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## Transcript of Joint Meeting of Regents Committee to Confer with Faculty and Academic Senate Conference Committee, January 4, 1950

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### TRANSCRIPT OF JOINT MEETING OF REGENTS COMMITTEE TO CONFER WITH FACULTY, AND ACADEMIC SENATE CONFERENCE COMMITTEE.

JANUARY 4, 1950  
910 CROCKER BUILDING, SAN FRANCISCO.

Present:

Representing the Regents: Regents Neylan, Ehrman, Hansen, Fenston and Sproul.

Representing the Academic Senate: Professors Davisson, Gordon, Hildebrand, Stanley, Huberty, Caughey, Merrill and Grant.

In attendance: Assistant Secretary Woolman.

#### REGENT NEYLAN

I regret to tell you that since the Regents last had the pleasure of meeting with representatives of the Senate, Regent Harrison has been very ill and is still ill, and we will have to get along without his valuable counsel. I will do my best to substitute for him.

In approaching this matter this afternoon I think it would be a mistake not to recognize at the outset that we are dealing with a very critical problem and that the implications of the situation can scarcely be over-estimated. The Regents, as you know, had the pleasure of meeting with the committees of the Academic Senate, Northern and Southern sections, on September 29. The committee of the Board met on the 29th. We discussed this matter exhaustively and made such progress that we deemed it wise to invite the committee to meet with the whole Board, which was done at a special meeting on September 30. At that time, after exchanging views and taking counsel one with the other, we finally agreed on a joint statement. The statement was drawn carefully — every word of it was weighed and considered. The substance of the document was in large part the product of the thinking of the members of the faculty. The statement, before it was issued, was read and re-read to the point where it became somewhat tiresome, but it was in an excess of caution so that we would have no aftermath. We had had one previous rather sad experience and we sought to write a policy of insurance against a repetition. On that date we agreed on a statement which was issued by the committee and the Board of Regent jointly, and I think it would be well for us to re-read it at this time so we will have it before us.

(Reads statement of September 30, 1949.)

That statement was issued to the public. Before the statement was adopted a question arose as to the release of contracts. At that time there was a division of opinion in the Regents as to releasing those contracts, but the record shows the majority of the Board felt it would go the whole distance. There was a feeling among some members that they should not be released pending agreement, but the Board, seeking

to go the whole distance, overruled the minority and directed the release of the contracts.

On December 16 the Board of Regents reaffirmed that joint statement issued by the Board and the Advisory Committees of the Academic Senate on September 30, so that in so far as this committee is concerned its powers lying within the scope of its authority will be found in the statement of September 30.

It might be helpful if we reviewed the history of this oath so that we could eliminate at the start of our discussions a good deal of the confusion which seems to have arisen as to the oath. I want to suggest that at this meeting today we avail ourselves of frankness to the limit it can be used within the bounds of good manners, because I think nothing will be gained by any language of diplomacy which does not mean what it says or any implications that are not obvious.

The oath was first suggested to the Regents by the President of the University on March 23, 1949. Traditionally the President has primary jurisdiction in academic matters. The Board at that time at his request adopted an oath in the form in which he offered it. Two sentences were transposed, but the language was just as he offered it. Thereafter the language of that oath was not published for some weeks. The Regents knew nothing about the non-publication of it. It was due to some mechanism having to do with the publication of the "Faculty Bulletin" and it did not appear until May.

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The Board was advised there was some dissatisfaction, and the President was asked to talk with the faculty. The President reported that he had had several compensations with the Advisory Committees, and on June 24 the President presented to the Regents an amendment to the form of oath, which had been agreed upon by him and the Advisory Committees of the Senate. On the basis of that agreement between the President and the Academic Senate, the Board adopted that new form of oath and issued a public statement to the effect that it was adopted with the Academic Senate. I ask you not to lose sight of the fact that the oath which is under consideration is the oath of June 24, 1949, which was adopted by the Board after it had been agreed upon by the President of the University and the Advisory Committees of the Academic Senate. Whatever might have been the merits or demerits of the oath previously prescribed is immaterial. That oath was written off at the request of the Senate and the new oath adopted.

Thereafter the Board received word that the Senate in session had substantially repudiated the act of its Advisory Committees and desired to present some new views to the Board of Regents. The Board — I don't think I have to tell any member of the faculty — for generations there has been a feeling of mutual confidence and respect between the faculty and the Board, and the Board in response to the suggestion of a conference appointed a special committee. That special committee met on September 29 with the committees of the Academic Senate, northern and southern sections, and reviewed the matter throughout the entire day. Then the committee, in view of the progress which had been made, invited the faculty committees to meet with the Board.

They did, and met with the Board the following day, and that resulted in the joint statement which I previously read to you.

Now we find that on December 7 — we find that in October the Advisory Committees reported back to the Academic Senate and the matter was set for special order of business on December 7, 1949. The minutes of the Academic Senate meeting which we find in Volume 19, No. 6 of the "Faculty Bulletin" — it would appear that on December 7 — the ten Broek resolution does not appear in the Bulletin.

[I believe Regent Neylan was referring to meeting of Nov. 7.—MJW]

(Members of the Faculty committee distributed copies of the resolutions adopted by the Senate on November 7.)

This contains the preface of the tenBroek resolution.

**PROFESSOR GORDON**

Which was all that was passed.

**REGENT NEYLAN**

But do you have a copy of the resolution as submitted to the Senate?

**PROFESSOR DAVISSON**

There is also a resolution passed by the Southern Section which is not in the last document.

**REGENT NEYLAN**

In the Bulletin we find that Resolution (a) was adopted, which seems to have ratified the action of the Advisory Committee, and it also provided for the appointment of a special committee.

**REGENT EHRMAN**

Are you referring to November 7?

**REGENT NEYLAN**

No. 6. Resolution (b) was adopted, offered by Professor Mackinney. Then Resolution (c) was adopted, offered by Professor Adams. I am not sure as to what it means, but I note that in subdivision (a) of section 2 of that resolution the following is recited:

"The Senate approves the agreement between the Advisory Committees and the Board of Regents upon 'the objectives of the University Policy excluding members of the Communist Party from employment' in this University, but emphasizes that it is the objectives of 'impartial scholarship and the free pursuit of truth' which are being approved, not the specific policy barring employment to members of the Communist Party solely on the grounds of such membership."

That is clearly a repudiation of the exact agreement which was arrived at on September 30, because before that was arrived at the matter was thoroughly discussed and it was pointed out that the objective of the policy was to exclude a communist on the mere fact of his membership in the communist party, and it was even detailed

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to the point of reciting that in the event that a man came up for trial, all that would be necessary would be proof of his membership in the communist party, and ipso facto, without any other evidence, that was a conclusive case against him. That was clarified here before the joint statement was issued.

Then the Senate adopted the preface of the ten Broek resolution. I do not know just what the purpose of it was, but I think a kindly interpretation of it would be that it is rather a mild lecture to the Board as to its constitutional powers and how it shall conduct its trusteeship.

**PROFESSOR HILDEBRAND**

It was partly the fact that it was 7 o'clock and dinner time and some of the members of the Senate had left.

**REGENT NEYLAN**

We have been advised that was the exact fact, and also advised that there was wide-spread feeling that this had been adopted more or less as a matter of sharp parliamentary procedure. Nevertheless, it stands as the act of the Senate. Apparently on November 7 the Senate again repudiated its committee. Previously on June 24 it was repudiated. Again the Senate repudiated the acts of its representatives.

We then come to a statement of this committee, and I have read it a number of times. It seems to me substantially the committee's outline — and it more or less points to it at the very outset — suggests we

lay aside any personal consideration. I don't know what personal consideration the Regents would have. Let me assure you the Regents have no selfish interest. They serve with their eyes to the future rather than the past, but I don't think we can blot out the past. If we are going to consider the past a nullity, it means we will have to wipe out what we have accomplished up to date, and it would put a stamp of futility on conferences. If agreement is reached and then wiped out, I do not know how we can make progress.

As far as this committee is concerned, its authority — it cannot consider as a nullity what heretofore has been agreed upon by the Regents and the Academic Senate. It certainly has no power to consider, let alone agree, that the Board of Regents and the President of the University shall abdicate their constitutional powers and duties and confide those to the faculty. The substantive thing I find in this statement is that there is a suggestion that there are procedures for handling this matter, but I find they are rather nebulous to my mind. I may not be able to understand.

I think to make progress it would be useful if we will go to the exact point that frames the issue in the Senate statement that we are agreed on the objectives, if that means what it says. And your recital on page 3 recites that your committee believes that the freedom of the individual member of the faculty to pursue his research and teaching is as unimpaired as ever. Taking that at its face value, it seems to me our job is to seek a joint implementation of the policy. As far as the Regents are concerned, that is my interpretation of what we are delegated to do here. I think that is the issue.

#### **REGENT EHRMAN**

Before a reply is made, may I ask a question? Are we agreed that the joint declaration made by the Advisory Committees and the Regents will stand?

#### **PROFESSOR DAVISSON**

I was just about to ask Dean Hildebrand, who was the only member of the committee who was here — I ask him to discuss his interpretation of the agreement reached. You have before you not only the copies of the resolutions passed by the Academic Senate, northern section, but also southern section.

#### **PROFESSOR HILDEBRAND**

I do not know how far it's profitable to review the past, because there are so many elements in there, emotional as well. I have counselled members of the faculty to try to understand the point of view of the President and Regents in a matter of this sort. Unless you can understand the other fellow's point of view you cannot deal with him. I also want you to have the point of view of the faculty. You must appreciate that at the outset a strong emotional feeling was in this, because we found only a short time before the Senate meeting at the end of the year that we were signing an oath or not getting our next

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month's salary. The responsibility for that is between the Secretary and the Regents and the President. We had a matter of days to work up a case. We concentrated on words in the oath that were objectionable.

