



Excerpts from the Minutes of the Regents of the University of California, Regular Session, September 22, 1950

TRANSCRIBER NOTE:

This excerpt from the meeting minutes includes a list of attendees and only those sections that pertain to the loyalty oath controversy. Page numbers reflect those of the original source. Missing words, misspellings, and other typographical errors found in the original are followed by bracketed notes.

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[Excerpts from Minutes of September 22, 1950]

Los Angeles
September 22, 1950

A meeting of The Regents of the University of California was held this day at 2:00 p.m. in the Engineering Building.

Present: Regents Ahlport, Canaday, Collins, Fenston, Harrison, Heller, Knight, McFadden, Merchant, Neylan, Pauley, Sprague, Sproul, Steinhart, and Dickson (16).

In attendance: Mr. Maynard Toll, Vice-President Hutchison, Secretary and Treasurer Underhill, Vice-President - Business Affairs Corley, Attorney Calkins, Assistant Secretary Taylor, Assistant Secretary Woolman, Controller Lundberg, Engineer Weaver, Architect Evans, Dean L. M. K. Boelter, Messrs. Morris and Hamilton of the Office of Public Information, and Newspaper Representative and Guest.

Regent Dickson in the Chair.

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REPORT OF THE COMMITTEE ON FINANCE AND BUSINESS MANAGEMENT:

3. The Committee on Finance and Business Management presented the following report:

Your Committee on Finance and Business Management makes the following recommendations:

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APPOINTMENT OF ATTORNEY - TOLMAN, et al vs. Underhill, et al:

As an addition to the Committee's recommendations as submitted, Regent Ehrman reported that the Committee on Finance and Business Management on August 31, was informed by the Attorney that a suit might be filed in mandate on behalf of Professor Tolman and other "non-signers" of the employment contract, and that, in view of the opinion he had previously rendered, the Attorney would feel embarrassed in appearing for The Regents. On motion of the Committee at that time, Regent Ehrman as Chairman was authorized, in the event such a suit were filed, to employ special counsel to represent The Regents. Pursuant to that, Mr. Eugene Prince

of the firm of Pillsbury, Madison and Sutro was retained, and Regent Ehrman telegraphed every Regent asking if they desired Mr. Prince to put in an appearance for them as individuals. Consents were received from most of the members, a few did not answer, and one stated he did not think it necessary to employ special counsel. In view of the fact that it involved a contingent liability for the payment of a fee to special counsel, Regent Ehrman felt that the matter should be reported to the Board and asked that there be added to the report of the Committee on Finance and Business Management a recommendation that the Committee's [action] in this respect and the appointment of Mr. Prince as special counsel be confirmed.

Regent Ehrman then moved that the report of the Committee on Finance and Business Management, as augmented by his report on the appointment of special counsel to represent The Regents in the case of Tolman, et al vs. Underhill, et al, be approved and adopted. The motion was seconded and carried, Regents Ahlport, Canaday, Collins, Ehrman, Fenston, Harrison, Heller, Knight, McFadden, Merchant, Neylan, Pauley, Sprague, Sproul and Dickson (16) voting "aye"; voting "no," none.

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REPORT ON "NON-SINGERS" [sic]:

9. In connection with the action taken by the Board on August 25 with reference to the signing of the new form of acceptance, the President reported that he had received a communication from the Office of the Secretary of The Regents to the effect that the ten-day period granted by The Regents to all "non-signers" to file acceptance letters had expired, and that the status of the various academic employees involved as of the date of the letter (September 11, 1950), was as follows:

1. The following are parties to the suit filed against The Regents, and have not signed letters of acceptance. The time limit set for these people is now subject to the order of the Court extending such time as may be directed:

Arthur H. Brayfield, Assistant Professor of Education, Berkeley
Hubert S. Coffey, Associate Clinical Professor of Psychology, Berkeley
Leonard A. Doyle, Associate Professor Accounting, Berkeley
Ludwig Edelstein, Professor of Greek, Berkeley
Edwin S. Fussell, Instructor in English, Berkeley
Margaret T. Hodgen, Associate Professor of Sociology, Berkeley
Ernst H. Kantorowicz, Professor of History, Berkeley
Hans Lewy, Professor of Mathematics, Berkeley
Harold W. Lewis, Assistant Professor of Physics, Berkeley
Jacob Loewenberg, Professor of Philosophy, Berkeley
Charles S. Muscatine, Assistant Professor of English, Berkeley
John M. O'Gorman, Assistant Professor of Chemistry, Santa Barbara
Stefan Peters, Associate Professor of Insurance, Berkeley
Brewster Rogerson, Assistant Professor of English, Berkeley
Edward H. Schafer, Associate Professor of Oriental Languages, Berkeley
Pauline Sperry, Associate Professor of Mathematics, Berkeley
Edward C. Tolman, Professor of Psychology, Berkeley
Gian C. Wick, Professor of Physics, Berkeley

