



Excerpt from Transcript of Regents Executive Session of January 13, 1950

EXCERPT FROM TRANSCRIPT OF REGENTS' EXECUTIVE SESSION OF JANUARY 13, 1950: Re: Loyalty Oath.

REGENT NEYLAN

As the Chairman of the Special Committee on the Loyalty Oath, I was directed by the Committee last night to make a progress report at this time. I shall try to do so as judicially as possible, though there is quite a bit of division between us, but my colleagues will be alert to correct any wrong impression that I may unconsciously give.

At the meeting on December 16 in Los Angeles, following the Fox matter, and because of some disturbing impressions I had got a few days before from the Chairman of the Faculty Committee, I requested the Board to make plain its position on the subject matter and make plain the duty of the Special Committee. The matter was discussed, and the motion was made and carried unanimously that the Board stood on the statement of September 30, which was issued jointly by the Board of Regents and the Advisory Committees of the Academic Senate. I requested the Board at that time if there was any intention to change the policy or resort to any face-saving techniques, to so indicate, and relieve me for one from the Committee. After that the Board adopted the resolution, and that resolution read:

(Reads statement of September 30, 1949)

On December 16 this Committee resumed its duties, and a day or two after I got a copy of the "Faculty Bulletin". These Chairmen had requested that I meet with them again for the purpose of setting up an agenda. I met with them once, on December 13. After getting the "Faculty Bulletin" and reading the resolutions which had been adopted at the faculty meeting of November 7, it appeared to me that the Academic Senate had repudiated the agreement entered into with the Regents by its special committees on September 30. Under those circumstances, and because of the prior repudiation of June 24, I was fearful of meeting with them alone, and suggested the committees meet. The committees met on January 4, and it was a long and tense session. Prior to the meeting, on behalf of the faculty committees, Professor Gordon sent me and to each member of the committee a long outline of the proposed position of the faculty committees. That was refused. I think it is fair to state that that outline was in accord with the resolutions adopted by the Academic Senate repudiating the agreement and also in accord with a resolution adopted by the Senate under questionable circumstances, including the preface of another resolution which had been turned down. By this resolution they read quite a lecture to the Regents on its duties and so on.

In the meeting on January 4 it developed that the faculty committees envisaged not only disposing of the oath and disposing of the affirmation, but in addition to wiping out or refusing to approve the policy of the Regents in respect to communism, which had been adopted as early as 1940. It was brought out that the substance of the Regents' policy that no member of the Communist Party shall be employed on the faculty was adopted in October, 1940. Since that date that policy has been enunciated verbatim by Seymour of Yale and Conant of Harvard. However, the faculty committees impressed on us it was not acceptable to the Senate, and they sought to have the matter solved by referring everything back to the

Academic Senate or the Committee on Privilege and Tenure. In other words, I think it is fair to say that the substance of their position was that the faculty committees should have enlarged powers in relation to the employment and retention of people on the academic side of the University. We discussed the matter at great length.

I, for one, had been under the impression that we had sought the cooperation of the Academic Senate and had met them in the most open manner. Certainly, on September 29 and 30 we had the most cordial interchanges. I think it is fair to say that on January 4 they were dealing with us at arms length in an adversary position. It was obvious we could not agree on the proposals that they had made.

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They then asked for a recess, and then came in and submitted additional proposals which they had had when they came into the room originally, all prepared and in their brief cases. However, they were still adamant on the fact that they would not approve the policy of the University from 1940 on down and they would not approve the agreement of September 30. In addition, they served notice on us that this additional proposal merely said that they would not require the Regents to recede from its policy in relation to communists — it should be stated in the way it is set forth in the proposal — but they wanted also the concession that mere membership in the Communist Party should not, ipso facto, disqualify a man for membership in the faculty. They proposed that in the event a man was accused of communism, the matter should be referred to the Committee on Privilege and Tenure, and that it would be within the scope of jurisdiction, if they found that he was not a bad communist, to decide for his retention, the Board of Regents, however, to reserve the right to overrule them. In the proposal also it was suggested that the Regents confer upon the Committee on Privilege and Tenure jurisdiction over the non-tenure academicians. That is now in the Deans and Chairman of the Departments.

Throughout, and implicit in these proposals, in language I think which would have to be very carefully scrutinized, is an attempt to enlarge at least by implication the theory that the Academic Senate committees are the last word on membership in the faculty. I think it is fair to state they envisage the circumscribing of the President's power. They warned us and put us on notice that in relation to the second proposal, they had no authority to agree to it, and it would have to be re-referred to the Academic Senate. Those matters were discussed.

