek financial support from a particular source does not in and of itself deny free and open inquiry. Second, this contention fails to recognize that the University's commitment to racial and cultural diversity is intended precisely to allow access to free and open inquiry for all persons of whatever racial or cultural background. If the University agrees to act in partnership with any organization committed to the proposition that people of different racial and cultural backgrounds are inherently unequal, then that partnership restricts the ability of individuals from all backgrounds to be treated as fully equal participants in the University community.

#### The Relationship of the Pioneer Fund to the University of Delaware

The Committee's conclusions concerning the Pioneer Fund are based upon the materials provided by the Pioneer Fund and by other individuals and organizations. Of central importance are the current charter, procedures, and activities of the Pioneer Fund, and the statements and activities directly attributable to the Pioneer Fund and organizations to which it has extended financial support. Is the Pioneer Fund committed to views and activities incompatible with the University of Delaware's mission to promote free and unbiased inquiry and its commitment to racial and cultural diversity? In addressing this question the Committee considered the Pioneer Fund's charter, its pattern of funding activities, and its procedures.

##### 1) Charter

While two words of the Pioneer Fund's 1937 charter were altered in 1985, the Fund's activities continue to be consistent with the original intent of that charter, and the President of the Fund has explicitly asserted his belief that the Fund should continue to be guided by the intentions of its founders.

The Pioneer Fund was founded in 1937, and its original charter dates from that year. The charter was amended in 1985 through the deletion of

one word and the addition of one other. The charter has two operating clauses describing the proposed activities of the organization. These must be quoted at some length, with the deletion and addition indicated in brackets. The charter states that the Fund was established as follows:

A. To provide or aid in providing for the education of children of parents deemed to have such qualities and traits of character as to make such parents of unusual value as citizens, and, in the case of children of such parents whose means are inadequate therefore, to provide financial aid for the support, training, and start in life of such children. The children selected for such aid shall be children of parents who are citizens of the United States, and in selecting such children, unless the directors deem it inadvisable, consideration shall be especially given to children who are deemed to be descended predominantly from white [in 1985 "white" was deleted] persons who settled in the original thirteen states prior to the adoption of the constitution of the United States and/or from related stocks. . . . B. To conduct or aid in conducting study and research into the problems of heredity and eugenics in the human race generally and such study and such research in respect to animals and plants as may throw light upon heredity in man, and to conduct or aid in conducting research and study into the problems of [in 1985 "human" was added] race betterment with special reference to the people of the United States, and for the advance of knowledge and the dissemination of information with respect to any studies so made or in general with respect to heredity and eugenics.

The 1937 Pioneer Fund charter was explicitly a "for whites only" document. In both oral and written communications to the Committee Mr. Harry Weyher, President of the Pioneer Fund, has indicated that such a "whites only" policy was common in 1937, and indeed observed that the University of Delaware was at that time a racially segregated "for whites only" institution. Yet it must be recognized that the University has made great efforts to change. Years ago the University was desegregated. An affirmative action policy has been established. The President's Commission to Promote Racial and Cultural Diversity was established to redress the University's earlier failure to allow individuals of all ethnic, racial and cultural backgrounds to participate in University life.

Has the Pioneer Fund also changed? The Pioneer Fund has not repudiated the original intent of its charter, which discriminates against people who were not "white" descendants of settlers of the original thirteen states prior to 1776. The deletion of the word "white" in 1985, thirty-one years after Brown v. Board of Education, twenty-one years after the Civil Rights Act of 1964, occurred only when the Pioneer Fund came under public criticism. According to Mr. Weyher the change was made "because of the fact that Mehler and these other people have been making tabloid newspaper stories." When asked during his March 20 meeting with the Committee to comment upon the University of Delaware

having dramatically changed in its attitudes to racial and cultural diversity since 1937 while the Pioneer Fund appeared to have changed very little, Mr. Weyher responded "I didn't think it was up to me to try to change a thing like that [i.e. the organization's charter] that somebody else had written and they had put their money in it. I don't believe in changing somebody else's objectives or somebody else's targets if he is the one who paid for the whole thing."

