



Except from Minutes of Regents Meeting of November 18, 1949 (Executive Session)

Excerpt from Minutes of Regents' Meeting November 18, 1949 (Executive Session)

LOYALTY OATH:

3. The President presented a report on action taken by the Academic Senate, Northern Section, on November 7, 1949, with regard to the loyalty oath requirement, as follows:
 - a. The Senate passed by a decisive majority two resolutions submitted by the Advisory Committee (1) ratifying the agreement described in the 6th paragraph of the statement issued jointly on September 30, namely, "complete agreement upon the objectives of the University policy excluding members of the communist party from employment and communist teaching and influence from the campus of the University. ...". The objectives referred to are those the Regents stated on June 24 in the resolution that stated "At its birth the University of California was dedicated to the search for truth and its full exposition. ...", and (2) directing the committee on committees to appoint a combined special committee on conference with the Regents to explore with the Regents better and more satisfactory means of implementing University policy, with due regard for the Senate's position as stated in its resolutions of September 19, 1949. Those resolutions read, "The faculties...concur in the University policy as set forth in University Regulation No. 5 which prohibits the employment of persons whose commitments or obligations to any organization, communist or other, prejudice impartial scholarship and the free pursuit of truth," and "The members of the Senate request the privilege of affirming their loyalty...by subscribing voluntarily to the oath of loyalty sworn by officers of public trust in the State of California."
 - b. Following this, the Senate stated its appreciation of the release by the Regents of employment contracts, and expressed the hope that this could be interpreted to mean that no disciplinary measures would be taken against those failing to sign the present oath.
 - c. The Senate further took action calling attention to the fact that by its resolution of September 19, requesting the right to subscribe to the oath sworn by other state officers, it simultaneously had taken a stand with the Regents against communism.

Concerning action taken by the Southern Section of the Academic Senate on November 14, the President read the following resolutions adopted by that body:

"The faculties assembled in the Senate, Southern Section, in welcoming the opportunity for further negotiations on the implementation of the University policy concerning Communism, reaffirm their support of the objectives of the policy as stated in the Senate resolution of September 22, 1949, namely, to secure impartial scholarship and objective teaching. They again reaffirm their devotion to the American institutions of free representative government and to the intellectual and other freedoms which these institutions ensure.

"The Southern Section directs the Committee on Committees to appoint a Combined Special Committee to explore with the President and the Regents the best means of attaining the desired objectives. This Committee shall submit its report and recommendations to the Senate for approval by letter ballot. The report and recommendations shall, however, be published prior to such submission ..."

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In reply to a question asked by Regent Neylan, the President stated that the members of the faculty committee have not yet been announced, as the Northern Section is waiting for the Southern Section to name its members. It was his understanding, however, there would be seven members, three from each section, with Professor Hildebrand as the seventh man.

Regent Jordan stated that he was very much disappointed in the attitude of the Southern Section in that it had made no mention in its resolutions of the communist party, and further, he was disappointed in the attitude displayed by the Northern Section in its resolution expressing a hope that the release of employment contracts could be interpreted to mean that no disciplinary measures would be taken against those failing to sign the oath. He stressed the fact that the oath was agreed upon by the Board and the Advisory Committees, and the employees were told that in the absence of a better implementation of the Regents' policy, they were to sign it. Regent Neylan thought that the large majority of the faculty was as strongly in favor of the objectives as the Regents, and he was hopeful that the joint meetings would result in complete accord. He added that he would never yield on a substantive point, but he believed the matter should be explored further.

The President then presented the following statistics, which he had computed at the request of Regent Jordan:

- a. The total number of all employees who had signed as of September 30, 1949 was 5,710 or 69% — 2690 (64%) at Berkeley and 1,312 (66%) at Los Angeles.
- b. As of November 17, 1949, 84-1/2% of all employees had executed the oath or affirmation, making a total of 6,995 — 3,282 (81%) at Berkeley and 1,640 (83%) at Los Angeles.
- c. 1/2 of 1% have submitted some substitute oath, affirmation of statement.
- d. Figures for the Academic Senate show that 75% have signed the oath, and 2% have chosen to submit a form of substitute oath or affirmation.
- e. Since September 30, 1,243 oaths have been received and 37 substitute oaths, affirmations or statements, of which 20 state that the employee is not a member of the communist party.
- f. No employee has officially stated that he refuses to sign the oath or affirmation.
- g. At Davis and Mt. Hamilton 100% of the employees have signed the oath.

Regent Neylan felt that in view of the fact that the Senate has agreed to the Regents' objectives, the special committee of the Regents should meet with the special committee of the faculties as soon as possible to explore the matter of implementing those objectives.