During the discussion, one or two or three members of the Regents' committee explored the theory of putting on the letter of appointment certain recitals. They were agreeable that certain recitals should go on there, but were not agreeable that anything denominating communists should be put on there, the theory being that if and when a man is offered employment and subscribes to the letter he would be on notice of this general language, which they agreed should go on as a part of the contract. It was suggested by the Regents that in addition to those phrases which they would consent to going on, there should be put on the letter a statement of the policy of the Regents in relation to communists. They did not agree to that. In any event, it all had to be re-referred to the Senate. The members of the Regents' committee felt that the proposal should be considered, and the meeting broke up.

There is some confusion by the majority of our Committee who are of the view that we have an obligation to meet with the faculty committees again after we have discussed their proposal. That meeting adjourned and last night your Special Committee reconvened, and we broke up at 11:30. I assure you it was a very intensive and busy session. It developed a very striking difference of opinion, and I think raises some questions which it is going to be necessary for the Board to answer before we can proceed in an orderly manner. There are divided opinions in your Committee as to counter proposals. It was tentatively agreed, without any implication that anybody was committed — simply for explanatory purposes — that a recital should be drafted to be placed on the letter of contract which would be incorporated by reference as a part of the contract. In addition, there was consideration given to what would become of the oath or affirmation, and it seems to me we have to determine what our situation is going to be. I think it is fair to

say the Committee found unanimously that the Academic Senate proposals are not acceptable. However, and we are on notice, that anything else has to be re-referred. This Committee has tentatively agreed to meet again among ourselves to see if we can bring about a composition of our own views. I am in some doubt as to the authority of this Committee to formulate anything other than the policy of this Board and submit it to their committee.

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(At this point Regent Hale left the meeting.)

I do not see that this Committee has any authority to abrogate the policy of the Regents as re-affirmed on December 16. It seems to me if we make a counter proposal which envisages the dropping of the oath and affirmation and the entering into this letter contract theory, even if they accept, this Committee in advance will have embarrassed the Regents, because if we ever make such a proposal to them or their committee, we should be charged with bad faith I am sure if we ever tried to retract it, regardless of the fact they have twice repudiated agreements with us. I am not clear if this Committee has any authority to make any proposal to their committee other than the policy the Regents have outlined up to date.

The question comes up — what should our Committee do after it meets again? Should this Committee, if it can compose its own differences, report to the Board and get authority before it meets with them, or is this Board willing to let this Committee go ahead and deal with them. That, I think, is a matter of extreme importance. In the whole miserable controversy, which has been raised now for almost 8 months, we have had one misunderstanding and repudiation after another, and I would hate to see this Board get into that position. I think it is fair to say that there is a feeling in the Committee that the proposal should be made for abandonment of the oath. The Committee has not taken any formal vote. There is just as strong opinion there should not be an abandonment of it. The whole situation now comes down to the point that we are on notice that they have repudiated the joint statement of September 30, which was the basis of the authority of the Committee. The net result of the whole thing is that we are in a rather difficult situation. Broadly, we are in a position now where the oath is under dispute. Regardless of the infirmities of the original oath, the oath that is now under dispute is one which was worked out by the President with the Advisory Committees of the Academic Senate. I understand that 86% have now either taken the oath or an affirmation.

PRESIDENT SPROUL

86% have taken the oath, about 45 or 50 have taken the affirmation.

REGENT NEYLAN

I do not think any good purpose is going to be served by any dodging of this situation. We are facing a very grave problem. My own analysis of the situation is that an irreconcilable minority of the faculty has ruthlessly maneuvered the situation. I do not think they have the welfare of the University in mind. I do not mean the members of the committee, but I think there is an undisclosed minority. I understand there is wide spread feeling on the campus of irritation with the Academic Senate, and a feeling that the Regents ought to act and get the matter behind us. We are told that in spite of the fact that 86% of the men have taken the oath, a great majority of the Academic Senate are violently opposed to this oath. I do not believe that 86% of that faculty are so craven that to hold their jobs they subscribed to this oath when they felt that academic freedom was at stake. I will not accept the statement of these men that they are talking for the majority of the faculty. The evidence is that 86% have signed. The other statements are not supported. I think it is evidence of political maneuvering. I do not think it is a clear view. The lecture to the Board of Regents was adopted when a great number of the members had gone to dinner. The matter had been howled down when it was first presented. I think we are up against here a situation in which there is a great reluctance to recognize the fact that there never can be unity on this thing, except by abject submission on the part of the Regents, the President and the Senate to a minority of that faculty.

The record proves that conclusively. The repudiations are beneath the dignity of the faculty.

