



Letter to President Sproul from B. H. Lehman, August 24, 1949

[Letter, August 24, 1949]

August 24, 1949
President Robert G. Sproul
250 Administration Bldg.
Campus
Dear President Sproul:

The Advisory Committee, in its great concern with the situation as it is now developing on the Campus, feels obliged to break in on your holiday. Several important factors in the last weeks have brought about a shift in the emphases of faculty attitude toward the oath and also, if the Advisory Committee is of the opinion that it should suggest to the President for his consideration two lines of action, with respect to aspects of the situation. In this memorandum the Committee is not considering whether acceptance of the oath, as formulated, can be procured or enforced; it is considering the larger question of University welfare. The Committee makes these suggestions with an eye upon morale of the faculty and upon the creative relations between the faculty and the Administration and the Regents.

ASPECT I.

The new tension arises chiefly from what may well be a distorted procedural execution of an order given by the President or by the Regents, or by both. Mr. Underhill informs the Advisory Committee that the annual letter is not being sent out to any member of the faculty until the duly signed oath has been received in his office. This procedure is possibly within the letter of the agreement that the oath and the letter would be separate; it is not commonly regarded as within the spirit of that agreement, for an implied duress exists under the procedure. A not inconsiderable number of members of the faculty of all grades who approved the oath in the new form or who were willing to sign it in that form have refrained from doing so under the conditions imposed by this procedure. Though it may be assumed that, if all goes well at the Senate meeting on September 19, these members of the faculty will sign between that meeting and October 1, their postponement of signature has developed and is continuing to develop an unfavorable condition for a good solution of the problem on the 19th.

The key consideration may be put in terms of two facts, one that the statement of the Regents appears to apply only to proved Communists, and not to non-jurors; second, that the dismissal of non-jurors after October 1, felt by members of the faculty to be implied, would involve the imposing of a penalty before the review of a case and adjudication therefore, since procedure for these cases has not been defined.

SUGGESTION

Should on the several campuses a considerable number of the faculty decline to sign the oath as now worded and contracts for non-tenure appointees or

notices of salary rate for tenure appointees be withheld, with in effect dismissal from service, the University could operate only at great disadvantage. Nothing, therefore, would be lost and everything would be gained, for the time being at least, if all the letters were sent out for the year 1949-50, the final resolution of the problem, whatever it might prove to be, being made effective for the year 1950-51.

ASPECT II.

A second aspect of the problem arises from the fact that an increasing number of members of the faculty in both Sections of the Senate, including some who have already signed the oath, will request the President and the Regents to reconsider the prescription of the second half of the oath. These members of the faculty are not working alone. Important newspapers, organizations including A.A.A.S. and Phi Beta Kappa, and individuals support the position that the oath should be given reconsideration. The A.A.U.P. on the Los Angeles Campus and some other groups have taken so vigorous a stand for reconsideration that the Advisory Committee of the Southern Section has asked to confer with the Advisory Committee of the Northern Section on September 6 and to proceed thereafter to conference with you. There will be circulated with the call for the meeting of September 19 a reasoned and temperate resolution proposing such reconsideration, whether or not the oath as now worded is found acceptable on a permanent or on an ad-interim basis. This resolution will have strong support.

SUGGESTION:

Under these conditions it is, in the judgment of the Advisory Committee, desirable from every point of view and in every regard that the President himself take over leadership on the issue. Public discussion in the State and in the country have changed the climate of opinion. Within the University the differences of attitude and of thinking are such that perhaps only the President's leadership can now revive the high morale and confirm the unexampled intellectual health that have been attained in these last years.

The Committee believes that the President should consider announcing at this time that, in view of all the elements in the situation, he will propose to and urge upon the regents the deletion of the second half of the oath. The Committee, naturally, has imagined that the President may well be coming to this line of action. In the event that the President judges it desirable and proper to take this line of action, the Committee urges him to make the announcement after the circulation of the call, he would in effect espouse the cause of the dissidents; if the announcement were made after the Senate voted the reconsideration resolution, the initiative would have passed out of the President's hands.

Respectfully yours
B. H. Lehman, Chairman
Advisory Committee.