The chairman refers to agreement between the Advisory Committees and the President. I would like to read into the record the report the Advisory Committee circulated after the end of the term to the members of the Academic Senate, Northern Section.

(Reads letter from Advisory Committee to Academic Senate, Northern Section, a copy of which is attached hereto and marked "A")

The rest of the report informs the Northern Section that the chairman appeared before the Southern Section and read this report, which was then adopted.

I released on my own responsibility to the press following the action of the Regents on June 25 the following:

(Reads press release to the effect that: The President was kind enough to telephone me concerning the action taken by the Regents. I learned they adopted with one modification one of the resolutions proposed by the Advisory Committee. The modification consists in naming the Communist Party, but this ban is one of long standing which the faculty has never questioned. The oath we requested was the standard oath. The Regents evidently were of the opinion that the new form is legal. While the faculty is sad that the Regents found it necessary to prescribe the new form, they will recognize the expedience which prompted the Regents' action \* \* \*)

The statement issued following the meeting of the Board of Regents in September at which we were present included the words the "objectives of the policy", and I am convinced that the statement the Advisory Committee submitted to the Senate at the following meeting defining our understanding of those objectives clearly represents our understanding of the meeting. Otherwise there would be no point in using the word "objectives."

**REGENT NEYLAN**

Is there any doubt in your mind that it was clarified at that meeting that mere membership in the communist party constituted reason for dismissal?

**PROFESSOR HILDEBRAND**

It was my understanding that a committee on tenure would act upon that.

**REGENT NEYLAN**

What we agreed upon. Do you remember the discussion of that specific point and the use by me of the phrase "ipso facto" which Mr. Ehrman commented on — when I asked if it was clearly understood that the objective of this was that the mere membership in the communist party of itself constituted reason for dismissal.

**REGENT HANSEN**

Who was it used the term "I have a feeling in my bones?" He raised that specific point.

**PROFESSOR HILDEBRAND**

I remember saying that the procedure the faculty committee would use would lead to the same result, but not upon the mere basis of proof of membership in the communist party.

**PROFESSOR GORDON**

Would this help to clarify the information on which the faculty had to act. I would like to read from the report of the Advisory Committee, Northern Section, to the Senate. This is in the call for the meeting of the Senate on November 7 issued by the secretary of the Section.

(A copy of the report is attached hereto and marked "B".)

This was what the Northern Section was asked to act on.

**REGENT EHRMAN**

The resolutions that were adopted appear on page 8 of this report of December 29 which Mr. Gordon sent us, is that correct? I would like to inquire — that is still the resolution which is in force and effect in both section? Page 8 of the report.

**PROFESSOR GORDON**

Yes.

**REGENT EHRMAN**

That states that the faculties concur in the University policy as set forth in University Regulation 5, which prohibits the employment of persons whose commitments or obligations to any organization, Communist or other,

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prejudice impartial scholarship and the free pursuit of truth. Does that in the opinion of the faculties — I am not sure what it means — mean that per se a man's being a communist he should not be employed by the University?

**PROFESSOR GORDON**

It is my impression — I have always assumed it meant, if a person was charged with being a member of the communist party, that at a hearing before privilege and tenure an attempt would be made to establish whether by virtue of his membership he would violate his trust as a teacher and scholar. But if it turned out he carried a card but never attended meetings and was an impartial teacher and scholar, it may turn out that he had not yet undertaken commitments and obligations. Those words were carefully used to point out that it took substantive acts and not merely association with a group.

**REGENT NEYLAN**

The use of the word "association" — I have heard a lot of argument on this "conviction by association" and I have seen hands held up in holy horror about it. In fact, I read in your memorandum that it is contrary to Anglo-American jurisprudence. Evidently everybody has overlooked the theory of conspiracy. Conviction by association in a conspiracy is as old as Anglo-American law, and not only in criminal law but in civil law. Where did we get this new interpretation of law that a man associated in a conspiracy and being an active member of it, and then come in and say that, while he was a member, he was not there when they dynamited, and that he just believed in the abstract principles. On that theory a member of the Capone gang could belong to the gang and could be defended on the theory that you cannot convict him on association. That argument seems to me to be based on nothing.

**PROFESSOR HILDEBRAND**

You use intent in the law to determine the guilt of a man. I think a man is a fool who joins the communist party, but any committee is going to clarify what his intent is.

**REGENT NEYLAN**

Let me ask you this. Is it a fact that there still is a question in the minds of many members of this faculty as to the nature of what is called communism, as to whether it is a criminal conspiracy or not. Is there among a substantial number of our faculty today any question that communism contemplates a reversion to barbarism and the abolishment of all freedom?

**PROFESSOR HILDEBRAND**

I don't think so, but I can see somebody joining in on the basis of a philosophical theory.

**REGENT NEYLAN**

In view of the acts in Europe, in Asia and elsewhere and the demonstrated facts in this country, is any one today naive enough to believe that the communist party is a political party in the sense that is used?

**PROFESSOR HILDEBRAND**

Why don't you lawyers make it a conspiracy then?

**REGENT NEYLAN**

That was knocked out in law a long time ago.

**PROFESSOR HILDEBRAND**

Is it not the duty of the legal profession of the United States to do something about it? I can conceive someone naive enough to join for the philosophical theory.

**REGENT NEYLAN**

Then, don't think he is smart enough to be a member of our faculty.

**PROFESSOR HILDEBRAND**

Then let us find it out in our own way.

**REGENT NEYLAN**

That brings me to this. I refer to a sentence in your memorandum. If the Board subscribed to it, we would be charged with being moral police and everything else. On page 9 of this memorandum you quoted Arthur Lovejoy, and recite his understanding, which I think represents a clear understanding. Then you quote Committee A. I refer you to page 10. If the Board of Regents had promulgated this one: "If his thinking should show more than normal bias or be so uncritical as to evidence professional unfitness, these are the charges that should be brought against him." Just think if the Regents promulgated anything in relation to a man's thinking what we would be talking about here.

**PROFESSOR GORDON**

That's rather an extreme interpretation of that. In my field a man's teaching and the way he interprets the facts very largely depends upon his method of thinking. If his method of thinking is such that it makes him incapable of seeing things through any but a communist party line, if he cannot be reasonably objective about it, and there is only one kind of truth — that which is imported from above — then he is incapable of continuing as a member, but only his own colleagues can establish that.

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**REGENT EHRMAN**

A member of the communist party takes his line of thinking from the doctrines that are promulgated in Moscow. Isn't that a well established fact?

**PROFESSOR GORDON**

If he is an active member, I would say so.

**REGENT EHRMAN**

He subscribes to the doctrines that communists the world over shall take the orders of Moscow, whether they are good or not good. If not, he must retire from the party.

**PROFESSOR GORDON**

You are offering an assumption which I would have to test against the facts — each individual case as it comes up. I suspect that what you say is true, but I can conceive cases where it would not be the case and I know of no way of establishing the facts.

**REGENT EHRMAN**

My impression is that the faculties have reasoned in that regard exactly as the statement of Mr. Lovejoy appears in your memorandum. I think that is one of the main sources of difficulty between us.

**PROFESSOR GORDON**

I am sure it is. If he does not mind my divulging authorship, Professor Hildbrand stated the dilemma of the faculty in the following paragraph.

**REGENT EHRMAN**

The Association has not adopted that as its policy. It is a report and has never been adopted.

**PROFESSOR GORDON**

It never adopts its reports.

**REGENT EHRMAN**

That is not a policy of the Association of University Professors.

**PROFESSOR GORDON**

As a national organization, the Association has no policy on this and it is prevented from taking one. It can take it only by mailed ballot.

**REGENT EHRMAN**

That is a committee finding.

**PROFESSOR HILDEBRAND**

And a committee investigating a certain case and a certain institution.

**REGENT EHRMAN**

They have never grappled with the problem that membership in the communist party per se disqualifies a man from teaching? Has the American Association ever undertaken to agree or not to the proposition that membership in the communist party — not fellow travelers, etc. — disqualifies per se a man from holding a position as a university professor?

**PROFESSOR HILDEBRAND**

The Association as a whole has not voted on that. I have a feeling that our separation is more serious in theory than in practice. Suppose you dig up evidence from the FBI that a man has a card and that is brought to the attention of the President and you do not dismiss anyone until the facts are established. You must establish those facts first. It is contrary to American life to dig into a man's intention. I think the result is likely to be the same as Lovejoy says. You have to achieve this with cooperation between the faculty and Regents. Why not let the faculty find this thing out in its own way, which will be to ask a man questions of this sort. I cannot conceive that in one case out of a great number that a man who is a card holder cannot be damned by the faculty.

**PROFESSOR GORDON**

Some of the problems bothering the faculty — In my experience, there is a brilliant young economist who had a brilliant record at Harvard, who has had considerable posts in a number of universities. Discussion has come up whether he would be fit to be a member of the faculty. Nothing has been decided. I know him well. If that man were ever proposed and I were on his appointment committee or a member of the department, I would strenuously oppose the appointment to the end, and probably if I were overruled I would write a minority report to the Budget Committee and the President. As brilliant as he is, it is my opinion that he cannot think clearly or objectively on controversial subjects. You can never prove he is a communist and I doubt if he holds a card. That is the kind of implementation I think this faculty wants. In order to implement what the faculty thinks are the objectives. Those are impartial scholarship and truth. We want to keep out any one who violates those.