I want to recall that on September 30, the statement and policy under which we are now acting was adopted in this room only after every word was weighed and considered, and we weighed and reconsidered, and when it was finally agreed upon,

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we had a final reading so there could be no misunderstanding. We then polled the individual members of the Academic Senate, man by man, and they all subscribed to it enthusiastically. A very distinguished man among them said that 90% of the faculty would subscribe to it and he personally would make the greatest speech of his life in support of it. As the matter has developed — the men on this committee for which I have the greatest respect — they differ from me on it.

We are confronted with a problem that has to be handled frankly, and has to be discussed without any dodging of the issue, and I think on the proper result hangs the welfare of this University. I think the Board — if I unduly stated my side, I hope those disagreeing will —

REGENT HANSEN

As I recall our policy statement of September 30, which was made in agreement with the faculty, includes the provision that we would meet with them to determine better methods of implementation, and this committee was formed for the purpose of exploring with the faculty in accordance with our mutual agreement with them for the purpose of determining whether or not there was a better means of implementing the policy of the Regents. At the meeting on January 4 it was quite evident that the faculty committee desired to go beyond the scope of implementation. They voiced a dissatisfaction with the policy. In their letter of January 7, in the making of their written proposal, they voiced a dissatisfaction with the policy, but where I thought at the meeting of January 4 we were at a hopeless deadlock, it developed that the Regents' policy enunciated on June 24 and September 30, has been, in fact, in effect over nine years, and in questioning members of that committee, they said that policy has been in effect for almost a decade without any issue being raised by the faculty, and then on further questioning they said the faculty would not approve the policy. In further questioning it developed they made a distinction between approving the policy as announced and accepting it. That, in fact they had accepted it, but if you put it to a vote, they would not approve it, but would accept it, and the suggestion was made that the Regents' policy be made a part of the contract, and on questioning the Chairman of the faculty committee, assuming the Regents insisted on standing on the policy that has been in effect and it was placed on the contract as a means of implementation of the policy, "in your opinion what percentage of the faculty would accept, rather than approve, that contract and sign the contract," and he said, "an infinitesimal number would refuse to sign." The Committee has before it a method of implementing the policy. We have been dragged off the track in that while they will not approve the policy they will accept it.

Let's go back to see whether or not a submission to them of the announcing of the policy, as it now exists, on the contract in furtherance of their suggestion will not be accepted by them, rather than throwing the thing up as a hopeless suggestion. I cannot understand why they would be willing to sign a contract which has it as a condition. We should try that, particularly in view of the fact we told them we will discuss with them the matter of implementation.

REGENT HELLER

Regent Neylan wants to know the powers of the Committee. It seems to me they are to implement the policy adopted on September 30. The policy is simply that we shall not employ communists on the faculty and the oath is a means of not employing communists. The Committee has every reason to have that power.

I move that the Committee consider that it has every latitude in exploring every means of settling this issue short of going back on our policy of September 30 of not employing communists.

REGENT EHRMAN

I wanted to make this statement. The statements made by Regent Neylan and Regent Hansen are immanently correct as to the facts, except I do not go nearly as far as Regent Hansen has indicated in regard to what the members of the faculty committee were willing to do. They were willing to incorporate and make a part of the contract by their signature certain of our resolutions, but

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only those which have no reference in them to the point of communism at all. We talked about the other, but they came back definitely on January 7 and said they will take those two resolutions which they had in their original proposals. They did not say no others, but I think that is what they mean. There is a distinct cleavage on the proposition as to whether a man who is a communist disqualifies himself by that fact from being a teacher. Personally, I think he does. I do not believe he can be objective if he owes his allegiance to a party that gives its allegiance to a foreign power and he takes his stand laid down by a foreign power. I had in mind advocating that it might be worth trying to put before this committee of the faculty, not that we are going to have them affirm by their contract the two things they have specified, but they must affirm the policy we have adopted against the employment of communists. I do not think there is the remotest chance — a very remote chance that will be accepted, but the committee has suggested it might be accepted by a number of people in the faculty — I do not know. I suppose the same people who have accepted the oath or affirmation method. The reason I am at all willing to go along and see if that can be accomplished is not basically on the principle involved, it is basically a tactical matter. If we come back with that, we have shown a disposition to meet them along that line. We say, "Here is a statement adopted jointly on September 30, and unless that policy is going to be accepted, there can't be this implementation in the way you suggested." It doesn't mean anything — just giving more power to Deans and Heads of Departments. There is a great deal of danger in that, because it practically shelves the President of the University. If they then say, "We will take that back to the Senate," we are finished, and we again will have to say, "You sign the oath or affirmation or look for employment elsewhere." It is a matter of tactics to see if we can't make a part of the contract their recognition of the principles adopted by the Regents. That avoids them from approving the principles. That shelves for the time being at least the question as to whether they, as a faculty body, will give approval to the idea that being a communist per se disqualifies a man from being a teacher.

