



Letter to Prof. Joel H. Hildebrand from Albert I. Elkus, June 16, 1949

[Letter, June 16, 1949]

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Professor Joel H. Hildebrand
Chairman, Advisory Committee
Academic Senate

Dear Joel:

The following letter, which I left at the President's Office last Monday, June 13, expresses my views on the matter of the proposed oath:

"Dear President Sproul:

Many of our faculty, myself included, feel that the proposed oath is a blow to academic dignity and may be the first step to a serious limitation of scientific and scholarly freedom, not genuinely connected with national security.

The time for decision in this vital matter is very short, if the signing of contracts is to be predicated on the affirmation.

I am therefore writing to ask if it may be practicable to request the Board of Regents to postpone the matter of the oath for one year until it can be properly considered."

The "blow to academic dignity" is well expressed in a Chronical [sic] editorial of June 9 (It's Mutual, Senator Tenney) which discusses the danger that "lies in cutting one group and another off from the citizenry and requiring loyalty oaths of them. The very fact of having, under penalty of law, to reswear allegiance violates the principle of equality before the law and, beyond that, drives a wedge of suspicion between segments of the American people."

I need not enlarge on Scientific scholarly and artistic freedom — you and I have spoken of it only recently at lunch, and yesterday's meeting shows how deeply ingrained is this fear in all of our bones.

I have all of my life believed that change of government should be effected by constitutional means only, and have consistently refused to belong to organizations which fail to clarify their point of view in this respect. I therefore believe that an oath to uphold the Constitution of the United States and that of the State of California is a proper requirement for all servants of the state and the nation — indeed, for all citizens of the state and nation. But I believe there is no justification for requiring a form of oath more specific or exacting than is taken by any state officer including the Governor of the state and, for all I know, the Regents of the University. And I feel that, since the matter is of such fundamental value, the policy of expediency is a very dangerous one. Certainly (if Brodeur is correct) the state legislature in its act of foundation must have thought these values basic, and, after the Civil War, there certainly were many subversive ideas and people floating about.

I think it humiliating, if such is the intention, to have to renew the oath every year, and I have been infuriated by the manner of presenting the institution of the oath to the faculty — I mean the delay in making known the

circumstances and form of the proposed oath and particularly the predication of the contracts for next year on the notarized affirmation. I do not believe that these procedures indicate a considerate or a dignified treatment of men who have served the Board of Regents ardously [sic] and well. What respect will our students have for their teachers, subjected to the pressure of withheld salaries?

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The taking of the oaths should be a matter separate from the forthcoming contracts, and there should be an interval sufficient for a faculty member to look about in case he is unable to make the affirmation with free will and accord. Finally, I believe that members of the Academic Senate are entitled to a clarification of their tenure and privileges and in particular to any right they may have under the sentence quoted by Arthur Brodeur from the legislative bill (as I understood it) which founded the University.

Sincerely yours

Albert I. Elkus

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