2. The following are not parties to the suit and have not signed letters of acceptance:

John W. Caughey, Professor of History, Los Angeles
John L. Kelley, Associate Professor of Mathematics, Berkeley
Charles L. Mowat, Associate Professor History, Los Angeles

Leonardo [sic] Olschki, Lecturer in Oriental Languages, Berkeley
R. Nevitt Sanford, Professor of Psychology, Berkeley
David S. Saxon, Assistant Professor of Physics, Los Angeles
Hans Weltin, Assistant Professor of Physics, Santa Barbara - See page #222
Harold Winkler, Assistant Professor of Political Science, Berkeley

3. The following have signed acceptance letters and constitutional oaths within the ten-day period prescribed:

Arthur H. Brodeur, Professor of English and Germanic Philology, Berkeley
Warner Brown, Professor of Psychology, Berkeley
Robert K. Harris, Associate Professor of Medical Psychology, Berkeley
James Hopper, Jr., Associate Professor of Medicine, San Francisco
Emily H. Huntington, Professor of Economics, Berkeley
Anthony P. Morse, Professor of Mathematics, Berkeley

4. The following have resigned in accordance with the terms of The Regents' offer of August 25, 1950:

Walter D. Fisher, Assistant Professor of Agricultural Economics, Berkeley
Margaret O'Hagan, Associate Professor of Art, Berkeley
Eleanor Pasternak, Assistant Supervisor of Physical Education, Los Angeles

5. The following who have been traveling abroad have stated in writing that they will sign letters of acceptance upon their return:

Isabel C. Hungerland, Assistant Professor of Speech, Berkeley
Stephen Enke, Lecturer in Business Administration, Los Angeles

The President stated that both of the persons listed in the last category had by this time signed letters of acceptance.

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He then discussed the case of Hans Weltin, Assistant Professor of Physics at Santa Barbara who was listed among those who had not signed within the time prescribed by The Regents. Professor Weltin on September 15 wrote to the President stating that because he had been out of town, he had just received his letter of appointment and hence could not have signed the acceptance earlier. The President recommended that it be accepted. The Secretary explained that the reason this was referred to The Regents was because it had come in after the ten-day limit and it could not be accepted without positive action of the Board. He added that in signing the acceptance form, Professor Weltin had commented that he was signing it under duress.

Regent Neylan called attention to the non-signers who were not recommended for retention by the Committee on Privilege and Tenure and who were discharged by The Regents, and he moved that these persons be given an extension of time within which to sign which would run concurrently with the time which may be allowed by the Court to those non-signers who brought suit against The Regents. An amendment to this motion granting the same time to all the non-signers who did not bring suit was proposed by Regent Harrison and accepted by Regent Neylan. It was explained by Regent Ehrman that the Court's order to show cause dated September 1 directed that, as it affects the litigants, the ten-day period within which to sign granted by the Regents on August 25, shall not expire until ten days after any further order of the Court specifying that such time shall commence to run. On September 14, the date of the hearing of the petition, the Court, in addition to grant 30 more days to the respondents and 30 days to the petitioners in which to file briefs, ordered that "pending the further order of this Court, the order of September 1 shall be continued in effect." The motion before the Board would grant the same extension of the ten-day period to those persons who did not join in the

petition.

In further discussion of his motion, Regent Neylan stated that it was his belief that the non-signers were being misled and, in particular, were being misled by the recent book written by Professor George Stewart entitled "The Year of the Oath." He discussed the book at some length stating that it was being used maliciously to the detriment of the University, and he quoted certain passages from it which he pointed out were false and dishonest. He informed the members that prior to the publication of the book, he had offered Professor Stewart his file on the subject of the oath, but it had been refused, which, in Regent Neylan's opinion, indicates that the author was not interested in learning the facts, but rather was making a malicious attempt to hurt the University. He thought many were being misled by statements that are not based on the record and that at the appropriate time The Regents should give consideration to the publication of the truth.

The motion to grant the same extension of time to those non-signers who had not joined in the suit as has been granted by the Court to the litigants was then voted upon and carried. It was understood that he be recorded as not voting, as he felt that an affirmative vote might be inconsistent with the stand he had previously taken.