REGENT DICKSON

I find myself in accord with the remarks just made by Regent Ehrman. I want to point out that we are all committing an error in continuing referring to the faculty. We owe something to the 86% who have signed the oath.

PRESIDENT SPROUL

That is all the persons who have been given an oath.

REGENT DICKSON

We owe something to them. Here is a minority group made up largely of people who hope we will go back on our position in regard to the loyalty oath, and they hope they can get a toe hold in the expression that the Regents have withdrawn. I think that would be very fatal. The committee has done a good work, and Regent Neylan especially has worked hard on this thing. I was hoping we could adopt this policy — we would instruct the President to notify all those people who have not as yet signed the oath or given an affirmation that the Regents are requesting a statement from the President of all persons on March 15 who have not signed the oath or given an affirmation, and thereafter he will be required to submit a letter

to them that those who have failed to carry out the views of the Regents will have an opportunity to seek employment elsewhere, that at the end of their contract it will not be renewed. However, that was what I hoped for. However, in view of the fact that the Committee as a whole last night has asked for another conference with the faculty, I think it would be quite proper to have that additional conference, and I think, as Regent Ehrman has indicated, there is very little hope they will offer anything of a constructive character. At that time we can call a special meeting of the Board and issue authorization to the President to go forward and tell these members of the faculty who have failed to comply with the position of the Regents that unless by March 15, or say April 1 at the latest, those who have not signed will not be given their contracts for a renewal. I think the Regents must be firm about this situation. I felt we were making a mistake in these series of conferences. I presume we have not. We have given them

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every opportunity to come in with additional methods of implementation, which is resulting in nothing. The Regents are being insulted by letters coming from them. The time has come when the Regents have to be firm and let them know that there will be no further tolerance with action to delay the oath.

REGENT JORDAN

In line with that, and referring back to Mr. Ehrman, I am a member of the Committee, and I guess Mr. Neylan and I are in the minority as to what should be done. If we meet again with the faculty committee, is it your conception that we should take the initiative and make a new proposal to them?

REGENT EHRMAN

Yes. If we meet with them, we should have prepared a proposal for implementation which was along the lines we discussed last night, which refer to the policy of the Regents in toto.

REGENT JORDAN

On the back of that contract, or are they required to agree?

REGENT EHRMAN

That they subscribe to the principle enunciated [sic] in this declaration of policy made by the Regents from time to time, and

REGENT JORDAN

And that they are not a communist?

REGENT EHRMAN

You will not need that. These declarations of principle are to the effect that we do not want communists in the University. The only advantage in it is that it may be a tactical move to demonstrate that we are not standing stiff legged, but are willing to meet them and put up to them directly, "You have to say that a communist is not entitled to teach in a university". This is a controversial point among the University professors themselves. There are a great many who agree with us, and a great many who say that a man can be a perfectly good teacher, and as long as he doesn't go overboard in his teaching you have no right to throw him out.

REGENT JORDAN

I think by such a move the Regents will have receded from its position of requiring a loyalty oath or affirmation and that is the whole nub of it.

PRESIDENT SPROUL

You forget that our position is that we will accept a better implementation of it.

REGENT EHRMAN

I am not too keen on it, but I am proposing a method of eliminating one controversial point.

REGENT HANSEN

I don't want my statements to be interpreted to mean that a communist should be on our faculty. I disagree with Mr. Jordan and Mr. Ehrman that we are receding from our policy. One of the things we agreed on was that we would meet with them concerning better implementation, and I feel this is a means of implementing the policy, and we might well outline the policy that has been in effect and put it on the contract and they sign it and it is a condition to the contract. We can then come back to the Chairman, who said they might not approve it but they might accept it.

PRESIDENT SPROUL

That is my position.

REGENT DICKSON

You would not recede from the requirement of those who want to take the loyalty oath. The loyalty oath stands. The statement or equivalent affirmation stands. As the next point, if you want to add something and can make it convincing in the contract, there will be a renewal next June that they are not members of the communist party.

REGENT HANSEN

Are we acting in good faith after what we said in September?

PRESIDENT SPROUL

I think the acceptance of a contract that clearly states the policy is a better implementation.

REGENT HELLER

I think Mr. Neylan and Mr. Dickson are completely mistaken with the attitude of the faculty. I have discussed this with a number of the faculty, and practically all of them have signed the oath. They all hate the oath. They disagree with the oath itself, even though they think communists should be kept off the campus.

