

Gaffey, William R

Letter to a Friend from William R. Gaffey, Chairman of the Academic
Assembly, August 9, 1950
Part of Owen Chamberlain papers, BANC MSS 2002/345 z
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ACADEMIC ASSEMBLY

P. O. BOX 292

BERKELEY, CALIFORNIA

August 9, 1950

Dear Friend:

During the past year the University of California has been the scene of a bitter struggle between the faculty and the Regents in which the faculty have fought unsuccessfully to defend the principles of academic freedom. The Regents have finally succeeded in forcing the faculty to approve and to implement a political test. Compliance with this test has become a condition for employment at the University of California.

This political test is in the form of an annual contract which demands that the employee assert that "... I am not a member of the Communist Party or any other organization which advocates the overthrow of the Government by force or violence, and that I have no commitments in conflict with my responsibilities with respect to impartial scholarship and free pursuit of truth." Clearly, this contract demands an assertion concerning political belief, and violates the constitutionally established principle that political belief is a private matter.

The "loyalty oath controversy" at the University of California has placed certain of our basic freedoms in grave jeopardy—a situation which can quickly spread to other colleges and universities, and indeed, is spreading throughout all sectors of our society. We feel that it behooves the members of all university communities and the citizenry at large to be particularly vigilant in these times against suppression of intellectual freedom. Toward this end you can offer your support to those of us who are attempting to restore academic freedom at the University of California. Following is a brief history and summary of the existing situation and an outline of our program for the future.

The major participants in the loyalty oath fight have been the Board of Regents, members of which represent the leading industrial, agricultural and financial interests of the state; President Robert Gordon Sproul, who is credited with initiating the oath; and the 4,000 faculty members from the University's eight campuses. The Board of Regents, whose chief function involves the fiscal administration of the University, understandably, is not primarily concerned with the nature of scholarship or with the manner in which competent scholarship so crucially depends upon intellectual freedom. The faculty, while thoroughly aware of the vital need for freedom in intellectual pursuits and united in their opposition to the loyalty oath, have demonstrated confusion and disagreement as to how this freedom can best be preserved.

The disagreement and confusion among the faculty in the face of a relentless campaign by the Regents have resulted in a long succession of fruitless negotiations to reconcile conflicting aims, and bitter acceptance by the faculty of undesired results. For example, when the loyalty oath was first proposed by President Sproul in the spring of 1949 (allegedly to forestall the imposition of an even "worse" oath and other restrictive laws by the state legislature—laws which never came even close to being passed) the faculty, instead of standing united

for elimination of the oath, indicated that they would agree to revision if it could be made mutually acceptable to faculty and Regents. The Regents responded to this request by duly modifying the oath, but making it more objectionable than before and mailing it to the faculty for signing without ascertaining the faculty's opinion as to its acceptability.

During the summer and fall of 1949 a continuous and mounting pressure to sign the oath was applied to the faculty. A succession of faculty committees met with the Regents attempting to negotiate toward the evasive goal of "mutual acceptance." They were invariably rebuffed. Ultimata were delivered by the Regents. Misinformation, intimidation, and whispering campaigns were used by the Regents, and finally, on February 24, 1950, a final ultimatum was delivered: "sign or get out."

Faced with this critical situation, the faculty made explicit what had become increasingly apparent, namely, that the faculty were prepared to accept the political test if the means of implementing the test were acceptable. This meant that the faculty were abandoning the principle of no political test as the basis of their fight. They requested a compromise: they would affirm their recognition of the policy but would not swear as individuals concerning their political beliefs. The Regents' refusal to consider this compromise led to one of the very few occasions where the faculty appeared to be genuinely united: they agreed almost to a man—non-signers and those who had signed the oath months before—that no professor should be fired simply for his refusing to sign the oath. What might have developed into mass resignation or some other form of strong protest was averted by still another compromise—this time submitted by a group of the University's alumni. At long last "mutual acceptance" was achieved. The "Alumni Compromise" was approved by the Regents in April and accepted by the faculty shortly afterwards.

The mutually accepted oath (which semanticists point out is really not an oath because it involves stating rather than swearing or affirming) is incorporated into the contract which all faculty must sign each year. It involves specific disavowal of membership in the Communist Party and disavowal of any commitments which prejudice impartial scholarship.

By way of appeasement for the several score faculty who appeared steadfast in their opposition to any kind of political test, an alternative to signing the contract was offered. The alternative involved a loyalty hearing by a faculty committee for each individual who chose not to sign. Upon satisfying itself that the individual was neither a member of the Communist Party nor opposed to the policy of barring communists from teaching, the committee recommended to the Regents that the individual not be dismissed.

