



Excerpts from the Minutes of the Regents of the University of California, Regular Session, September 24, 1954

TRANSCRIBER NOTE:

This excerpt from the meeting minutes includes a list of attendees and only those sections that pertain to the loyalty oath controversy. Page numbers reflect those of the original source. Missing words, misspellings, and other typographical errors found in the original are followed by bracketed notes.

— 1 —

[Excerpts from Minutes of September 24, 1954]

Santa Barbara
September 24, 1954

A meeting of The Regents of the University of California was held this date at 2:00 p.m. in the Library Building on the Goleta campus of the Santa Barbara College.

Present: Regents Ahlport, Carter, Chandler, Cunningham, Dickson, Fenston, Hagar, Hansen, Heller, McFadden, McLaughlin, Neylan, Nimitz, Olson, Pauley, Powers, Simpson, Steinhart and Sproul (19).

In attendance: Mr. Edwin Harbach, Secretary and Treasurer Underhill, Vice-President - Business Affairs Corley, Attorney Calkins, Assistant Controller Stevens, Chancellor Allen, Chancellor Kerr, Vice-President - Agricultural Sciences Wellman, Vice-President - University Extension Woods, Provost Williams, Assistant Secretary Woolman, Engineer Weaver, Architect Evans, Mr. Donovan Smith, Mrs. Elizabeth Hansen, Dr. C. Panunzio, Messrs. Morris and Hamilton of the Office of Public Information, newspaper representatives and guests.

Chairman Dickson presiding.

— 62 —

ROTC LOYALTY CERTIFICATE:

12. Regent Pauley called the attention of the Board to articles appearing in the September 21 and 22 issues of the Beverly Hills Daily News Life reporting a purported rebellion started by a group of students called the Robin Hood Club against "new Federal requirements that all ROTC students sign an oath of non-membership in some 250 organizations listed as subversive by the United State [sic] Attorney General". Regent Neylan recalled that a somewhat similar story was carried by the San Francisco Chronicle in its September 22 issue, stating he felt the story was a very dangerous one to the University and inquiring regarding the basis of the story. Regent Pauley read both articles to the Board and inquired into their meaning.

Chancellor Kerr explained that originally this matter came up in connection with a rider on a Congressional appropriation bill which required students enrolling in ROTC courses to sign a loyalty certificate. As the result of this legislation and the subsequent directives from the Departments of the Army and the Air Force,

a meeting was held with the appropriate officers on the Berkeley campus and the attached press release dated September 21, 1954, was prepared and submitted to the newspapers in the area.

All newspapers in the area but the San Francisco Chronicle handled the release accurately, but the Chronicle misquoted and misinterpreted several words in the release and developed an inaccurate story, a story which made it appear as if the University officials were attempting to find loopholes in Federal legislation. The day following the appearance of the inaccurate story in the Chronicle, Chancellor Kerr discussed the matter with the editors of the newspaper and told them that the story was inaccurate and mischievous. The press release and the subsequent article were discussed in detail, and the editors agreed that the article had been inaccurate and that Chancellor Kerr had been misquoted. They suggested an apology and retraction, which Chancellor Kerr did not think was necessary as long as a corrected story was printed. Following the meeting Chancellor Kerr prepared a second press release, explaining the entire history of the situation, as attached hereto and dated September 22, 1954 and this release was reported correctly in the Chronicle. It was explained that no press release was issued at UCLA because there had been no pressure from the newspapers in the area to learn more about the directives.

Regent Nimitz explained that the Navy had for sometime [sic] permitted informal enrollment in its ROTC courses because of budget limitations, but

— 63 —

such enrollments were not the result of loyalty certificate requirements. It was Regent Chandler's thought that the Board, in order to get an accurate picture of the entire situation, should be advised of the manner of publication of both the inaccurate story and the subsequent article.

Regent Cunningham inquired into the feasibility of a student enrolling informally in ROTC and being able to fulfill the military requirements when, because he has no uniform, he can not [sic] participate. Chancellor Kerr stated that they will participate in drills, and, in fact, there will be even more informal enrollments because the Department of the Army's budget is limited and it has set a quota on the number of students who can enroll and receive uniforms this Fall Semester. There was some discussion regarding the practical difficulties which will result from the directive regarding informal enrollment, such as students drilling out of uniform and students refusing to sign the certificate simply for refusal's sake. Further, it was pointed out that the fact that the Army is limiting its ROTC quota brings up the question of whether or not the Department of Defense can, by such action, control the enrollment of the University.