**REGENT EHRMAN**

I have a feeling that the faculty wants to assume that attitude, but we have to demonstrate it by something a little more positive than just leaving things in this condition of flux. Professor Stanley perhaps, with experience in scientific matters, might tell us —

**PROFESSOR DAVISSON**

You say you find some of our proposals nebulous. We have something here in detail, which could not be sent out in advance. They are special proposals.

**REGENT NEYLAN**

Before we get off this subject — this is extremely important. We get into a situation here where we are all at sea. I have listened to this discussion with a great deal of interest, because I can only interpret it to mean now that those who met with us on September 30 did not have the understanding we had of the statement.

**PROFESSOR HILDEBRAND**

My understanding of the statement is that which was set forth in the resolution the Advisory Committee presented. I am sure it is the sense of the understanding of the Advisory Committee, otherwise they would not have presented that resolution to the Senate. It is unfortunate the understanding is not uniform.

**REGENT NEYLAN**

Before we issued that statement we went into it in detail.

**PROFESSOR HILDEBRAND**

Remember the word "objectives" is there. In your interpretation the word has no place there.

**PROFESSOR GORDON**

As you define "objectives" to mean the Regents' policy of barring communists per se, I said to myself, did you come 3,000 miles across the country to join an institution that will bar someone on belonging to an organization, or for the furthering of objective truth and impartial teaching?

**REGENT NEYLAN**

I have sat on this Board 21 years, and this institution did not become the eminent institution it did by accident or because the Board was not intelligent. It has become the big thing it has by the wise policies adopted by the Board. This Board and its President did not act without reason. Let me suggest this. Aside from everything that has been said here, do you mean to tell me that this faculty closes its eyes to what happened on this campus in 1943? Is this faculty concerned with the life of this nation? Has it an objective in relation to the preserving of this institution in the presence of a conspiracy to destroy not only it but the United States? We are facing that today. We are engaged in a serious thing, even though it has not been announced to the faculty. It is likely that we will be engaged in even more secret work than in 1943. I would like to ask you if there is anything sinister in having a criminal in the faculty of the University of California, because that is what they are. On a specific matter, let's bring it down to this. In September a member of this faculty testified —

**PROFESSOR GORDON**

He was not a member of the faculty.

**REGENT EHRMAN**

A teaching fellow.

**REGENT NEYLAN**

He is in the teaching staff. He refused to answer 30 questions on the ground he might incriminate himself. One of the provisions of Regulation 5 which you quote with approval reads as follows:

"The University of California is the creature of the State and its loyalty to the State will never waver. It will not aid nor will it condone actions contrary to the laws of the State. Its high function — and its high privilege, the University will steadily continue to fulfill \* \* \* "

This gentleman testified he refused to answer 30 questions which went to the point of whether he was guilty of treachery in time of war when the life of this nation was in the balance. That young man enjoyed military deferment. He knew he was engaged in a secret project. He consorted with other communists. He confessed he was to all intents and purposes a communist. He confessed he and other communists had the objective of organizing within the University a local called the FAECT with the purpose of controlling and representing the entire personnel of the Radiation Laboratory. That is his exact statement to the Regents. And what did the Senate do about it?

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**REGENT EHRMAN**

You might say it was called to the attention of the committee at the September meeting that that had taken place. They knew it.

**REGENT NEYLAN**

There was nothing hidden about that. It was notorious. The stories of Weinburg and Oppenheimer had all been written.

**DR. STANLEY**

All of that information was known to the Radiation Laboratory authorities during 1942 and 1943, yet he was continued until 1945.

**REGENT NEYLAN**

You are mistaken. It was not known. And he never admitted any membership in the communist party either. He said to all intents and purposes, but he has a very clever statement.

**PROFESSOR GORDON**

As I understand it, neither the Un-American Activities Committee of the Congress, nor the FBI, nor the Radiation Laboratory, nor the Regents actually have the evidence that the man broke the laws in 1942 or 1943 or has broken the laws this year — or am I misinformed?

**REGENT NEYLAN**

No. Here is a young gentleman who admitted that to all intents and purposes — he could not remember whether he had been a member of the young communist league when he was 16 years old. Seven years later he admitted he was working in the Radiation Laboratory, and he admitted that his co-worker in this local was Lomanitz. Lomanitz was asked and refused to answer when asked if he was recruiting for the communist party. Davis testified they were recruited into the party by Lomanitz. Lomanitz and Fox worked under the tutelage of Scherer. He was the guiding mentor according to Fox of Lomanitz and Fox in attempting to penetrate the Radiation Laboratory in January, 1943 to get control, if possible, of the entire personnel. At this date did you think that he and Lomanitz and Scherer were organizing the Radiation Laboratory in 1943 just for the purpose of improving the working conditions of the persons in the Laboratory?

**PROFESSOR GRANT**

We are not getting very far.

**REGENT NEYLAN**

I was responding to the doctor's point of objection.

**PROFESSOR GRANT**

I wanted to say this on behalf of my colleagues: that we have all assumed that whatever we can work out — and I hope we can work out something agreeable to the administration, Regents and faculty — I do not believe that basically we are as far apart as it might seem. We have not thought of this in terms of over all policy which would also be adequate for secret work. We are assuming that whatever is agreed upon will be supplemented on secret work by the FBI by various types of screening committees. We do not think, therefore, it is fair for you to test what we are proposing — I do hope you will read this specific proposal which we have submitted in compliance with your request that we bring in a concrete series of suggestions. I don't think it is fair to test the adequacy of our recommendations by the question will it or will it not meet cases such as the Radiation Laboratory. I am certain we would not wish to apply to the whole faculty of the University the sort of tests and sort of digging up of information and constant cross-questioning and perhaps finding on mere suspicion that you will do in the case of highly secret work as an over all method of picking a professor of history or english or political science. They are two different problems. Whatever we work out here we take for granted that it is going to be supplemented for the Radiation Laboratory. We are not trying, therefore, to solve that problem. We have not approached it that way. The suggestions we have made we are not making with the understanding that in the case of the Radiation Laboratory this will be it.

**REGENT NEYLAN**

What are you doing in the case of Engineering and all the other departments where we have secret contracts?

**PROFESSOR GRANT**

We are assuming that it will be blanketed by FBI investigations. We are wondering how you expect us to submit something where, the facts are, in those cases we had in the FBI and the screening committee and they did not catch Scientist X. Is it fair to ask us to bring in a proposal that will do that? It is unreasonable to test our recommendation by asking will it solve that.

**REGENT NEYLAN**

It impresses me that we did not agree on September 30 on the objective. We now find that on September 30, although it was clarified and

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clarified that the point of mere membership in the communist party — that had been the point for many months. Nothing could be clearer that the Board took the position that membership in the communist party in itself constituted reason for dismissal. That policy is 9 or 10 years old. We now find at this late date, after we had been express about it, it is now interpreted that the objectives we referred to meant one thing and the objectives as represented to the faculty meant another thing. Let me refer to page 2 of the minutes of September 30 when the faculty representatives say they are in complete agreement with the objectives of the Regents:

"Regent Neylan wanted it to be clearly understood that the Regents' objective is to eliminate every communist from employment by the University."

There is the word "objective". It was not originated after the meeting.

"It was recalled by Professor Hildebrand that the first oath proposed by the Regents did not mention the Communist party but placed the matter on a much broader basis. He felt this was very desirable in that communist party membership would be most difficult to prove, and there are many 'pinks' who could get by on the mere prohibition of party membership. He felt that any committee on privilege and tenure would ask questions on this broader basis, and he was confident that not a single communist would get by under this system of examination. With reference to this, Regent Neylan asked if the broader conception would include the theory that a card-carrying member of the communist party would be ipso facto excluded from employment by the University. Personally, Professor Hildebrand thought it should, but he did not believe that a majority of the faculty would agree. He still felt, however, that it would be unwise to recede from the broader issue and that a suspect should be examined so as to expose, not necessarily that he is a communist, but that his political views prevent objectivity in his teaching.

"When asked for his opinion, the President stated that he stood foursquare on the Regents' policy against the employment of communists and he could not see that anything could be accomplished by dodging that issue. He agreed with Regent Neylan that if the faculty stands on the theory advanced by Professor Gilluly, the Regents would not be warranted in subscribing to the statement that there is 'complete agreement upon the objective of the University policy.' The President was of the opinion that the statement should read that both communist members and those under the influence of communist doctrines would be excluded. This Professor Hildebrand thought would be satisfactory to a vast majority of the faculty."

The objectives were not only considered, they were clarified, and I recall to your mind that we had that statement read and re-read and even at the last minute after it had been revised everybody in the room groaned when I said let's read it once more so there will be no question. Then Dr. Hildebrand very graciously thanked the Regents and so on.

**PROFESSOR HILDEBRAND**

I think my earlier statement about my own position was supported by what you read.

**REGENT NEYLAN**

We made clear our objectives.

**PROFESSOR HILDEBRAND**

And we made clear we could not commit the Senate.

**REGENT EHRMAN**

In any event, is this correct? That the Senate did not support and does not support that resolution and statement.

**PROFESSOR HILDEBRAND**

It is perfectly clear that the Senate wants to put it on the basis of intent and not upon the mere evidence of card holding, and anyway it is an extraordinary thing to establish. I don't see how it is at all

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wise to make that the basis, because it is so desparately hard to prove. We can find out by examining the man. Why let it rest only on communist party membership?

**REGENT HANSEN**

What is the machinery for discovering it?

**PROFESSOR DAVISSON**

May I suggest we read this.

(Reads "Detailed Proposals", copies of which were attached to the minutes of the meeting.)