REGENT JORDAN

I think it is fair for us to believe that what the faculty thinks ought to be put in writing, and their record does not indicate anything of that kind. They are backing away from the signing of the oath.

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REGENT NEYLAN

Let's not fool ourselves [sic]. This is an attempt by the faculty to get control of the University, and that is a fact. My disillusionment in the last 60 days has been so utter and complete, I have been sick. Here twice in a situation dedicated to truth the first casualty was truth when we discussed the government of the University. I happened to be one who was not in on the original part of the oath and happened to be one who labored to pull us out of the mess. There is no sense fooling ourselves. This is a real drive, if you followed the publicity, if you knew the way they have been trying to circularize the press to blackguard the Regents — you know the stuff circularized around the campus that the Regents would back down. They came in with the idea that all they had to put up was a face-saving device. Read Davisson's letter of January 7. It is a cagey letter. You find there 10 different bear traps. We twice met with them and have had our agreements repudiated. If we are going to back down and look for face-saving devices, let us do it honestly and open.

REGENT HANSEN

I move that the Committee be authorized to again meet with the faculty to determine if the implementation suggested by them, if not in detail, but in principle, be explored.

REGENT HELLER

I second the motion.

REGENT JORDAN

What proposal is it we are to consider?

REGENT FENSTON

I understood after the faculty themselves suggested the implementation of putting this affirmation on the contract and affirming it by reference, we broke up with the idea we would meet again and the President himself would draw up a statement to on on the back of the contract to be a part of the contract, and then Regent Neylan, he said he also would prepare on to submit to the committee. That was our understanding when we adjourned.

REGENT AHLPORT

Why not get the proposed agreement first, and we will not have to repudiate ourselves or our committee.

REGENT FENSTON

One bad thing — we should speed it all we possibly can, so if we cannot agree they would have ample time to seek other employment.

REGENT JORDAN

It is fair to say that the proposal made by the faculty committee and transmitted on January 7 — it was agreed by all members of the committee that proposal was unacceptable.

PRESIDENT SPROUL

There was no question about that.

REGENT JORDAN

Their latest proposal we cannot accept. That is why I ask, are we in a position to go back to the faculty committee?

PRESIDENT SPROUL

Shouldn't we contribute anything to this better implementation?

REGENT NEYLAN

Have we done so over the months?

PRESIDENT SPROUL

We have made no proposals.

REGENT GIANNINI

I think this thing has gotten very badly snarled, and as one of the newest members, there is an utter lack of course and direction on the part of the Board of Regents and there has been in regard to this matter. They have been pussyfooting around and now are reaping the results of what they sowed. No organization can be run without course and direction. You must have that to get somewhere. This organization is drifting, and it needs to have a little more course and direction. This is one of the issues which tells whether the Regents is going to run the University or whether the staff is going to run it. I, for one, am very much

opposed to pussyfooting any further to trying to work out a compromise where you stick something on the back of a contract, and it doesn't answer the question. It is a back down by the Board of Regents, and it is bad business. If you let these fellows take hold of the situation and get away with this, I am of no further use to the Board and neither will any other member.

REGENT TEAGUE

Yes, I agree.

REGENT EHRMAN

I agree with.

REGENT GIANNINI

I stand pat. We said "Implement that policy". We have 86% who signed the contract, and we cannot let them down.

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REGENT FLEISHHACKER

Yes, I agree with him absolutely. We ought to come back to our principle and say the oath must be signed. As soon as they know that, we will have some authority.

REGENT GIANNINI

We have talked about this month in and month out, and it works out the same way every time, with the faculty trying to tell the Regents what to do. I marvel at the lack of control you have over your faculty. It is subservient.

REGENT EHRMAN

It has always been recognized by all American universities that there is a field where the faculty do have control, and that is in the selection of their fellows. Through the committees on privilege and tenure — it is recognized by us that they have rights.

REGENT GIANNINI

For the last 10 years you had this policy enunciated and you have a lot of communists on the campus today.

REGENT TEAGUE

I waited very patiently and listened to the discussion. I very definitely feel that when we put this thing in the form of a contract it will be interpreted by the general public as a repudiation of our position. They certainly will say we have backed down. The Senate, as Mr. Giannini says, are going to run the University in the future; and I think we will have lost prestige, if we have any left.

REGENT MERCHANT

We have 14% running the thing now.

REGENT HANSEN

We have assured them — whether we had the oath or not — we assured the faculty we would meet with them again. Are we going to repudiate our agreement with them? Our letter of September 30 said we would negotiate with them. I have agreed with the faculty that we will meet with them again.

REGENT GIANNINI

I think you are obligated to meet again with them, but only on the basis of implementing the policy, and not by some devious means of endorsement on the contract, and repudiate the 86% of decent Americans who have signed the oath.