It is the view of the President of the Pioneer Fund, who has been a director of the Fund since 1958, that the Fund still respects the objectives and intentions of the original 1937 charter. In response to several separate questions Mr. Weyher repeated this sentiment in different forms. The Pioneer Fund as a private organization has a right to maintain such views, and the First Amendment protects the Fund's right to hold and broadcast such views. The University of Delaware has an obligation to recognize that such views are clearly and unambiguously in conflict with the University's commitment to racial and cultural diversity.

## 2) Pattern of Funding

A substantial, even a preponderant portion of the activities supported by the Pioneer Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds. On the basis of this premise the Fund seeks to influence public policy according to a eugenic program.

According to its charter, the Pioneer Fund supports research and the dissemination of information with reference to "the problems of heredity and eugenics in the human race." According to its description of its own activities dated November 1, 1989, the Pioneer Fund makes grants in a number of areas. Specifically mentioned are projects involving the study of twins, human abilities and disabilities, and genetic diseases. For the latter category a detailed list of "Some Diseases Studied under Pioneer Fund Grants" was provided, listing AIDS, heart disease, hemophilia, nutritional deficiencies [and their] impact on intelligence, periodontal disease, pregnancy problems, psychoses, schizophrenia, sickle cell anemia, Tay-Sacks disease and Tourette's syndrome. This list is presented as if to suggest a sympathetic response to diseases that exclusively or predominantly affect a wide range of racial and ethnic groups. Such suggested balance of activities is in fact seriously misleading when the amounts and numbers of the grants involved are considered. Since 1982, the first year for which the Pioneer Fund made its list of grants available, only one of the organizations involved with study or treatment of the diseases associated with ethnic communities which the Pioneer Fund states it has supported, the Tay-Sacks Prevention Program of the Shriver Center for Mental Retardation, has received any financial support, and that support was one single grant for the sum of \$1,000, in 1984.



Over the last five years the Pioneer Fund made an average of eighteen grants per year, grants averaging \$38,642 over that period. As the figures themselves show, and as Mr. Weyher stated in his meeting with the Committee, it is the Pioneer Fund's common practice to make repeated grants to the same organizations. Between 1985 and 1989 the following organizations received Pioneer Fund support as indicated:

University of Minnesota - 3 grants totalling \$332,000

Institute for the Study of Educational Differences - 6 grants totalling \$337,500

Foundation for American Immigration Reform - 8 grants totalling \$295,000

Institute for the Study of Man - 5 grants totalling \$132,300

Coalition for Freedom - 3 grants for \$130,000

Johns Hopkins University - 2 grants for \$124,000

American Immigration Control Reform - 3 grants totalling \$80,000

Foundation for Human Understanding - 3 grants totalling \$25,000

Most of these activities supported by the Pioneer Fund have to do with racial and ethnic differences as a function of heredity and eugenics, and had the purpose of shaping public policy. Some examples of activities undertaken by recent and current recipients of Pioneer Fund support need to be cited, only a few among many others that have been brought to the Committee's attention.

Research, publications and distribution of materials supported by the Pioneer Fund include the work of Arthur Jensen, who has argued repeatedly for the existence of what he calls a "g factor," which is an inherited "general intelligence" that he finds to be eighteen percent lower in blacks than in whites.

Drawing upon Jensen's arguments, J. Philippe Rushton, recipient through the University of Western Ontario of grants from the Pioneer Fund totalling \$206,550 since 1984, has, according to extensive quotations from a 1988 article supplied to the Committee, found hereditary racial correlations not only in intelligence but also in such factors as sexual restraint, personality, and social organizations, "all of which show whites between Orientals and blacks. The efficient unit of analysis, therefore, is the higher order concept of race, within which cluster the different ethnic groups and, ultimately, individuals."