**REGENT EHRMAN**

Every member of the faculty should give his adherence — subscribe to everything that is contained in there. If you could attach this and ask him to sign and subscribe to each and every part of it.

**PROFESSOR HILDEBRAND**

The full faculty endorsed practically unanimously this Regulation 5.

**PROFESSOR GRANT**

We were thinking of this - that it would be highly desirable to work out something that would not make it necessary to go back to the faculty for the passing of further resolutions. We believe everything we have set up here in this proposal is in complete accord with the stand already taken by the Academic Senate, both north and south, and we were working on the theory that it would not be necessary to refer that to the faculty. If you feel that should be referred to the faculty, I feel certain in my own mind we would have no difficulty whatever in having approval of the statement. I would say this - that this committee would certainly agree with the statement made by your chairman that we should do our best not to work out anything here that would have to be submitted to the faculty for ratification, which would result in a division of opinion in the faculty and bitter debate, even if you finally succeeded in getting approval, and certainly here you would be running the chance of failure of approval.

**PROFESSOR DAVISSON**

We must avoid bitter splits among members of the faculty. We must avoid that. Any proposal having the remotest chance of approval by the faculty would have only bitter defeat if it created animosity.

**PROFESSOR HILDEBRAND**

There was no dissent whatever to Regulation 5, and we think it is a broader policy and better policy than the Regents originally confirmed. It has been an unquestioned University policy ever since. Now the faculty has considered it and definitely included it in its vote of approval.

The business of putting the duty in department heads and deans, utilizing the machinery we have, but which can be improved, as I am sure some department chairmen do not take this duty as seriously as others. The Senate having adopted these principles, they would have binding force on the Committee on Privilege and Tenure, they would give every department chairman — and if he does not accept the duty he can be replaced — the obligation to see to it carefully the character of all his appointees.

**REGENT HANSEN**

I am not certain that I understand the machinery, but if this is an incorrect understanding you should tell me. You will place the responsibility on department heads to, in effect, screen those under his jurisdiction, and when they come up for appointment or re-appointment or promotion, if in his opinion they are not proper members of the faculty because of lack of loyalty, then they are not to be recommended for promotion.

**PROFESSOR HILDEBRAND**

He even could recommend for dismissal.

**REGENT HANSEN**

It seems to me an inherently unfair method of dealing with the problem. If it is true we are placing this responsibility on department heads and deans, aren't we inviting friction? We are placing the responsibility on him that will cause terrific pressure among the family group as to who is going to be promoted, etc.

**PROFESSOR HILDEBRAND**

I have been a dean three times and a department chairman twice. The people who hear complaints are the deans and chairmen of departments. If my students do not like the teaching practices they come to me. The continuance of that teacher is within my power. It is my duty to recommend, and I take that very seriously. I can assure you that there are many who do not stand the screening.

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The dean also interviews students by the score. Every day I talked to students, and they would express themselves frankly about instructors and I encouraged them to do that. There are several times when I have been able to recommend to the President that a certain man be not re-appointed on the basis of what I learned. I have always paid a great deal of attention to the general character of my recommendations. I know there are some people who do not like to spend as much attention to it as I do, but it should be their duty to do so. Those are the men who get the facts. I cannot get the evidence that a man holds a part card, but I can get evidence if he is propogandizing, and I would like to dismiss him on the basis of the stands set forth in Regulation 5. It is the main way this would work. If the President or anyone else has any legitimate complaint to make, it should go to the dean.

**PROFESSOR CAUGHEY**

Our departments are organized with some democracy. The chairman would certainly take it to the senior men in the department and get their advice. There would be some splitting of the responsibility and the pressure.

**PROFESSOR DAVISSON**

You were talking primarily about deans and department chairman. Our procedure is a much more complicated one than that, and the appendix of the document mailed to you — you will find a complete statement in respect to appraisal and selection of faculty members. I can tell you the thoroughness with which this screening process operates, and the Regents have confidence in that screening process, because it has lived with it for a great many years, and both the President and the Regents have paid great respect to the judgment of juries of men's peers. It is not merely a matter having to do with deans and chairman of departments.

**PROFESSOR GRANT**

Your statement, Mr. Hansen, that this is only concerned with appointments and promotions, that is all spelled out in the second sentence on page 2. The last sentence beginning on page 2 and running on page 3 reads:

"The need to give due weight to evidence bearing on character and loyalty shall be communicated to the Senate's Committees on Budget and Interdepartmental Relations and to all appointment and promotion committees."

There will be different action in cases of tenure or non-tenure.

**REGENT HANSEN**

Has this procedure been in effect for years? Have we any cases of dismissal for questions of loyalty?

**PRESIDENT SPROUL**

That has not come up as the stated reason.

**REGENT HANSEN**

Are we not by this procedure accomplishing an end by subterfuge? If he has been discharged for subversive activities, he should know about it.

**PROFESSOR GORDON**

That is what we are trying to achieve and it will have to be re-worded in a number of cases to make that explicit. I have sat on committees. We get an instruction sheet and we are asked to emphasize a man's teaching ability and in research and his general character in the University and in the community. This suggests that both to the department chairman — and he initiates the recommendation — and to the screening committee that the word "loyalty" be added specifically and attention be called to these criteria, and the business of this committee, therefore, would have a separate place in which these points are considered explicitly.

(Professor Davisson distributes forms of copies of instructions to committees)

**REGENT HANSEN**

This is to be another means of implementing the policy. It was suggested this would be augmented by some other procedure to handle Radiation Laboratory or such other portions where secret work is to be done. What is the proposal there?

**PROFESSOR GRANT**

That is a requirement of the Federal agency. He must take an oath.

**REGENT NEYLAN**

Does he object to it?

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**PROFESSOR HUBERTY**

The requirements are more stringent than the Regents have requested.

**REGENT NEYLAN**

And nobody felt his academic freedom was destroyed?

**PROFESSOR DAVISSON**

You don't want all of us in political science to be subjected to the same test as those in secret work, do you?

**REGENT NEYLAN**

Why not?

**PROFESSOR HILDEBRAND**

I have been screened a number of times. The FBI agent calls on a neighbor and asks about my character. My neighbor thinks something suspicious. Suppose I am a young fellow and have no reputation and someone hears I have been investigated by the FBI? Maybe I drink too much and talk a little and, therefore, do not get the job. That might ruin a man's career. I don't believe everyone should be subjected to an investigation. The lawyers themselves objected to an oath

## **PROFESSOR GORDON**

The Tenney bill required all practicing lawyers to take an oath.

## **REGENT NEYLAN**

This hysteria about freedom. When I have been screened the principal difficulty of the FBI is running down the fact that I have defended communists. I have put in about 40 years of my life defending the freedoms. I have expended my efforts and resources in behalf of them. When it comes to the protection of academic freedom there is a bit of humor in the suggestion that the Regents are not conscious of the necessity of defending freedom.

I don't want to see the time go by here. I may be wrong in my interpretation of your document, but I could not escape the feeling as I read it — I have read it six or seven times, I considered it of such importance. I cannot escape the feeling that there is some idea that the Regents are looking for a face-saving device to back away from this oath matter. If there is any such feeling, I think it would be a tragic misunderstanding. We would stumble into a crisis here without knowing where we are going. I hope you are not going to misconstrue the attitude of the Board. The Regents are going to be shocked that after the meeting of September 30 there was not a clear and distinct understanding between the faculty committees and the Board. If we had broken up after the committees had met on September 29, there might be some basis of confusion, but when you have in mind that because of the importance of the matter we asked the Advisory Committees to meet with the Board the next day — I know that the Board is going to be shocked when it is told for a second time that not only the construction of the action of the Senate is a repudiation of the meeting of September 30, but in fact is. I beg of you, if you have any idea that the Regents are looking for a face-saving device, dismiss it from your minds. This Board of Regents is inspired by a fanatic devotion to the welfare of this University. I don't know a single man on this Board who does not devote himself unselfishly to this University, and puts its interests above his private concerns. They devote their time and energy to the University. What you have here is no accident. In 80 years this University achieved what it took others centuries to achieve and it was no accident. Now to assume that the Board, which has a right to some consciousness of performing a service of welfare — it has gone out of its way to take public criticism. Up to date the only one who has not been articulate on its own has been the Regents. Day after day the student paper has carried stories and the other papers carry stories. Only twice has the Board issued statements. I don't think a man who has been on this faculty for any length of time will question the fact that this Board has stood adamant always against the infiltration of any political or sectarian influence in this institution. It has been proud to stand on it. As the basis in a large part of the confidence of the public, California bestowed on this University the greatest grant every given to any educational institution in the history of the world. It is on the basis of confidence.

You cannot forget the trustors in a trust. The trustors are the people of the State of California. They are aroused on this subject. They know their lives are at stake in relation to communism. It is not only the American Legion

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and like organizations, but you have labor unions kicking out members of the communist party because they know they are there for nothing but a sinister purpose.

Here the Board, since this was agitated — in the beginning there was some question about it. The President conferred with the faculty. The board adopted an oath and gave a statement to the public. To the Board's amazement later that was repudiated. The Board met again and gave another statement to the public. You suggest that the Board proceed to protect the University. Who do you think has been defending the University all these years? I would not hesitate for one minute tearing up this oath and forgetting the whole thing. In the beginning I was against it and fought it and did not accept it until it was adopted by the faculty. Now then, having made that statement to the public and the statement of



September 30, and then to come out now and tell the public some nebulous thing like this, it would be a disaster and I would not share the responsibility. You have to realize this Board had a right to stand on what it understood was complete agreement with representatives of the faculty. If you go behind these agreements constantly, you create a situation of irresponsibility. It means that an aggressive minority of that faculty, stressing unity — an aggressive minority constantly can exercise a veto power embroiling this faculty and the Regents in constant turmoil. I beg of you to look at this thing in a realistic light. You cannot make agreements and abandon them as if they were a nullity. I know the Regents will be shocked that there is no agreement.