Following further discussion, and upon motion of Regent Nimitz, as suggested by Chairman Dickson, the Board voted to authorize the President to communicate with the Secretary of Defense, explaining the situation which has resulted at the University from the legislation and the directives of the Departments of the Army and the Air Force, and inquiring regarding the situation in connection with limiting the ROTC quota.

Chancellor Kerr was commended by the Board for his prompt and courageous action in dealing with the situation.

— 64 —

September 21, 1954

Press Release

The University of California at Berkeley will permit students to enroll in military and air sciences classes without signing a special loyalty certificate, Chancellor Clark Kerr announced today.

This action is being taken, he said in accordance with recent Army and Air Force instructions which permit such enrollment on an informal basis. The decision was issued pending possible further clarification at a later time, Kerr said.

Under the Army and Air Force instructions, students who do not sign the certificate may be enrolled informally, but they may not wear the uniform or insignia. Such students will receive unit credits for military courses and will fulfill the University requirement for military training as a condition of graduation.

The federal legislation requiring the loyalty certificate stated that the certificate must be executed by all "formally enrolled students" in military classes, and it was this phrase which gave rise to the directives concerning informal enrollment, Kerr explains.

September 22, 1954

Press Release

Berkeley Chancellor Clark Kerr emphatically denied today a published report that the University of California had taken advantage of a "loophole" in order to permit students to enroll for military training on the campus without signing the loyalty certificate specified in new Federal Legislation.

"The new ruling was not in any way solicited by the University, nor did it involve any sort of loophole", Kerr declared.

In order to clarify the entire matter, Kerr issued the following detailed account of the background of the Federal Legislation and the subsequent actions taken by his office:

The federal legislation requiring ROTC enrollees to execute a loyalty certificate originated in the form of a rider attached to a Defense Department Appropriation Bill and was approved by the House late last spring. The rider as approved by the House was worded as follows;

"No part of the funds appropriated herein shall be expended for the support of any student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty in such form as shall be prescribed by the Secretary of Defense."

— 65 —

The Senate, in its action on the appropriation bill, eliminated the rider upon the recommendation of the Senate Appropriations Committee. That Committee, in its report to the Senate, had pointed out that the Defense Department had not requested such legislation and that:

"The Land-Grant Colleges are concerned because at present all of their students are required to take two years of military training as part of their regular curriculum. As they have some foreign students (particularly Canadians) they feel it will be necessary to excuse 731, which will open the door for requests for general exemption from military training for a variety of reasons."

The matter was then turned over to a Senate-House Conference Committee, which Committee amended the rider to add the words "formally enrolled" before the word "students". The Committee explained the intent of this amendment as follows:

"The amended version identifies those persons required to execute a certificate of loyalty, or loyalty oath, as 'formally enrolled', which is understood to refer to those beginning students who are eligible for the full four-year course leading to ultimate commission in the United States Armed Services and are therefore so enrolled by the appropriate military department."

As the June 25 Circular Letter of the Association of Land-Grant Colleges and Universities pointed out, this amendment "clarified the language to make clear that the requirement applies only to 'formally enrolled' students, and not to those who simply take the course because of an institutional requirement and are thus not considered as possible candidates for the advanced course."

The House and the Senate both adopted the amendment as proposed by the Conference Committee.

"The amendment was clearly intended to avoid [sic] conflicts between the loyalty certificate requirement and the various state and institutional requirements for compulsory military training," Kerr commented. "It provided a qualifying phrase—'formally enrolled'—to distinguish between students intending to pursue a four-year course leading to a commission and those taking a two-year course in order to meet legislative or institutional requirements."

Last week the military training departments on the Berkeley campus received directives from their respective headquarters (Sixth Army Headquarters in San Francisco and Headquarters Air Force ROTC in Montgomery, Alabama) containing instructions concerning the matter. Both directives

— 66 —

stated that the institution could give all required instruction to students not qualified for formal enrollment, but that students who did not execute the loyalty certificate should not be permitted to wear the uniform or the insignia.

"Those instructions merely effectuated the earlier intent of the Congress," Kerr said. "They did not open up a 'loophole' inadvertently left in the Federal Legislation, as has been claimed in some quarters."

Following conferences with the appropriate Berkeley campus officials, Kerr announced yesterday that the University who do not execute the loyalty certificate.

"This decision was clearly consonant with the intent of the federal legislation," he said. "To refuse to accept such enrollements [sic] would mean, in effect making University admission contingent upon the execution of a loyalty certificate by some students (those eligible for military training) and not by others. It would also mean that an external agency, rather than The Regents and administrative officers, would be determining which students should be admitted or denied admission to the University."