

Caldwell, James Raiston, 1900-1965

Statement and Motion by J. R. Caldwell and T. J. Kent, Jr.,
November 13, 1953: Misc Papers
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In January 1949 the then current Board of Regents attempted to impose on the Faculty of this university a formula of abjuration which came presently to be known as a "loyalty oath". An overwhelming majority of the faculty at once protested this imposition as an attack on intellectual freedom and upon academic tenure.

A gradually culminating series of events proved that these protests were well justified. The determined virulence of the attack manifested itself in a number of malignant maneuvers and was made brutally clear on August 25, 1950 when in violation of tenure, of contract, and of law, a bare majority of the Board of Regents flouted the recommendations of our committee on privilege and tenure, overrode President Sproul and evicted sixteen of our colleagues from their posts. The reputation of the University of California fell at this point to its lowest ebb.

In the meanwhile the Faculty, the Administration, and all but half of the Board of Regents had in various degrees and with various degrees of promptness assumed the great responsibility of reversing this action, of vindicating the reputation of the university. We joined indeed a struggle of impressive magnitude and consequence in order to show the academic world that at California attacks on intellectual freedom, invasions of tenure, contempt of the will of a loyal and competent faculty would be resisted. We dared confront an arrogant faction of the Board of Regents which was determined to punish and discredit all who opposed its will.

We have not been guiltless in this struggle of wavering, of credulity, of blunders. Nevertheless it has been on the whole a struggle well waged, a responsibility faithfully borne, let no one doubt (and I say it with due gratitude to Regents and others who have been our partisans) that such victory as we have won has been the ultimate effect of our own efforts, of our steady support of those colleagues who spearheaded our defense. The decisions of the court stand as justification of our pains and as an index of our success up to the present.

But our responsibility as Faculty and the responsibilities of the Administration and the Board of Regents is evidently not yet discharged. The lawless action of the coterie of Regents has not been wholly reversed. To some of us, happily returned as we thought to our normal pursuits of scholarship and teaching, this fact will come as a shock.

It is nevertheless plainly true that rights of tenure and intellectual freedom are not vindicated as long as those who dare exercise them are made to suffer for so daring. The fame of the University of California is not cleared while loyal and competent men are, at the will of those who in the first instance attacked our tenure and freedom, fined in effect for resisting that attack. The fate of those sixteen resisters, deprived as they have hitherto been of the compensation and tenure due them in most obvious justice, hangs over us all. Their present case is a warning all too eloquent of the price of resisting even the most arbitrary action of even a discredited group of the Board of Regents.

Universities and university professors suffer in upheavals such as we have lately undergone. The prospect of actively resuming the struggle whereby we have thus far defended ourselves and our colleagues must be to all of us a painful one. It is however my conviction that the men and women of this Faculty will find the energy and stamina necessary to see the task which they have undertaken through to a just conclusion; that we will not have resisted blatant and open attempts to punish certain of our colleagues only to accept a less direct form of chastisement. In this conviction I offer the following sense resolutions to this meeting:

RESOLVED:

1. That the faculty members of the University of California here assembled are profoundly disturbed by the fact that proper restitution of lost salary and tenure to the sixteen members of the Faculty purportedly discharged from the university August 25, 1950 and restored by court order as of October 1, 1953, although it has been recommended by the President and other appropriate officials of the university has not yet been made.
2. That they believe permanent failure to make this restitution would constitute in effect fine and penalty against members of the faculty merely for resisting violation of intellectual freedom and of academic tenure.
3. That if members of the faculty are to be subject to such fines and penalties neither intellectual freedom nor tenure can be truly said to exist at the University of California.
4. That the faculty members here assembled are aware that a majority in the present Board of Regents favors this restitution. To the Regents composing this majority it expresses approbation and support.
5. That this body is further aware of the need of all skill and wisdom in meeting the shifts and devices of that ruthless faction of the board which would deny restitution. It believes however that no legal or technical obstacle should be allowed to prevent an action of such manifest justice and of such manifest necessity to the honor and good name of the university.