REGENT EHRMAN

When we meet with them, are we to say, "Will you implement — your suggested implementation is not satisfactory to the committee. It has been discussed with the Regents and is not satisfactory to the Regents." Are we to say, "Have you anything else to offer?" or is that meeting just to tell them.

REGENT HELLER

This matter is confused. What is our policy? The policy is not to hire a communist. The policy has nothing to do with an oath necessarily. It has to do with an oath, unless we can find a better implementation of the oath. That is our policy.— that there should be no communists; that there should be an oath unless we can find a better implementation. What is our implementation? It is up to the committee to find out.

REGENT NEYLAN

I would like to ask if any member of the Regents considers the fact that the Senate repudiated the agreement made with the Regents on September 30. Does any member question that fact?

REGENT EHRMAN

Unquestionably they repudiated the agreement their committee made. They can do that just as the Board of Regents can repudiate any agreement a committee was bold enough to make.

REGENT NEYLAN

Didn't that repudiation follow a prior repudiation of an oath that they worked out with the President?

REGENT EHRMAN

Correct. They repudiated their own committee twice.

REGENT NEYLAN

Now. Throughout months I have pleaded with this Board to be patient and tolerant. I have time after time said, "Let us be patient." I am frank to confess it was a blunder. It was the mistake of my life. I was largely responsible for this delay. I thought the faculty was in control of their own affairs and the truth is that they are not. I thought we would deal with men who would go into this with good faith and cooperate with us for the good of the University. There are now two experiences. We welcomed them in joining with us in taking the responsibility of maintaining this great University. Twice they met with us, and twice they grabbed what we conceded and repudiated the balance. I want to say this. I have devoted a great deal of time to this committee. I have

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lost faith in the situation. I do not feel I am qualified to go ahead, and I am resigning now as Chairman, because I do not feel I can serve any useful purpose in going ahead with it. It has got to the stage now where I have no hope.

REGENT DICKSON

As chairman of this Board, who appointed Mr. Neylan, I am going to ask Mr. Neylan to hold up his resignation.

REGENT NEYLAN

I'm sorry. I am through. I have been fooled twice —

REGENT JORDAN

I don't want to be in a position of monkey see monkey do, but I also — whether the Committee will now find itself in a position of sitting down with the faculty and the Regents taking the initiative in amending this policy — if that is required, I would not want to resign from the committee, but I would not be a member of a committee that would do that. I will not go back and back track.

REGENT GIANNINI

I would like to offer a possible solution. It would be tragic for the committee to break up. In view of the fact that the committee was appointed as the result of a meeting with the Academic Senate, it would be just as well to merge the committee into the Board and meet with the faculty committee. They have come to an impasse and it would be advisable for the final action to be taken by the Board, but the Board should want to know whether or not it is in favor of standing firmly on the principles enunciated in the declaration of policy.

GOVERNOR WARREN

If we are going to have that carried over to a meeting with representatives of the faculty to discuss their propositions, would it be proper and agreeable to have the President of the University at the same time present to the Board what he thinks would be a fair implementation of this policy, and let both be presented to the Board, so we would have more than just the faculty's presentation?

REGENT NEYLAN

I would object to that. If the President is going to dissociate himself from the Regents, that is another departure.

GOVERNOR WARREN

Is he not our administrator?

PRESIDENT SPROUL

I want an opportunity to present my views to the committee, and the next meeting is to be held so I can express my views. I think the Regents will be well served if you will let me present my views to the committee.

REGENT GIANNINI

I think it would be a great mistake for the President to present his views to an Academic Senate committee.

PRESIDENT SPROUL

I am talking about a committee of the Board, because I expect what I present will be modified before we get in the Board meeting.

REGENT GIANNINI

This is his function. He will have to implement the policy. The President certainly must tell the Board what he thinks is the solution of the problem. From that discussion something constructive can come out.

REGENT TEAGUE

I doubt whether you, as Governor and head of this institution realize how much the impression is that the faculty is shot full of subversive influences. If you back down, you will encourage that feeling.

PRESIDENT SPROUL

I don't intend to back down on the policy.

REGENT HANSEN

I move that the committee meet again to consider implementation, as brought out by the faculty committee, then meet with the faculty committee, then report back to the Board.

REGENT HELLER

I second the motion.

PRESIDENT SPROUL

Let our committee meet and then report back to the Board.

REGENT TEAGUE

We cannot deny them that, but we are embarrassed by the fact that our chairman has withdrawn.

REGENT NEYLAN

I have put in too much time and —

PRESIDENT SPROUL

Just consider the proposals I make.