I would like to get the President's view. Am I wrong in my estimate of the situation?

**PRESIDENT SPROUL**

You report the position of the Board. As to my own position, that is based on the agreements reached between the committees representing the Regents and committees representing the faculty which were announced in June and September, and I understood the latter of those agreements, which was announced to the public in a statement agreed upon, to include a clear understanding of what the objectives were. I thought the statement had in mind — the objectives had to do with keeping the University free of those who would destroy its freedom, and among those were members of the communist party, and I am quite sure I stated that unless that was understood we had not made any advance at the two meetings.

**PROFESSOR CAUGHEY**

From the stand point of one down south all this time and knowing about this only through documents and reports made by the committee — back in June as I read the documents I got the impression that the north appointed its advisory committee and through the committee made a proposal to the Regents; that this thing — statement — was voted on favorably by the southern section of the Senate, and that two possibilities were held out to the Regents. If they had selected either of them the southern section would have been completely bound by it and the northern section partially. But as I read the documents, the reading of the oath as finally circulated in the Regents' order of June 24 was not identical with either proposal by the Senate. I don't see there is any obligation on the Senate to stand by that oath.

**REGENT NEYLAN**

You are the first person to raise that question. Dr. Hildebrand has confirmed today that it was in the spirit and intent of the proposal.

**PROFESSOR HUBERTY**

It is in his report. " \* \* \* since I joined in proposing this as a possibility likely to be regarded by members of the faculty as acceptable, I propose to subscribe to the oath."

**REGENT NEYLAN**

Didn't the Southern Section ratify it afterwards?

**PROFESSOR HUBERTY**

Yes.

**REGENT NEYLAN**

The Southern Section actually ratified it?

**PROFESSOR CAUGHEY**

The two proposals.

**PROFESSOR HUBERTY**

In the main it is the same.

**REGENT NEYLAN**

I understand the Southern Section ratified it after the action of the Board.

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**PROFESSOR HILDEBRAND**

No, that is not correct.

**DR. STANLEY**

I have had the same view point that Mr. Caughey has. As a faculty member and an observer on the outside, I simply cannot come to the conclusion that there has been repudiation on the part of the faculty. You time and again have stated that the faculty has repudiated an obligation. That is completely false to any understanding I have as a faculty member. The President already has indicated that, assuming you were as far apart as north and south in agreement with the Advisory Committee, the committee could not bind the Senate. It has to go back always to the Senate. That is important to the honor of the Senate.

This faculty has the same thoughts about the Regents you have stressed. We know what you have done to create this University and guide it. I think in this particular case — I am convinced that the broad policy presented here by the faculty is much more effective. The faculty does not want communists on this faculty, but they would like to preserve a principle very dear to them. If at the same time you could have a policy which would be much more effective, I cannot see any reason for not accepting a policy of that type. What is going to happen if you admit you are not going to hire communists — card holding members — who already have indicated a desire to get into the University. Obviously such an individual will not take out cards. How would you deal with such individuals if you put your whole reliance on your policy. To me this other policy is much more effective in excluding individuals. We do not have to know they are card holding members. All we have to know is that they are disloyal to the state or nation. We can get rid of them. That is the effective thing. I would plead that because of the dissent which is doing great damage to the University — at the next meeting of the Regents you have the power to end this at once without further fanfare and with little publicity and with honor to yourselves.

**REGENT HANSEN**

I did not understand from our policy or any action we have taken we limited ourselves to those holding a card. The only issue is that the faculty is not willing to exclude a man only because he is a communist.

**REGENT NEYLAN**

I cannot understand his argument that seemingly directs attention to the fact that we are in any way circumscribing the potentiality of dismissing undesirable members. We certainly have the right to assume that the members of this faculty are going ahead and protect the University. I cannot understand this argument addressed to the theory that in any way the powers of the deans or any one else are being circumscribed. It is a false issue.

**DR. STANLEY**

They are circumscribed to the extent that you place reliance on a policy that would not be effective and do damage to a more effective policy.

**REGENT NEYLAN**

How is it that for nine years there has been no charge that academic freedom has been destroyed since we announced on communism?

**DR. STANLEY**

I just arrived a year and a half ago.

**REGENT NEYLAN**

It seems to me in a institution where a policy was frankly established 9 years ago, which went to the very substance of this thing, if there was any issue of academic freedom it would have been raised in 9 years. The best proof that there was no real issue on that was the fact that no such issue was joined. The matter came up when the communist party became more and more aggressive and a menace to world peace, and as their destruction of every instrumentality for bringing about peace became more aggressive, the matter became one of greater and greater concern. Now Seymour of Yale was quoted as saying, "Show me a communist on the Yale faculty and he will be out of a job tomorrow." I have heard him quoted with great approval. Conant of Harvard has pronounced the policy, but on implementation he is not clear and confesses he is not clear. As to whether the banning of communists as such invades academic freedom it is late in the day to raise that question.

**PROFESSOR HILDEBRAND**

It was raised when the Regents ordered the faculty to sign an oath or not get their salary. When they proposed that the safeguards of tenure were to be abolished, then the members started worrying.

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**REGENT NEYLAN**

How long have you been in the University of California? Do you know of any campus on earth where academic freedom has been so protected?

**PROFESSOR HILDEBRAND**

No, and I have said that.

**REGENT NEYLAN**

When do you think the Regents abandoned their regard for academic freedom?

**PROFESSOR HILDEBRAND**

The younger members thought they had when they got their order. When a young man is told unless he signs a certain oath or he won't get next month's salary, then he thinks the Regents will do other things. I have defended the Regents over and over again and told them the Regents had no intention of dismissing any loyal person. But it is hard to do it. Then you say you will stick to the oath until we present a better procedure. Here it is and you don't pay any attention to it.

**REGENT FENSTON**

I have been a member of this committee since its inception and sat through the meetings in September. The question was then brought up about duress and we immediately, at the September meeting, passed a resolution to send out the contracts to get away from any idea of duress. We did not want any such feeling. But there was another issue, which was this idea of doing something on this communist matter of which we personally were very much aware, because it is continually thrown at us. We wanted to do something for the University as a whole, so we cut out the duress angle. I was surprised when I received this document, as I thought the matter was solved when we threw out the duress and agreed on a policy. The Regents are continually criticized for communist activities at the University. We thought this was something that the faculty in order to get away from a great deal of that criticism would sign when changed from an oath to an equivalent affirmation, which was made upon the suggestion of the faculty. I am surprised at the way this committee meeting is going and at what came out in this document. We thought we had accomplished our purpose then. Our problems in public relations are severe. The

responsibilities of the faculty are such that they should take something they did not like to a certain extent for the benefit of the whole and for what the public might think we are doing and let them know we are not lax on this. We have the utmost regard for the faculty and will do anything we can to reach a solution acceptable by the Board of Regent and the faculty. We are going to have — even if we arrive at something that is not an oath — we are going to have trouble with our Regents. This matter of equivalent — something must be done.

#### **REGENT HANSEN**

The thing that puzzles me — what is the real objection? They have been taking an oath for years and years, which oath in my opinion is equally as broad as the new oath. Yet we have one purpose in mind — that is to name and pin down the question of communism. Why an objection to this oath and not to the old one.

#### **PROFESSOR CAUGHEY**

I have a personal feeling. Any addition to the oath is apt to weaken it. Any addition that comes in the negative form especially. The oath as it appears in the constitution has been there a 100 years and it is positive. A person swears positively. It is somewhat inspirational. Any one of good conscience would interpret that as full loyalty, but if you add something, it is like adding to the marriage contract "I will not beat my wife on Thursdays."

Also there is the concern in the faculty that a precedent will be set which perhaps will be followed in some other university by a Board of Regents that doesn't have anything like the principles or record this one has — or a subsequent Board of Regents of this University — would look back on this action and say here is a precedent for ruling out some particular group. It is on the basis of large principles that many members of the faculty are reluctant to see the oath of the State Constitution tampered with.

#### **REGENT HANSEN**

The first objection merely goes to the question of expediency and the second goes only to a fear that it might be setting a precedent.

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#### **PROFESSOR GRANT**

May I say that the reasons — and you can speak of the faculty as if it were one mind — there are any number of reasons. I would like to read a couple of paragraphs from a statement made on the floor of the Senate on the northern campus by one of our most respected members, Peter Odegard. He says there should be no communist member on this staff or any with which he is connected. He says, "If this is true, then a simple oath should be adequate \* \* \* If this will not exclude such persons, then no form of words would do so. Anyone who would take an oath to support the Constitution — the amended oath is redundant \* \* \*" It seems to me that Odegard has summarized it clearly.