Concerning the case of Professor Hans Weltin above referred to, it was the opinion of The Regents that the foregoing action would cover the acceptance of his late contract.

In relation to the matter of the application of severance pay, Regent Neylan said that it had been called to his attention by Regent Harrison that the action of The Regents on August 25 referred only to those who might resign within the ten-day period specified. He [so] moved that severance pay be allowed to all non-signers who resigned subsequent to June 30, 1950. It was brought out that these payments were to continue only until other employment is obtained but in no event beyond the close of the current fiscal year. While the record of the last meeting referred to "academic" employment, it was agreed that the intention at that meeting was to continue severance payment during the current fiscal year until other employment is obtained regardless of whether such employment is academic or non-academic in character. With this understanding, all The Regents voted to adopt the motion of Regent Neylan allowing such severance payment to those persons who resigned subsequent to June 30, 1950, with the exception of Regent Steinhart who requested that he be recorded as not voting. Regent Ehrman asked if the motion last adopted might not be considered prospective in effect. To cover this point, Regent Harrison moved that it apply only to those persons who resigned subsequent to June 30, 1950, and prior to the date of the meeting, September 22, 1950, and that it be restricted to those persons who resigned because of their refusal to sign the required form of letter of acceptance. The motion was adopted, Regent Steinhart requesting that he be recorded as not voting. (See page #225)

ANNUAL REQUIREMENT OF THE STATE OATH:

10. President Sproul presented letters he had received from the Secretary of The Regents regarding the requirement of the annual execution before a notary public of the state oath. The Secretary's letters commented on complaints he had received, particularly from clinical professors who found it a nuisance and inconvenience to have to hunt up a notary each time an appointment or a change in status was received. Another case mentioned was that a professor now in Europe who has been unable to locate a person authorized to administer an oath. It was the Secretary's thought, and in this the President concurred, that not more than one oath should be required in one year, even though there might be a change in status and a new acceptance form required.

In discussing this matter, Regent Neylan felt that it might be imprudent to take action at this time. Regent Harrison agreed, stating that in view of the matter which is now pending before the Court, he believed it would be best not to disturb the situation unnecessarily. Under the circumstances, The Regents directed that the matter of the requirement of an annual oath be put over until the next meeting of the Board.

COMMUNICATIONS:

11. (a) The Secretary reported the receipt of communications from the following organizations protesting the dismissal of non-signers of the anti-Communist statement:

World Federation of Teachers Union, Paris, France
C. I. O. - California Industrial Union Council, Los Angeles
Society for the Psychological Study of Social Issues

The Regents directed that the above communications be filed.

(b) The Secretary presented the following telegram:

"Stewart J. Stronach and Associates, Inc. bid for the conversion, Santa Barbara College, Goleta Campus, was at 2.89% of reimbursable cost. This refused consideration. We request investigation and report.

Stewart J. Stronach and Associate [sic], Inc. by Murchison and Myers, Attorneys-at-Law"

Upon motion of Regent Merchant the telegram was referred to the Attorney.

(c) The following communications were presented by President Sproul:

1. A resolution of the Council of the American Mathematical Society protesting the recent action of The Regents and urging "that The Regents reconsider their action so as to restore academic freedom and to insure the continued high standing of the University of California."
2. A resolution of the Board of Directors of the American Psychological Association, stating that in view of unsatisfactory tenure conditions for teachers and research personnel, the Association has instructed its placement service to refuse assistance in filling vacancies in the State University system of California until such time as tenure conditions meet acceptable standards; and it has recommended to its members that they not accept positions in the State University system until tenure conditions improve.
3. A communication from the Berkeley Chapter of the American Association of University Professors advising that the Chapter had requested the National Office of the AAUP to investigate the general situation at the University of California with respect to faculty tenure and status and with specific reference to the action taken by The Regents on July 21, and August 25, 1950.

In addition, the President stated that he had received a number of communications on the same subject from individuals. It was directed by the Board that all of these communications be filed.

The President was asked if any resolutions had been received upholding the views of The Regents and in reply he stated that he had hundreds on both sides of the issue but those received from individuals he did not read to the Board.

Regent [sic] Ahlport and Knight informed the members that they had received many letters commending The Regents on the stand they had taken and only a very few protesting. They asked that these be filed with the Secretary. In this connection, Regent Ehrman moved that any Regent be permitted to file with the Secretary any and all communications he had received with respect to this matter. The motion was carried and the Secretary was directed to receive and file such communications.