



Letter to John Francis Neylan from Monroe E. Deutsch, July 17, 1950

[Letter, July 17, 1950]

San Francisco, California
July 17, 1950
Mr. John F. Neylan
Crocker First National Bank Bldg.
San Francisco 4, California
Dear Mr. Neylan:

As one who has served the University of California for forty years, as an alumnus of the University, and not least as a citizen of the State who has taken the greatest of pride in the University of California, I am taking the liberty of writing you at this critical moment in the history of the University.

There is great danger that sight will be lost of what has been the purpose the Regents have ever had in mind. That was clearly and undeniably to prevent the employment of Communists in the University. Accordingly (regardless of the past history of the incident and the misunderstandings which have occurred) the one question and the only question which should arise jeopardizing the position of anyone in the University ought to be: "Is he a Communist?" To ascertain this, the Regents established a form of contract in which the individual has the opportunity to declare he is not a Communist. But the Regents, recognizing the hostility of some members of the University to signing such a statement, expressly provided that those who for any reason objected to signing, would have the right of a hearing before the Faculty Committee on Privilege and Tenure. The recommendations of that Committee (presumably on the one question of Communist membership) were to go to the President, and after he had considered them he was to submit his recommendations in each case to the Regents.

The Faculty assumed—and had a right to assume—that these recommendations would not be lightly considered. After all it is obvious that the Committee (like any jury) took into account the attitude of the individual when he appeared before it, and besides the members of the Committee had had many an opportunity to know much of his general point of view.

Certainly if the Regents (or any of them) had evidence disproving the recommendations submitted, they have a right and a duty to present it.

But the issue (it must not be forgotten) rests on the one point: "Is he a Communist?" If there is well-grounded evidence to doubt in any case, I should feel that it would be in accord with the previous action of the Regents to refer the new material to the President to be considered by the Committee on Privilege and Tenure for later report to him, and a subsequent recommendation by him to the Board. Surely the Regents do not wish to be in the position of both prosecuting attorney and judge, nor condemn a man without his having opportunity to present his evidence on a charge that may be against him.

Moreover it must be remembered that in the Standing Orders of the Regents it is provided that the President shall submit recommendations as to appointments, promotions, demotions and dismissals, and in reference to such acts it has been wisely the settled policy of the Regents to accept the President's

recommendations. For the Regents to endeavor to take over these functions would mean the certain and inevitable destruction of the position of the University. Even if they limited themselves to dismissals, it would unquestionably jeopardize the University, for the causes which would prompt their actions, would inevitably become more and more numerous. And as a result of the destruction of the principle of tenure recognized in all Universities in the group to which California has belonged, and the interference with freedom of thought (and not merely academic freedom), men and women of scholarly standing and self-respect would refuse to remain in the University or come to it.

Those who have not signed have been impelled as much by their consciences as have the so-called "conscientious objectors." They may not be driven by religious motives, but I have never heard that that is the only thing that disturbs a man's conscience. I believe with Cardinal Gibbins that "conscience is the supreme law which under no circumstances can we ever lawfully disobey." Besides the Regents' action expressly permitted men to decline to sign for any reason whatsoever; it was not limited to religious motives.

The Faculty have made absolutely clear that they agree with the Regents' policy in excluding Communists. If proof—and convincing proof—can be evidenced that a man is a Communist, they will have no ground to protest.

When the Regents acted on the report of the Alumni Committee, I urged the Faculty to cooperate with the Regents' action on the assumption of good faith on both sides. To dismiss a man for other than proved Communism is (I say it respectfully) not in good faith.

It has been rumored that the Regents may exempt from their dismissal, eminent members of the faculty, men with war service records, and conscientious objectors on religious grounds. I have already discussed the last group. As to men of eminence, may I remind you that Justice in our land should never distinguish between the eminent or the wealthy or the powerful, as against the humble, the poor, the powerless? "Is he a Communist?" is the only issue.

As to war service it is obvious that that depended wholly (and I repeat the word wholly) on age, physical condition, and sex. Is the accident that one was too old or too young for military service to determine his dismissal? Surely that is not Justice in the American sense of the word.

It may be objected that I have used the word "dismissed," when what is in mind is a non-renewal of a contract. That is a distinction without a difference. The world will quickly learn who these men are and they will be "smeared" as Communists despite their complete innocence. Moreover this will seriously impair their opportunity to secure another post.

Already economic pressure has operated on a considerable number and caused them, despite their strong opposition, to sign the contracts. Many have written letters making their positions clear. Should there be pride in the fact that men have yielded their conscientious views to protect their families? I suspect that such motives have caused innocent men in Soviet courts to confess "crimes" which they did not commit.

The University has already suffered greatly from this whole controversy. While the past cannot be undone, yet for the present the matter may be brought to a close if the Regents do what the Faculty had a right to assume they would do—i.e. accept the recommendations of the President as to the non-signers, based upon the reports of the Faculty Committee. It was an extremely strong and able committee; the loyalty of its members is unimpeachable.

I pray with all the strength I can command that at the meeting on July 21 this step will be taken.

Sincerely
Monroe E. Deutsch