#### **REGENT NEYLAN**

On September 29 Professor Lehman presented to us a very carefully prepared statement on this entire subject. He stressed unity and getting unity and harmony. I don't think anyone who listened to that could fail to be impressed with the striving for unity and harmony. The impact on me was very unusual. As this thing has developed, I don't know where you gentlemen are — the techniques that were used. I think the situation in the Senate is just about the same as in the Bar Association. I don't know when Mr. Ehrman attended a meeting last, and I can't remember when I did. We suddenly had an outcropping in the press — it happens my relation with some of them is such that I talk in confidential terms with them. You had at the beginning the stirring up and planting of stories coming from a radical committee in Berkeley and Los Angeles. In every conceivable way they were trying to plant stories with newspaper men. As

they did get them they would call me up and ask what was going on. We were not at loggerheads at all. The overwhelming majority of the faculty could not help but know that after all these years the most remote thing in the mind of the President and the Regents would be to put a slight on the faculty. You had constantly the little committee of radicals sending out the stuff. Then you began to see some other men — I think philosophers — coming into the thing. You had generated here a situation with a technique they have used repeatedly and classically. You had reached here a situation where a little minority has a veto power. I understand at your meeting of November 7 you had a large meeting and finally toward 7 o'clock a lot of stable men had to go to dinner. I understand that the ten Broek resolution — I understand it was in the nature of a ukase — that had been howled down in the committee of a whole, but with the usual technique they out-waited everyone else and when everyone was gone they put over the preface. My understanding is that reputable members of the faculty resented it bitterly and expressed disgust with that kind of technique. This thing has degenerated where a minority of the Academic Senate can read the riot act to the Regents and tell them their duties and what their responsibilities are and so on. The preface of the ten Broek resolution in my opinion was designedly offensive. I think it had no object other than to stir up trouble between the faculty and Regents. That is a matter over which we have no control. We have the unfortunate situation here — we have had two very unfortunate failures of meeting of the minds when on two different occasions the Regents and the President had thought there was a complete meeting of the mind. Why close our eyes to it? You are never going to have harmony on it, there never will be any unity, because these people are not out for unity and do not care about the good name of the University of California. Their principle aim in life is mischief and chaos.

**PROFESSOR DAVISSON**

It would be a terrific error if you were to proceed with the idea that the opposition to the oath came from a communist fringe or a small fringe is dictating the policies of the University.

**REGENT NEYLAN**

I am not saying that. I know what I am saying, because I know who the person was who gave the statement to the press. It was fed out by the radical group over there.

**DR. STANLEY**

Should that affect the relationship between the Regents and the faculty?

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**REGENT NEYLAN**

I should hope not, but they have developed a situation now where your Academic Senate will adopt by a vote of 148 to 113 an offensive lecture to the Board of Regents.

**REGENT HANSEN**

You suggested we be outspoken. As I see the issues, it is this. The Regents are determined over a long period of years to exclude communists from the faculty. As I see it, the Academic Senate is not willing to accept membership in the communist party as grounds for exclusion. I am not adverse to the procedure suggested here, but I am vitally concerned with that fundamental issue.

**REGENT NEYLAN**

Mr. Gordon and Caughey so expressed themselves.

**PROFESSOR CAUGHEY**

I would like to elaborate my position. Membership in the communist party does not of itself and should not be regarded as adequate basis for automatic dismissal, but should be regarded as grounds for suspicion of a man and should result through regular channels in an investigation of that man's fitness to be a

member of the faculty. My prediction would be that in most such cases brought under investigation the recommendation of the Committee on Privilege and Tenure would be that the man should be dismissed. I would think we could go along without any collision between the Regents' policy and the faculty policy if the Board kept its 1940 statement about membership in the communist party and the faculty practiced its improved procedure of investigating for fitness prospective members and present members of the faculty. I doubt seriously that the faculty would come up and say, "Yes, he is a member, but we think he is such a bad communist, it does not matter in this case. He is still a good man." That is a remote contingency. France has a million communists and probably among them are some who would be useful to our faculty.

**PROFESSOR GORDON**

When I referred earlier to the question of objective I was simply trying to state in general terms what I thought the ultimate purpose of a University should be. I agree with Professor Caughey on the issue of communists. I have spent a good deal of time in the last few years actually fighting communism. My convictions on the subject are pretty well known. This is the thing that has motivated me. In some ways I am a very selfish member. I have come to love this institution. I guard in my own small way the reputation of the University as vigorously as the safety of my family and home. The worse shock that has occurred to me in the 13 years I have been here was the action that led to the oath. In view of my general conversance with standards employed in the academic world — which led to the suspicion that perhaps the institution had taken on standards which were not up to the very highest that my colleagues have accepted. I don't want a University of Washington case at the University of California. I don't want any reflections on the part of the outside world as to what we stand for. We know what we stand for. We are worried about the reputation of the University and the effect on young colleagues who have brilliant careers ahead of them. I think that at the moment there is danger that the reputation of the University will suffer. I am trying to protect that. I have fought all summer and fall in ways that have made me take a public stand I have found personally abhorrent to back up the Advisory Committee — what they brought back was the document I read earlier this afternoon. So far as this trouble-making group is concerned, I helped persuade them on September 19 to withdraw a moderately worded statement and pledge their support to the report of the Advisory Committee. I have invested my lifetime in this University.

**REGENT HANSEN**

How would the reputation be damaged?

**PROFESSOR GORDON**

We listed the organizations in here in the report — the AAUP, PHI Beta Kappa —

**REGENT HANSEN**

If it is true our oath is in fact already covered by the oath we now take, why are we concerned about these other organizations? In fact, it does not go beyond the original oath because the original oath embraced all things.

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**PROFESSOR GORDON**

We think an addition to the standard oath really makes it more effective, but at the same time trying to add on it throws suspicion on the group you are imposing it on.

**PROFESSOR HILDEBRAND**

It is an indignity to ask some of these people to take an oath.

**REGENT HANSEN**

But your dignity is not offended if you are asked to take an oath for military service or secret work.

**PROFESSOR HILDEBRAND**

You have to deal with men's feelings in this matter. It is one thing for you to convince me. On the other hand, if you are going to have effective action, it is going to be such that the majority agrees to. People feel it is an indignity to be asked to take a special oath. Why don't we just allow these people to take the standard oath? That would clear a great deal of the atmosphere. You would remove whatever allies the subversive group has. I am going to defend a man who refuses to sign the oath.

**REGENT NEYLAN**

First, I would like to ask Dr. Gordon, do you think Seymour hurt Yale?

**PROFESSOR GORDON**

No.

**REGENT NEYLAN**

Do you think Conant hurt Harvard when he said he would kick them out?

**PROFESSOR GORDON**

Neither Harvard or Yale require an oath.

**REGENT NEYLAN**

Seymour says, "Point out a communist and I will kick him out." Conant substantially says the same thing.

**PROFESSOR GORDON**

As far as an oath is concerned, I think a special oath hurts the reputation of the University. As far as the communist policy is concerned, it has not yet hurt the reputation of the University, but if we got a case in which a man is alleged to be a communist and Privilege and Tenure found that he was a competent teacher and scholar who has shown no evidence of impartiality and the Regents till ordered his dismissal, that would lead to damage to the reputation of the University, such as the University of Washington was damaged.

**REGENT NEYLAN**

9 years ago we announced we would not keep communists. Then we had the Ivy League following 8 years later. We pioneered that. Harvard now is committed through its President to kick out a communist for being a communist.

**PROFESSOR GORDON**

He is bothered on how to implement it.

**REGENT NEYLAN**

That is just where we are. The fact is, California pioneered the way and now Yale and Harvard — we are in reputable company there — you disagree with the policy of all three.

**PROFESSOR GORDON**

If it leads our governing board to fire a man over the recommendation of a responsible committee on privilege and tenure who found that a man had not engaged in subversive activities.

**PROFESSOR HILDEBRAND**

Seymour also said, "We know our faculty and trust it." We have never heard that from the Regents and the President.

**REGENT NEYLAN**

We have petted you so much and you quote us with approval.

**PROFESSOR HILDEBRAND**

You told us we would have to sign on the dotted line.

**PROFESSOR DAVISSON**

May I suggest a recess.

RECESS

**From TRANSCRIPT OF JOINT MEETING OF REGENTS COMMITTEE  
TO CONFER WITH FACULTY, AND ACADEMIC SENATE  
CONFERENCE COMMITTEE. (FOLLOWING RECESS)**

JANUARY 4, 1950

910 CROCKER BUILDING, SAN FRANCISCO.

Present:

Representing the Regents: Regent Neylan, Ehrman, Hansen, Fenston and Sproul.

Representing the Academic Senate: Professors Davisson, Gordon, Hildebrand, Stanley, Huberty, Caughey, Merrill and Grant.

In attendance: Assistant Secretary Woolman.

(And then the Committees recessed for 10 minutes)

**MR. DAVISSON**

We have been here a long time. May I submit a specific proposal and ask if you would be interested in discussing it. Would the proposals we have submitted to you in typewritten form—which we have given very little attention—would those meet with more approval if Sections 1 and 2 on page 1 were to be made a part of the contract of employment so that the person accepting employment agrees to those statements of principle?

**REGENT NEYLAN**

The Board of Regents is composed of very individualistic persons, so I will speak for myself only. I want to reemphasize what I said before. I am convinced that the Board is thoroughly of the view that it had a complete meeting of the minds with the faculty representatives on September 30. I think that any report which envisages treating as a nullity the agreement of June 24 and the agreement of September 30—I think any program which would seek to treat as a nullity what has happened would just be a shock, and I am satisfied would not be acceptable. These are my personal views. I am convinced that we cannot wipe out the past. The past is an essential part of the present. The existing oath was accepted by the Board as a result of an agreement between the President and the committee of the faculty. The Board amended that to an affirmation satisfactory to the Regents. In good faith and to permit them to explore the situation and implement the policy, the Board, by a majority vote, voted to release all contracts and so on. In my opinion this Committee has no authority to discuss any amendment or modification of the policy as agreed upon on September 30. It is beyond the authority of the Committee, and I think the Board would let the Committee know it.