Robert Gordon, recipient of Pioneer Fund support through the Johns Hopkins University, has extended the analysis of hereditary racial

differences in intelligence into the area of crime: "the consequences of differences in g can be quite pervasive; crime, after all, often represents a kind of occupation."

Two of the largest recipients of Pioneer Fund support are the Foundation for American Immigration Reform (FAIR), and American Immigration Control Foundation (AICF), both of which focus their attention upon immigration questions, especially focusing upon illegal immigration. Grants made to these organizations since 1985 have been described by the Pioneer Fund as being in support of "study of various illegal immigration problems," "purchase of computer system," and "printing and distribution of monographs on population questions." When asked to explain how these activities related to the Pioneer Fund's charter, which calls for support of "study and research into the problems of heredity and genetics in the human race," Mr. Weyher stated that this is "because illegal immigrants are a big part of our demography in this country, the demographics of the country now have to include about six million illegal Hispanics." When questioned further, Mr. Weyher characterized these major Pioneer Fund activities as related to the study of eugenics.

In January 1982 the Foundation for Human Understanding, recipient of Pioneer Fund grants totalling \$81,000 since 1982, placed an advertisement in The Citizen for a book by John R. Baker entitled Race. The text of the advertisement reads in part: "For almost half a century, largely because of the negative reaction to Hitlerism, the West has paid so little attention to the all-important science of race that the man in the street has had to become his own physical anthropologist, has had to devise his own ad hoc system of racial identification. Now, in layman's language, Dr. John R. Baker puts us straight on race. . . . How to tell a Nordic from an Alpine, an Alpine from a Mediterranean, a Jew from a Gentile? How does one race compare with another in intelligence, work concentration, inventiveness, stamina? Which of the various racial traits, both physical and mental, are inherited, and which are not? . . . History depends to a great extent on race . . . [and] surely it is time to have a book that may well provide the master key."

### 3) Procedures

The procedures of the Pioneer Fund offer no assurances that financial support is extended without prejudice and according to academic merit.

The procedures of the Pioneer Fund in making grants and administering financial support are not in and of themselves either singly or even taken all together sufficient grounds for the University to refuse to accept funds from that organization. On the other hand it must be recognized that these procedures are unusual for such a large organization, now making annual disbursements in excess of one-half million dollars, and that these unusual procedures certainly raise questions concerning the openness and impartiality of the Pioneer Fund.

The Pioneer Fund claims that it is careful to exert no control over the outcome of activities that it supports, yet its procedures assure that only applicants introduced to the organization by previous grantees are likely to seek and secure financial support. Procedures such as peer review and outside expert evaluation are employed by large organizations that exist to support research precisely so as to assure that financial support is extended without manipulation or prejudice and according to academic merit. The procedures of the Pioneer Fund offer no such assurances.

#### Application Review Procedures.

According to the most recent tax return made available to us by the Pioneer Fund, for the year 1987, the Pioneer Fund had assets whose fair market value was assessed at \$5,757,522, and disbursed \$739,776 in grants to various organizations. The Pioneer Fund distributes no descriptive brochures, advertisements or other materials that might bring the Fund to the attention of scholars working in the field of its interest or to encourage applications. There is no application form for grant proposals made to the Pioneer Fund. The applicant simply writes a brief letter to the Fund, one copy, at any time of the year, and the five-member Board considers it, sometimes rendering a decision in only one day, according to Mr. Weyher. There is no provision for peer review, and none whatsoever for independent scholarly assessment. The members of the Board are at the present time an investment banker, two engineers, and two attorneys. When asked to name some individuals contacted for expert advice on matters of scholarship, Mr. Weyher named two of the largest recipients of Pioneer Fund support. The Fund requires no interim or final reports from its grantees, and does not ask for copies of work carried out with its support.

#### Acknowledgement of Funding.

The Pioneer Fund does not ask for acknowledgement of its financial support in published materials or in any other form, and most recipients of Pioneer Fund support do not acknowledge that support.