REGENT JORDAN

You mean proposals that we did not discuss last night?

PRESIDENT SPROUL

Yes. I am not ready to do it now.

REGENT JORDAN

I am going to vote against Mr. Hansen's motion, if included in this motion is an indication that we are to convene again to consider the faculty proposal. Their proposal is not acceptable to any one.

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REGENT HANSEN

But I do think the President should have an opportunity. We agreed last night that the President would have an opportunity to draft a suggested proposal. We are already bound to meet with the faculty again. If the matter is to come back to the Board before we meet with them, I will accept that.

REGENT GIANNINI

I don't think we are in honor bound to meet with the faculty. We should just read the last proposal and vote on whether or not that plan is acceptable.

REGENT EHRMAN

The committee all turned down that plan.

REGENT DICKSON

In view of the resignation of the Chairman, I move that the President present his views before this Board — not before the committee — we have gone far enough in the committee business.

REGENT EHRMAN

And put in there that the committee will be dissolved.

REGENT NEYLAN

I am for that.

(Regent Dickson's motion to dissolve the Committee and request the President to present his proposal to the Board was carried unanimously.)

REGENT NEYLAN

When do we meet?

PRESIDENT SPROUL

The next meeting of the Board.

REGENT NEYLAN

What does that mean?

REGENT EHRMAN

We have to decide at the next meeting of the Board. In the meantime I think we should notify the faculty committee that their proposed implementation is not satisfactory and has been turned down. I make that as a motion.

PRESIDENT SPROUL

Why do that? That forecloses the decision of the Board itself in February. I am not going to advocate their proposal, but I hope I can present a proposal on which you can agree which will whittle down the dissidents.

REGENT NEYLAN

We all have been identified with important affairs. This has degenerated to a point where they think we are running after them.

GOVERNOR WARREN

Dissolution of the committee should be sufficient notice to them.

REGENT NEYLAN

They should be courteously advised that the committee asked for instructions, the proposal had been found unacceptable, and the committee was dissolved.

(And then the Regents adjourned.)

Excerpt from Minutes of Regents' Meeting January 13, 1950

REPORT OF SPECIAL COMMITTEE TO CONFER WITH FACULTY:

6. As Chairman of the Special Committee to confer with the faculty, Regent Neylan reported as follows:

After the last meeting of the Board, at which time the policy adopted on September 30 was re-affirmed, he obtained a copy of the "Faculty Bulletin" in which was set forth certain resolutions adopted by the Academic Senate, Northern Section, on November 7. It appeared to him that the Senate by these resolutions had repudiated the agreement entered into with the Regents by the Advisory Committees on September 30. He then arranged with the Chairmen of the Senate's special conference committees to call a joint meeting with the Regents Special Committee for January 4. Thereafter, and prior to the meeting, each member of the Regents' Committee was sent a long statement and proposal outlining the faculty's position, which was in accord with

the resolutions adopted by the Senate on November 7. At the meeting of January 4 it developed that the faculty committees envisaged not only disposing of the oath, but also wiping out or refusing to approve the policy of the Regents in respect to communism, which had been adopted as early as 1940. It was impressed on the Regents' Committee that the policy was not acceptable to the Senate, and the faculty sought to have the matter solved by referring all problems with relation to employment and retention of academic personnel to the Senate or its Committee on Privilege and Tenure. It was obvious that the Regents' Committee could not agree to the proposals outlined.

After a short recess the faculty group submitted additional proposals, which they said would have to be referred to the Academic Senate for approval. It was brought out that these proposals would not require the Regents to recede from their policy in relation to communism, but at the same time, the faculty wanted the concession that mere membership in the Communist Party should not, ipso facto, disqualify a man for employment on the faculty. It was proposed that in the event a man was accused of communism, whether a member of the Senate or a non-tenure academician, the matter should be referred to the Committee on Privilege and Tenure, and if it was found that the accused was an inoffensive communist, it would be within its scope of jurisdiction to decide for his retention. The Regents, however, would have the right to overrule this decision. It was Regent Neylan's opinion that throughout the meeting, and implicit in the proposals, there was an attempt to extend, at least by implication, the theory that the Academic Senate committees are to have control over membership in the faculty. This, of course, would circumscribe the powers of the President. In addition, it was suggested that certain recitals be printed on the back of the employment contract, and when a man accepts his appointment he would be subscribing to the language appearing on the back. The faculty group would not agree, however, that such a recital should include a statement of the policy of the Regents in relation to communists. The members of the Regents' Committee felt that the proposals should be considered and the meeting adjourned.