Upwards of sixty senior faculty members chose the hearing alternative, and six of these have been recommended for dismissal by the hearing committee. These six were termed "uncooperative" by the committee, meaning that they refused to discuss their political beliefs in any way. The Regents have accepted the committee's recommendation. The six have been fired.

More than eighty junior faculty members likewise had hearings and at least five of these have been recommended for dismissal on the same grounds of uncooperativeness.

It should be noted that the eleven or more who have been dismissed were not charged with being communists. They merely refused to prove that they are not communists. In refusing to cooperate with the hearing procedure they were insisting that political beliefs are a private matter. They chose to oppose the testing of political beliefs through refusal to cooperate with the test.

The damage thus far to the University is greater than the loss of these men whose efforts to defend academic freedom have cost them their jobs. Far greater damage is represented by a faculty so intimidated that, contrary to their principles, they accept the policy which the oath is designed to implement and in addition assume the responsibility of enforcing the policy. A great University has been transformed into an institution where intimidation and suspicion are stifling free inquiry and proper instruction.

An atmosphere has been created in which incidents such as the following have occurred: A junior faculty member has been fired for supposed political and union activities prior to his appointment to the University. Another junior faculty member has been publicly accused by a Regent whose apparent intent was to discredit the junior member's department chairman. The two departments involved here have failed in their special efforts to find employment for these two men (both have outstanding academic records) since the incidents were widely reported in the newspapers and the reputations of the two have been effectively smeared.

Groups meeting on the campus during the campaign against the oath have been spied upon by Administration employees. Faculty members and the president of a neighboring college were publicly smeared by individual Regents for daring to disagree with the Regent's policy and "loyalty" oath. Vicious slander campaigns have been conducted against leading faculty opponents of the Regent's position involving even their families and their private lives. Pressures by department chairmen, senior faculty members, life-long friends and colleagues were used to try to get those who opposed the Regents' stand to forego their protests. Junior faculty members were threatened that recommendation for future employment depended upon conformity to the Regents' requests.

Even more important than these specific indictments and more far reaching in its effects is the atmosphere which is the by-product of all that has taken place—a contagion of fear, hatred and suspicion infects the entire University. Scholars have been forced by economic necessity to give mute acceptance to something they know destroys the very meaning of their profession and their lives.

The Regents have succeeded in destroying the organized opposition of the senior faculty, with the exception of the Group for Academic Freedom, composed of some forty of those who chose hearings as the alternative to signing. Remaining opposition has been expressed in the quiet form of teachers individually looking elsewhere for positions.

The "junior faculty" remains organized in the Academic Assembly, an organization of lecturers, research assistants, teaching fellows, and all academic employees of non-tenure rank at Berkeley. This group has been meeting regularly for the past year and a half and has consistently fought for the American Association of University Professors' position on Academic Freedom, namely, that there shall be no political test for university employment. The Academic Assembly intends to carry forward actively the fight for academic freedom in the future. This entails action along the following lines:

1. A vigorous educational campaign to alert the academic world and the public at large to the dangerous implications of what has happened here. Toward this end we are publishing a short history of the entire University of California story which will be sent to you as soon as finances permit.
2. A legal case designed to test the constitutionality of a political test as a precondition for employment at the University.
3. Political action in accord with the spirit of the state constitution which provides that the University be "kept free from political and sectarian influences."

To accomplish these urgent aims we need your help. As junior faculty members we are greatly in need of financial assistance which will materially aid our fight. Further, we need the widest possible publicity of our actions and our position. Show this letter to your friends, your local newspapers and other publicity media. Inform organizations of our program and if you agree with our stand, send resolutions and letters to the Regents and the University Administration. Equally as important, organize your own groups to preserve and extend the academic freedom of your universities and colleges before, and not after, it is under attack. We would welcome cooperation from all such organizations.

It is imperative in these times of national and international tensions that we preserve and extend our democratic values. Academic freedom, civil liberties, freedom of thought are not luxuries that are permitted only when

events allow—to be taken away and handed back at the discretion of those in power. They are the basic stuff from which all constructive action stems. To the extent they are curtailed or denied, our society, in that measure, limits its chances for survival and growth.

We earnestly solicit funds, further inquiries, requests for information, or any questions concerning the fight for academic freedom at the University of California.

Sincerely

Chairman, Academic Assembly