In fact none of the materials prepared or distributed at the University of Delaware mentions in any way that all direct costs or indeed any costs were borne by the Pioneer Fund. According to Mr. Weyher, although the Fund neither encourages nor discourages acknowledgement, no more than 10-20% of its grantees acknowledge the Fund's support. It is difficult to understand how such a pattern of non-acknowledgement, a clear deviation from normal academic expectations and practice, and also an action running against a scholar's normal pride in the receipt of financial support for his or her work, could be purely coincidental. Such an unusual pattern on the part of grantees also seems at variance with the Pioneer Fund's repeated insistence that its unusually unstructured procedures are designed to maintain distance between the Fund and its grantees so as "to insure the impartiality of the research." Indeed, the pattern of non-acknowledgement of Pioneer Fund support characteristic of the Fund's grantees has the further effect

that when materials are distributed under grants made by the Pioneer Fund, the impression is created that the activity is being carried on by the University acting alone, since the materials bear the University's coat of arms but make no mention of the Pioneer Fund. Such an impression is misleading.

As a matter of policy the Pioneer Fund will not make grants to individuals but only to universities and other organizations.

According to Mr. Weyher this restriction is self-imposed, and if it wished to do so, the Fund could prepare documents that would enable it to make grants directly to individuals. Thus if the University decides not to allow application to the Pioneer Fund under its auspices, such a decision amounts to a total denial of access to the Fund for members of its faculty only because of the Pioneer Fund's own restrictions, not because of the University's actions. In any event, a faculty member may seek permission to establish a center or program independently of the University, subject to the restriction that University commitments to research, teaching, and service continue to be met, and could seek financial support from the Pioneer Fund through that program without directly involving the University. The restriction imposed by the Pioneer Fund upon its grantees has the effect of funneling funding through the University. In this way the University of Delaware lends its prestige and credibility, and is made to appear to have supported the Pioneer Fund's activities. The name of the University of Delaware is also added to the list of Pioneer Fund grant recipients, a list distributed to grantees as an indication that the Fund is a legitimate research organization that does business with prestigious institutions, without mentioning that its programs are operated by individual faculty members, usually only one faculty member.

#### Requirement of University Support.

The Pioneer Fund declines to pay indirect costs of grants made to organizations, indirect costs calculated at the University at the rate of approximately 30%. As a result, the total of \$174,000 given to the University in three gifts made in 1988 and 1989 by the Pioneer Fund has been matched by \$52,200 in involuntary University of Delaware contributions.

The Pioneer Fund is not by any means the only organization that refuses to pay indirect costs, and such a practice is certainly not in itself grounds for refusing to accept outside financial support. The University can and sometimes does waive the payment of such indirect costs. Surely, however, no one can maintain that the University must assume any or all of the indirect costs of any grant for which a faculty member wishes to apply, and is prohibited by the doctrine of academic freedom from deciding that it wishes to allocate its limited resources in a different way. Faculty members might wish to have the right to compel the University to make matching grants, but no one would seriously claim to have such a right. Indirect costs which support the provision of

It would be improper at this time for the University to seek in any way to prevent the completion of the activities for which financial support from the Pioneer Fund has already been received. No good end would be served by stripping funds from the University's other programs in order to return money to the Pioneer Fund for eventual redistribution to other organizations that it chooses to support. The university made a mistake in seeking financial support from the Pioneer Fund, but a mistake cannot be undone. The challenge before us as individuals and as a University is to recognize the error, to acknowledge that error clearly and forthrightly, to convey our regrets to those who may have been hurt, and then to act more wisely in the future, building an academic environment in which all individuals of whatsoever ethnic or cultural background are encouraged and expected to participate equally in the free and open inquiry that is the fundamental reason for the University's existence.

Lawrence Nees, Chair  
Jack Gelb  
Michael Klein  
Fadil Santosa  
Barbara Settles  
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