



---

## [Miscellaneous Documents Relating to the Loyalty Oath Controversy], 1949

---

### A. DOCUMENTS

1. Article XX Section 3, Constitution of the State of California: "Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

'I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of \_\_\_\_\_, according to the best of my ability.'

"And no other oath, declaration, or test, shall be required as qualification for any office or public trust."

2. The following has been added to the oath by the Regents.

"That I am not a member of the Communist Party or under any oath or a party to any agreement or under any commitment that is in conflict with my obligations under this oath."

3. Article IX, Section 9, Constitution of the State of California: "The University shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex."

### B. STATEMENTS OF POLICY FROM NATIONAL ACADEMIC ASSOCIATIONS AND OTHER UNIVERSITIES

1. American Association of University Professors, Report for 1948 of the Committee on Academic Freedom and Tenure, from the AAUP Bulletin, Spring 1949, Vol.35, No.1. The following extract of the report is from the New York Times, July 12, 1949, p.25:

"So long as the Communist Party of the United States is a legal political party, affiliation with that party in and of itself should not be regarded as a justifiable reason for exclusion from the academic profession."

"However, on the theory that 'guilt is personal' the committee said that charges should be brought against a teacher individually urging overthrow of the Government, using his classes as a forum for Communism, abusing his relationship with his students for that purpose, or 'if his thinking should show more than normal bias or be so uncritical as to evidence professional unfitness.'

"If, it was stated, these accusations were sustained at a hearing, the teacher should lose his job 'because of his acts of disloyalty or because of professional unfitness and not because he is a Communist.'"

2. Phi Beta Kappa, Committee on Qualifications, as reported in the San Francisco Chronicle, June 13, 1949, Associated Press dispatch.

"Phi Beta Kappa said today loyalty tests and investigations of college teachers are intimidating the teachers and making students think the colleges are instruments of propaganda.

"The National Scholastic Society's committee on qualifications issued a statement calling on all institutions having Phi Beta Kappa chapters 'to withstand the emotional pressure, from whatever quarter, to substitute dogma for critical analysis.'"

3. Harvard - The letters of Harvard President Conant and Grenville Clark, senior member of the Harvard Corporation (comparable to our board of Regents) are quoted at length in the June 20, 1949, San Francisco Chronicle. The first three paragraphs of this extended story summarized these statements as follows:

"In the face of widespread demands for the dismissal or discipline of nonconformist university professors and the requirement of loyalty oaths, Harvard University today reaffirmed its support of complete freedom for teachers and members of the student body.

"In a major policy statement, the university took vehement issue with persons who would limit in any way the right of a teacher or student to take part in extra-curricular political activities.

"The university said it would never attempt to keep watch on either faculty or student body as far as ideas and opinions are concerned and that it would refuse to discipline those who express unpopular views."

4. Yale, San Francisco Chronicle, June 21, 1949

"Yale President Charles Seymour asserted today the university will not 'impose an oath of loyalty upon our faculty'"

"...we shall permit no hysterical witch hunt,' he declared."

5. University of Chicago, Time, July 4, 1949, p.39

"The University of Chicago's Robert M. Hutchins could see nothing but harm coming from this 'cloak and stiletto work... (It) will not merely mean that many persons will suffer for acts that they did not commit, or for acts that were legal when committed, or for no acts at all. Far worse is the end result, which will be that critics, even of the mildest sort, will be frightened into silence...'"

## **C. EVENTS AT THE UNIVERSITY OF CALIFORNIA REGARDING THE LOYALTY OATHS:**

1. June 14, 1949, the Academic Senate met in a special session with its largest attendance in record. A resolution objecting to the addition to the allegiance oath was overwhelmingly passed.

"The members of the Academic Senate, Northern Section, although unaware of any conduct which warrants doubt about their loyalty and zeal, have no objection to declaring again their loyalty to the Nation and State of which they are citizens and their determination to discharge their duties faithfully.

"But the speed with which the new oath is being imposed, and the form of the second half of it raises serious questions in our minds as to a possible conflict with accepted principles of academic tenure and of academic freedom.

2. June 24, 1949, the Regents met, amended their addition to the allegiance oath, and made it apply to all University employees. The ammended oath:

"That I am not a member of the Communist Party or under any oath or a party to any agreement or under any commitment that is in conflict with my obligations under this oath."

3. Resolution of the Academic Senate, Approved by the Northern Section September 19, 1949, Approved by the Southern Section September 21, 1949

"The members of the Senate request the privilege of affirming their loyalty to the principles of free constitutional government, by subscribing voluntarily to the oath of loyalty sworn by officers of public trust in the State of California."

"The faculties assembled in the Senate northern section, wholeheartedly concur in the University policy set forth in University regulation number five, which prohibits the employment of persons whose commitments or obligations to any organization, Communist or other, prejudice impartial scholarship and free pursuit of truth."

4. Regents Statement of September 30, 1949

"Following a joint meeting of the Board of Regents of the University of California and the Advisory Committees of the Academic Senate:

"The Board of Regents of the University of California reaffirms its policy that no member of the Communist party shall be employed by the University.

"In implementing this policy, the Board heretofore has adopted a form of oath or affirmation which was formulated by the President and the Advisory Committees of the Academic Senate.

"The Advisory Committees of the Academic Senate have advised the Board that after mature consideration, the Senate would like to have a portion of that oath deleted.