I would be wanting in frankness if I did not tell you that my personal view is that the proposal is totally unacceptable. I do not think it represents an implementation, and I do not believe it is realistic. I think it is a most unfortunate thing—whether we agree it is a refutation or a misunderstanding—I think it is a sad thing that the first time in 50 years that the Board appointed a Committee to meet with the faculty we have had the misunderstandings that have developed.

**MR. DAVISSON**

I would like to read two sections to be added to the detailed proposals.

(Reads "Additional Proposals" attached hereto)

**REGENT NEYLAN**

I have tried to follow that. I want to say that—I hope it is not an appearance of stubbornness—we cannot alter or amend the policy adopted by the Board. Let me ask you about another phase. The sad part of these controversies, when they linger over a long period of time, you get these— —

**MR. DAVISSON**

It should be called to your attention that these proposals just made, of course, would require that they be taken back to the Academic Senate, Northern and Southern Sections.

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**REGENT NEYLAN**

Have we any hope that they will meet any different fate from what the others have?

**DR. STANLEY**

There has been a little difference of opinion as to the question of repudiation, as you know.

**REGENT NEYLAN**

Yes, it was a misunderstanding.

**DR. STANLEY**

For the record, this was not proposed originally because of our earnest desire to attempt to achieve a solution that could be achieved within this room today. Apparently that was not possible, and the proposals made here would have to be approved by the Senate.

**REGENT NEYLAN**

The answer to this must be patent to you. You came here today on the theory that the presentation made by you and the suggestion made by you was possible of adopted today with the idea of ending this matter. I cannot imagine anything, from my view of this, which could have had less basis for optimism. I cannot imagine any two sides starting from such basically different conceptions of the thing. You evidently came here with the idea that this was a matter of the Committee's deciding to recede from everything the Board has done heretofore.

**MR. DAVISSON**

I think you are wrong there. We appreciated we could not reach a final agreement in this room, but we hoped we might have more of a meeting of minds that we have had. Then our problems would be of ironing out minor differences of opinion rather than major differences of opinion.

**REGENT NEYLAN**

I think frankly we are in a very serious situation on the basic policy. This Board has had a policy, unchallenged for nine years, on the matter of communism, which now has been adopted by other colleges

of repute. I do not think the Board of Regents is going to at this late date either amend it or modify it or alter it. As to the difference between the recitals here—between the policy of the Regents that a communist ipso facto is out, and Dr. Caughey's statement that if a man was brought in and was a communist there was grounds for suspicion—the difference between that and the Regents' policy is so metaphysical, it does not warrant changing the Regents' policy.

**MR. DAVISSON**

What are your objections to the proposal just presented?

**REGENT NEYLAN**

I have not had an opportunity to study it. As far as I am concerned, I would say they contemplate a modification of the basic policy of the Regents.

**DR. STANLEY**

Not of the Regents' policy.

**REGENT EHRMAN**

I can put my finger on this. Where membership in the Communist Party is admitted or proved and the committee recommends retention—there it is. We say it cannot approve retention.

**MR. GORDON**

We did not want to submit these proposals, because they will have to be taken back to the Senate. They exceed instructions they gave us. Here they are, and we are willing to risk that in an attempt to reach agreement. What these recommendations say—I thoroughly agree that every word should be read carefully—what this says is this: The faculty will not endorse—as a matter of fact it is beyond its province—the Regents make a policy. Here is what the faculty wants to do when the Regents charge a man with communism. They want a standard procedure. The faculty wants to see whether it is possible in an extreme case for a man to be a member, but a bad member to the extent we find no evidence that he has violated

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the principles of character and loyalty and impartial teaching. We still recognize that the Regents have the right to go over that. If the Regents dismiss, we know you have that policy and the faculty, by accepting these proposals, have given up the right to challenge.

**REGENT HANSEN**

It says, the Regents have the right to give the "same consideration."

**MR. GORDON**

The Committee on Privilege and Tenure exists with the approval of the Regents, and the Regents recognize that action taken before that committee is of the most serious character, and I understand when the recommendations come up the Regents take this as an important matter and look at all the evidence and consider seriously the recommendation. This is not intended to imply—and I am willing to propose a change in wording if you feel these in any way bind you.

**REGENT HANSEN**

Where does the President come in?

**MR. GORDON**

It always goes through the President.

**REGENT NEYLAN**

This is added to the other thing?

**MR. HILDEBRAND**

That is what we always have done. The faculty has never acted on a case the Regents have taken.

**REGENT NEYLAN**

Are we going to reduce this University where the constitutional authority has nothing to say?

**MR. GORDON**

That has never been considered.

**MR. DAVISSON**

No one has.

**REGENT NEYLAN**

Except we do not exercise it. You admit the theory but deny the practice of it.

**MR. GORDON**

I do not know the details of this particular case, but as I recall, before the war when Kenneth May was dismissed from the University on the charge that he was a communist—there was no reflection on his teaching. I do not know where it was initiated, but it probably did not go before Privilege and Tenure, because he was only a teaching assistant. This would be the change in that situation: The President and Regents or appropriate dean, whoever received word he was a member, would collect evidence and before the dismissal would be made effective the Committee on Privilege and Tenure would be given a chance to hold a hearing. It might find that he not only was a member of the communist party, but that such membership affects his teaching and he should be dismissed. Or it might find that it finds no evidence that his membership affects his teaching to such an extent that he cannot carry on his teaching duties, and we recommend that he not be fired. Then the Regents get the report through the President, and if the Regents say he is out, that is settled.

**REGENT NEYLAN**

This is an enlargement of the faculty powers. It is now proposed that all teaching assistants shall come under the Committee on Privilege and Tenure.

**MR. HILDEBRAND**

Only with respect to loyalty. Not with respect to intellectual competence.

**REGENT NEYLAN**

This will involve even a teaching assistant who is a member of the party. It enlarges the powers.

**MR. DAVISSON**

That was what you argued with me the other day, and it was for that reason it was included—when you asked why we didn't take action on Fox.

**REGENT EHRMAN**

Shouldn't the real action be taken by the head of the department. He can hire and fire teaching assistants.

**REGENT NEYLAN**

If this recitation means anything, and if what Dr. Hildebrand has said regarding deans and heads of departments means anything, there is no doubt there was competent authority to pass on the Fox case.

**REGENT EHRMAN**

Why wasn't something done independent of the Regents? Why did the Regents have to take that up?

**MR. DAVISSON**

We are arguing here the jurisdiction.

**REGENT NEYLAN**

We did discuss the Fox case.

**MR. DAVISSON**

We are not re-trying the Fox case here.

**REGENT NEYLAN**

I do not think consciously, but unconsciously, you mis-stated our discussion.

**MR. HILDEBRAND**

At the end of the term a dean could recommend that he not be reappointed.

**REGENT HANSEN**

I would like an expression on this one vital issue—whether the faculty is adamant that a person shall not be dismissed merely because he is a member of the Communist Party.

**MR. GRANT**

What we tried to make clear in this memorandum was, one, a large number of the faculty agree with the statement which was called to our attention by you that membership in the Communist Party is adequate grounds of itself for dismissal. We tried to point out, in addition, that a still larger group—a majority, not a lunatic fringe, not merely the non-signers, but a majority of the faculty would not accept that position for any number of reasons. For example, a reason given by many is that in the New York communist case the judge stated (reads Judge Medina's, instructions which include the statement, 'I charge you that a man is not guilty merely because he is a member of the Communist Party \* \*')

We are faced with this concrete factual situation. We might just as well face it here. Our committee is convinced that we cannot go back to the faculty and request approval of anything which carries a specific approval of the Regents' policy of dismissal for communist party membership per se. We are not saying that would not be a good thing if it could be done, but we are saying to you, because the faculty had confidence in us, we are saying to you that could not be passed by the Senate. Therefore, the issue is this: If the policy is to remain settled, what use would it be for this committee to agree with you and take back to the Senate an implementation which would carry with it approval by the faculty of the Regents' policy, when we are telling you in advance, as honestly as we can reflect the opinion of the Senate, gentlemen, we would fail. We would not get approval.

**REGENT NEYLAN**

I think that is the answer. I want to thank you for being frank about it. Anything else is nonsense.

**MR. HILDEBRAND**

Even if the faculty approved it by a large majority, you cannot prove that the Committee on Privilege and Tenure would take that view.

**REGENT NEYLAN**

Dr. Grant has stated it very well. I think we are in a situation here where this Board adopted a policy nine years ago, which it has reaffirmed. I think the Board has properly had the right to assume that, not once, but twice, the faculty through its representatives has agreed to a re-statement of that policy. I do not believe this Board out of decent respect for public respect in California can abandon its position. I think you are utterly unrealistic, and I

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think you are theorizing in a situation which is a very grave one, and theorizing despite the fact—

**MR. DAVISSON**

Those proposals do not require the Regents to retreat from that policy.

**REGENT NEYLAN**

Dr. Grant stated that it was so. He said the Academic Senate will not accept this policy.

**PRESIDENT SPROUL**

Oh, no—will not approve it.

**REGENT NEYLAN**

Alright, not approve it. The Board has adopted that policy for nine years.

**MR. DAVISSON**

The proposals do not require the Board to retreat from the position it took a decade ago. It is perfectly clear that the Board is not asked to retreat.

**MR. HANSEN**

Assume they will not approve it, but will accept it, what would you suggest for implementation of it.

**MR. DAVISSON**

It is set forth here.

**REGENT NEYLAN**

And it would have to be referred to the Senate.

**MR. DAVISSON**

These additional documents will.

**REGENT HANSEN**

This restates policy. Assuming the policy is not restated.

**MR. GORDON**

You would have to add that you are not retreating from your policy.