On January 12 the Regents' Committee met without the faculty representatives and there was some differences of opinion as to what the next step should be. The Committee found unanimously that the Academic Senate proposals were not acceptable, but there was disagreement as to whether the oath should be abandoned in favor of a recital, satisfactory to the Regents, to be placed on the letter of employment which would be incorporated by reference as a part of the contract.

(At this point Regent Hale left the meeting.)

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It was Regent Neylan's opinion that the Special Committee had no authority to abrogate the policy of the Regents as re-affirmed on December 16, and, consequently, he had doubts as to its authority to formulate anything other than the policy of the Board for submission to the faculty committee. The question before the Regents' committee was should it, if it can compose its own differences, report to the Board and obtain additional authority before it meets with the faculty group again, or is the Board willing to let the Special Committee go ahead and deal with them.

Considering the fact that 86% of the University employees have signed the oath, he, personally, felt that an irreconcilable minority of the faculty, with no interest in the welfare of the University, had ruthlessly maneuvered the Senate into its present position. He believed that the Regents were facing a situation in which there can never be agreement on the matter except by abject submission on the part of the Regents, the President and the Senate to a minority of the faculty. He recalled that twice the Senate committees' agreements had been repudiated and he could not see that further meetings and further delays would help the situation.

Regent Hansen added to Regent Neylan's report that the faculty representatives had stated that, while the senate would not approve the Regents' policy as enunciated on September 30, it would accept it. It was his feeling that, in view of the statement made by the Regents to the effect that they would meet with the faculty

to determine a better implementation, the Special Committee should meet with them again and see whether or not they would agree to a full statement of the policy being made a condition of the employment contract. Regent Heller and President Sproul concurred, the President stating that in his opinion the acceptance of a contract that clearly states the policy is a better implementation.

In regard to this, Regent Ehrman pointed out that the faculty group had indicated quite definitely that they would accept as a part of the contract only those recitals which make no reference to communism. He did not think there was the remotest chance of their agreeing to the proposal suggested by Regent Hansen, though he was willing to submit it to the faculty committees as a tactical move in order to demonstrate that the Regents have shown a disposition to meet them half way. If the faculty committees cannot approve the proposal, then he felt they should be advised that the oath must be signed. Regent Dickson said he would go along with this, but he had hoped that the matter could be settled at today's meeting. He thought there was little chance of anything constructive coming out of another meeting with the faculty, and felt that afterwards the Board of Regents should have a special meeting and take a firm stand with regard to the loyalty oath. It was brought out by Regent Fenston that at the Special Committee's session the night before it was understood that the President would draft a statement to go on the back of the contract and that this statement would be presented to the Regents Committee and the faculty committees for approval.

Regent Jordan thought that by such a move the Regents would be receding from their position. He called attention to the fact that the faculty has submitted its proposals, they were considered by the Special Committee, and it was agreed by all the members that they were unacceptable. Therefore, he did not believe that the Regents were in a position to go back to them with a counter proposal, but should stand on their original requirement of the oath. This was Regent Giannini's opinion. He felt that there was an utter lack of course and

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direction on the part of the Regents in regard to this matter, and thought that it was an issue which would determine whether the Regents or the academic staff were in control of the University. He was very much opposed to trying any further to work out a compromise by placing something on the back of a contract, which in his opinion would not answer the question. He believed that any deviation from the original theory of implementing the policy, such as an endorsement on the contract, not only would be a back-down on the part of the Regents, but would be repudiating the 86% of the staff who have already signed the oath. Regents Teague, Merchant and Fleishhacker agreed completely with Regent Giannini's statement, Regent Teague adding that the public is under the impression that the University is full of subversive influences, and any retreat by the Regents now would encourage that feeling.

Regent Neylan informed the Regents that when he became a member of the Special Committee he had felt that he would be dealing with men of good faith and men who would cooperate with the Regents for the good of the University. The Special Committee had met with them twice, and twice they had taken what the Regents conceded and repudiated the balance. He said he had lost all hope of reaching an agreement, and felt he was not qualified to go ahead as Chairman of the Special Committee. He, therefore, offered his resignation.

It was then suggested that, since the Special Committee had come to an impasse, it might be well for further consideration of the problem to be taken up by the full Board. The President asked that if the matter is brought before the Board he be given an opportunity to present a proposal which he hoped might be an acceptable solution. This was agreeable to the Regents, and upon motion of Regent Dickson, they voted to dissolve the Special Committee to Confer with the Faculty, and to discuss the matter at the next meeting of the Board at which time the President would present his views.

Regent Neylan then stated that the faculty committees should be notified that when the Regents Special Committee requested instructions from the Board, the faculties proposals had been found unacceptable, and

the Special Committee had been dissolved.

And then the Regents adjourned.