"In the absence of a better method of implementing its policy, the Board stands on its requirement of the oath or affirmation.

"The Board, however, will be glad to consider any method which the faculty may deem to be a further or better implementation of the policy.

"Complete agreement upon the objectives of the University policy excluding members of the Communist party from employment and Communist teaching and influence from the campuses of the University was disclosed at today's meeting of the Regents with the Advisory Committees of the Academic Senate. Discussion turned upon the means of most effectively implementing the policy.

"The Regents and the faculty will continue their close and active cooperation to the end that this policy be given its fullest effect. It was agreed that pending the conclusion of these discussions, members of the faculty and employees of the University should make oath or affirmation of their loyalty either by signing the oath approved by the Regents on June 24, 1949, or by other equivalent affirmation acceptable to the Regents."

5. ASUCLA Resolution of September 28, 1949

"Be it resolved that this Student Executive Committee reaffirms its faith in the principles of academic freedom. Therefore we concur with a recommendation of the Academic Senate which requested the privilege of affirming their loyalty to the principles of constitutional government by subscribing voluntarily to the oath of loyalty sworn by officers of public trust in the State of California."

6. Student Petition, signed by over 2500 students and presented to President Sproul September 19, 1949

We, as students preparing to take active intelligent roles as citizens in our society, have cause to be concerned with the loyalty oath now proposed by the Board of Regents. We submit that this new oath is unnecessary, for we firmly believe that the loyalty and integrity of our teachers is well established. Further, we hold that this new oath constitutes a threat to the quality of our education. Our conviction in this matter rests upon the following grounds:

(1) The requirement of an oath of the type proposed puts the individual faculty member in a position where he is liable to suspicion for his associations, and for his statements and writings, in or out of context. Under such circumstances, a professor pursuing all known courses of thought, in the attempt to develop in his students habits of independent critical analysis, exposes himself to attack and possible dismissal as a result of charges initiated by persons neither understanding nor caring what he is doing. His only adequate defense in such a situation is to set for himself "safe" areas of thought, and limit his presentations to them. Students would come to look upon the discussions of their teachers as representing adherence to social orthodoxy.

(2) The formulation of a social philosophy is vital to constructive civic participation. We feel, therefore, that the intellectual maturity of the student body would be jeopardized by limiting the opportunity for individual formulations of a social philosophy.

(3) We feel that the right of a teacher to teach rests solely upon his competence, and that standards of competence can best be determined by his professional colleagues. To allow a nonacademic group, such as is the Regents, to determine academic policy would imperil the high standards of scholarly excellence from which we, as students, have gained so much.

(4) The University of California has achieved great prestige by reason of the achievements of its faculty. These achievements have emerged from an environment where ideas are freely exchanged. The proposed oath, by infringing upon this environment, would inhibit intellectual progress and subject professors to the vagaries of political hysteria. Such an atmosphere of intimidation might well dissuade capable educators from joining our faculty.

(5) It is the responsibility of a public university to maintain an atmosphere which permits, at all times, the presentation of heterodox opinion. It is particularly important that such responsibility be met in times of political stress.

In light of these reasons, WE, the undersigned students, do respectfully urge that our teachers in the academic senate defeat any and all attempts to limit the scope of education, and particularly to reject the proposed loyalty oath.

7. Petition signed by the Teaching Assistants and presented to President Sproul on September 19, 1949.

To the Chairman of the Academic Senate

The undersigned teaching and research assistants and lecturers of the University of California, although unaware of any conduct which warrants doubt about their loyalty and zeal, have no objection to declaring again their loyalty to the Nation and State of which they are citizens and their determination to discharge their duties faithfully.

However, the proposed Regent's loyalty oath is a matter of grave concern to the future of the teaching and research assistants and lecturers of the University. Therefore, we feel it is imperative that we state clearly the reasons for our firm opposition to this measure.

Our opposition is based on three objections:

First, the proposed oath dangerously interferes with intelligent preparation for an academic career. It is essential for the academic aspirant to develop, concurrently with a mastery of his subject field, a reasoned and mature social philosophy. This oath would create an atmosphere of suspicion and intolerance which might well force him to channel his conclusions along those narrow lines considered politically safe. We believe that the resulting attitude of apprehension will disastrously inhibit the prospective scholar in formulating that reasonable political perspective upon which his future career must rest.

Second, the proposed oath would demand conformity to safe political principles as a prerequisite to entrance into the academic profession. This is a club which the academic aspirant, having no tenure, is unable to defend against if he desires to continue in his chosen profession. Teachers whose social philosophy is thus irrationally motivated cannot successfully induce in their students that habit of independent and critical thought which is essential for a self-governing people.

Third, the proposed oath represents a grave interference with the independence of the profession which we desire to enter. We feel that freedom of thought cannot be maintained if determinations of academic competency are to be made exclusively by groups other than the faculty itself. The proposition that neither the University nor its faculty should be allowed to become victims of political hysteria is made quite clear in Article IX, Section 9 of the state constitution: "The University shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs."

As members of the University community, the undersigned teaching and research assistants and lecturers believe it both necessary and desirable to join with the Academic Senate in furthering the common goal of academic freedom. Therefore, we respectfully urge the Academic Senate to reject the new loyalty oath and to that end we give our unqualified support.