**REGENT HANSEN**

What would the effect be if they are not asked to approve it but are told to accept it. Will it be accepted?

**MR. GORDON**

I would say, now that matters have been agitated, there probably will be debate on it. I would say probably also that the more sober heads will say, "You have lived with it for nine years, why can't you continue to live with it as long as you have only the standard oath to sign and no request to the faculty to underwrite

the policy." I would guess that the sober heads could defeat any attempt to destroy that policy.

**REGENT NEYLAN**

Have you given any consideration to what would happen if the people of California were told that the faculty of the University of California refuses to agree to the policy, which has been the policy for nine years?

**MR. GORDON**

We are asking you not to lead to a situation in which the faculty might do that. The situation is grave. It is grave, not in the sense that communism does raise a real threat outside the University. Over and above that threat there is the real danger and real threat to the welfare of the University over the fact that things that were under the surface have been brought to the surface and have become aggravated. If this goes on, and if this communist policy thing is served to the faculty and it is told to stand up and be counted and it makes more headlines, I do not see how the reputation of the University would not suffer.

**REGENT HANSEN**

The Regents would not initiate a question like that.

**REGENT NEYLAN**

You say that communism is more grave outside the University than in?

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**MR. GORDON**

I believe the ratio in the faculty is much more small than outside.

**REGENT NEYLAN**

As to an awareness of communism, do you think the awareness is as great in the faculty?

**MR. GORDON**

I think the awareness is there. The faculty has been brought up—they have their own kind of Hippocratic oath which has been drummed into their minds. When they think of communist and think it involves summary action, they think also of freedom and principles, etc. Perhaps they should think the threat to the University and the nation is so great these ideas should not play such a large part. This is the way they do think, and somebody has to help lead this group when these issues are debated. We are doing our best trying to think of ways out.

**REGENT NEYLAN**

The situation is this. Here the policy has been an accepted and agreed policy for nine years.

**MR. GORDON**

The faculty has never been asked to agree.

**MR. DAVISSON**

They have never been asked to stand up and agree to it. Why raise it now?

**MR. HILDEBRAND**

Why do it now?

**REGENT NEYLAN**

I do not believe there was ever the slightest question that the overwhelming majority of the faculty were conscious of communism and its danger to the Academic Senate. It never occurred to me the necessity of

asking the faculty to agree. For nine years we have never heard any opposition, and now to tell the public that this faculty, which has been conscious of this policy for nine years, now refuses to agree to it—

**MR. DAVISSON**

Why do you have to tell the public? You have had it for nine years and we have lived under it.

**REGENT NEYLAN**

This situation is dedicated to truth, and on this policy the statements made to the public will be truthful and complete.

**MR. HILDEBRAND**

We have offered you a mean of implementation, which we think satisfactory and would accomplish the aims you have in view. The difference between them is not going to be in practice very great. It is my opinion that no more trouble is going to arise over a given case than has happened in the past years. Can't we protect the University from subversive elements as we have outlined? Let us see if we can make it work. If the oath is removed, we will be in a much better position to attack the communists. The oath is a positive hinderance to that.

**MR. HUBERTY**

Do the Regents have any information which the faculty members do not have? Do they know anyone who is subversive? Are there any members of the faculty which the Regents suspect?

**PRESIDENT SPROUL**

I know of none.

**MR. HILDEBRAND**

Are we not arguing then about a theory rather than a practical problem?

**REGENT NEYLAN**

I think you are.

**MR. HILDEBRAND**

As far as the University is concerned, I am as opposed to communism as anyone, but I do not recognize it as an imminent danger to the University. I see no evidence.

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**REGENT EHRMAN**

The taking of an oath does this—and you have offered no substitute for it. It places each and every member of the faculty on record as to a specific fact. There is nothing to place them on record as to their acquiescence of these proposals you have suggested.

**MR. HILDEBRAND**

They have voted for this Regulation 5.

**REGENT EHRMAN**

It is not, however, the opinion of every member of the faculty.

**MR. GORDON**

We suggest you put these principles on the contract.

**REGENT EHRMAN**

And have a member say he subscribes to these principles at the same time he takes the oath?

**MR. HILDEBRAND**

The old oath.

**MR. GORDON**

I suggest every man be asked to sign the regular oath, and in addition, every year when you send the contract, the back of the contract can be covered with that, and the man in accepting the contract subscribes to these principles.

**REGENT HANSEN**

And makes it a part of his contract.

**PRESIDENT SPROUL**

I would like to consider those proposals very carefully.

**MR. HILDEBRAND**

I wrote to President Sproul on March 18 as follows, in part: "I recommend these decisions be published to the faculty at an early date." I think it would be very desirable to have everyone joining the faculty to be acquainted with Regulation 5.

**REGENT HANSEN**

What is the opinion of the Committee with reference to the number of the faculty who would fail to sign a contract if those conditions were added to it?

**MR. HILDEBRAND**

I think they would be infinitesimal. I cannot imagine that there would be more than an occasional few cranks, as this has been adopted.

**MR. GORDON**

I will be rash. I think I know the large number of non-signers of the present oath. With one condition—if the publicity surrounding the adoption of the requirement is not unfortunately worded—granted that does not happen—I would predict that as far as the Northern Section is concerned, there would not be one member who would refuse to sign.

**REGENT HANSEN**

I would like to suggest that our Committee consider seriously this last proposal and also consider the proposal that the terms be included in the contract as a condition to the contract and signed by the faculty as an implementation of the Regents' policy.

**PRESIDENT SPROUL**

If that is a motion, I second it.

**REGENT FENSTON**

I second it.

**REGENT HANSEN**

My motion was that the Regents consider that proposal.



**REGENT NEYLAN**

We are on notice that this has to go back to the Academic Senate.

**REGENT EHRMAN**

Their committees have approved things, and then they have been disapproved by the Senate.

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**REGENT HANSEN**

I would like to add, that when being considered there be no publicity given either by the faculty or the Regents.

**MR. GRANT**

We have a standing rule that there shall be no publicity by anybody.

**REGENT FENSTON**

If we do make the recommendation, and it is adopted by the Regents, has it already had the approval of the Senate?

**REGENT NEYLAN**

No.

**MR. GORDON**

That raises this question. You will consider apparently this set of recommendations. You have one or two alternatives as to procedure from that point. Presume your recommendation is favorable, you can, if you wish, meet again with us or communicate with us. We can then take it back to the Senate before you ask the Regents to act on it, so they will not have to act until they know in advance that the Senate has passed it.

**REGENT HANSEN**

It is your opinion that the faculty will approve?

**REGENT EHRMAN**

That was the opinion before.

**REGENT NEYLAN**

Let's consider it. Let's not get committed to procedure.

**PRESIDENT SPROUL**

I agree. I plead only that the next consideration be in this joint committee meeting.

**REGENT EHRMAN**

It seems to me, in considering this thing, in forecasting what is going to happen, it will not make much difference to the Regents what the Senate says about this. I am convinced that if the Regents accept this, they will say they will subscribe to this or there will be no contract. There will be no compromise beyond this issue. That is my honest opinion. I do not know whether they will accept this.

**REGENT NEYLAN**

You ought to be advised that this Board is going to act. I am not saying how it is going to act, but it is going to act in timely fashion so there will be no suggestion in the future that there was duress or anything of that kind. It will be taken sufficiently in advance so if it should involve somebody's asking employment elsewhere, there will be no suggestion that his contract was withheld at the last minute.

**MR. DAVISSON**

May I suggest—one thing is not in the material you have. That is the proposal I made verbally that certain parts of that document be incorporated into the contract. The second proposal I made has to be fitted into the larger proposal. There may be unfortunate wording or possible things we want to clarify. May I urge we be given an opportunity to meet again with this committee, and we can put the thing together and we will know exactly what it is we are talking about. We want to have another opportunity to talk it over with you and pass it together.

**REGENT EHRMAN**

I am quite agreeable to that, but I think what we should do is to give you the time element. The next meeting of the Regents is on the 13th of January, which is a week from Friday. I do not know whether this will be ready to be discussed by the Regents at that time. Otherwise, it will have to go to the February meeting of the Regents, unless a special meeting is called. That is generally not satisfactory, because you do not get the attendance. February is the deadline as I see it, because they want to give every member full opportunity to look around if he is not satisfied and happy with these conditions.

**MR. GRANT**

Our suggestions are all before you.

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**MR. DAVISSON**

My proposal—

**PRESIDENT SPROUL**

If there is going to be another meeting—I think it would be valuable to discuss the details, but I think it would be best first for the Regents' Committee to meet and discuss it.

**REGENT EHRMAN**

I am not putting myself on record that I will be in favor of this proposal as against the resolution which the Regents already have adopted.

**MR. GRANT**

That is clear. We have made certain suggestions you have voted to consider. We have merely suggested that it would be wise for us to meet and go over the document.

**REGENT NEYLAN**

When shall we meet again?

**REGENT HANSEN**

How about the day before the Regents' meeting?

**PRESIDENT SPROUL**

We could meet the evening of Thursday, the 12th—the Regents' Committee.

**REGENT NEYLAN**

I want to ask the Regents what the proposal is.

**REGENT EHRMAN**

Paragraph 1 and paragraph 2 are to be incorporated in the contract.

(It was decided that the Regents' Committee would hold a dinner meeting at the Pacific Union Club, at 7 o'clock, Thursday, January 12, 1950)

(Attached is a copy of "detailed proposals", and "additional proposals", which the faculty suggested be incorporated into one document. Paragraphs 1 and 2 of "Detailed Proposals" are the paragraphs which the faculty suggested making a part of the employment contract.)