THE ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA
THE ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA
Its Role in the Shared Governance and Operation of the University of California

Angus E. Taylor

Foreword by Clark Kerr

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ACKNOWLEDGEMENTS

In November of 1968 the president of the University of California, Charles J. Hitch, approved for distribution by the Office of the President a pamphlet by Professor Russell H. Fitzgibbon entitled *The Academic Senate of the University of California*. It explained the historical origin of the very important role played by the Academic Senate in shared governance of the university and described the organization and functioning of the senate.

The project of writing and producing the pamphlet had been started on the initiative of the university’s president, Clark Kerr, during his term of office (1958-1967). By the time the project was completed, Hitch had become president.

Well over a year ago Dr. Kerr asked me if I would consider the task of preparing a new version of the document that Professor Fitzgibbon had written. I had been a close friend of Fitzgibbon (who is no longer living) and had recognized the importance of his accomplishment. Because of my experience with the affairs of the senate, at first as a faculty member and later as vice president-academic affairs, I readily agreed to write a new document as a successor to the pamphlet by Fitzgibbon, but with added material to narrate some of the notable achievements of shared governance that have come about through the joint efforts of the Academic Senate and the president of the university.

It is a pleasure to take this opportunity to thank my dear friend Clark Kerr for the extensive help he has given me during my work on this document. He read several successive drafts that I composed and made important comments and suggestions at each stage.

I also owe warm thanks and great appreciation for valuable assistance given me in various ways by three staff members who work with President Emeritus Clark Kerr on his projects: Marian Gade, Maureen Kawaoka, and Sangwan Zimmerman.

Angus E. Taylor
June 1997
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All photos provided courtesy of the Bancroft Library, University of California, Berkeley.
FOREWORD

The two greatest gifts to the University of California have been the institutional autonomy given to its Board of Regents in the Constitution of 1878 and the unprecedented grant of authority the board assigned to the Academic Senate in 1920. These two gifts constitute the institutional foundation for the growth in distinction of the University of California.

In the essay that follows, Angus Taylor describes the second of these two gifts: the grant of authority to the Academic Senate and how it has been used. He does so by tracing the contributions of the Academic Senate in a series of crises facing the university over the years:

- The governance of academic affairs at the conclusion of the presidency of Benjamin Ide Wheeler
- Adjustments to the impacts of the Great Depression (1930s)
- The loyalty oath controversy of the late 1940s and early 1950s (1949-1952)
- Reorganization of the structure and mode of operation of the Academic Senate (beginning in 1963) to adapt to the growth in size and complexity of the multicampus university
- The effort to secure formal regental provision of academic tenure (1958)
- The expansion of the university to meet the great tidal wave of students in the 1960s and beyond
- Year-round operations of the university (1960-1968)
- The “free speech movement” (1964-1965)
- The dismissal of the president of the university (1967)
- The Eldridge Cleaver case (1968-1970)
- The fashioning of an officially recognized Faculty Code of Conduct.

These crises constitute what might be called the “public life” of the Academic Senate since the end of World War I. The Academic Senate has also had a “private life” comprised of the work of its many committees carried on in comparative silence over the years. In its public life, the senate has made significant contributions to solving major problems before the university. In
its private life, the senate has made equally great contributions in shaping effective ongoing policies and in making critically important individual judgments, particularly on faculty appointments and promotions that have been crucial to the university’s steady rise in academic distinction. The university has benefited greatly from the conduct of the Academic Senate in each of its two lives.

Angus Taylor writes as a participant in each of these lives. With degrees from Harvard in 1933 and Cal Tech in 1936—both with highest honors—and a postdoctoral fellowship at Princeton, Taylor joined the faculty of the mathematics department at UCLA in 1938. He served as chair of that department, as vice president-academic affairs of the University of California, and as chancellor of the Santa Cruz campus. Angus has participated in many of the most important committees of the Academic Senate. In particular, he was chair of the universitywide Academic Council in 1964-65. In this capacity, Angus with his good judgment and calm manner, along with a small number of others, literally saved the university from a possible conflagration at the Board of Regents’ meeting at UCLA in December 1964. This made him, in my eyes, one of the giants in the history of the Academic Senate.

I asked Angus to write the essay that follows. As I began writing my account of the University of California commenting on the period 1952 to 1967, I came to realize that it might be of value to new faculty members who wished to understand the evolution of the modern university to have available an account of the origins and evolution of the Academic Senate. While I was president of the university, I had asked Professor Russell Fitzgibbon to prepare a history of the senate. He did so and it was published (1968) under the auspices of President Charles Hitch. The Fitzgibbon history, however, had two drawbacks: (1) it was out of date, and (2) it concentrated on the changing anatomy of the senate and left out the physiological side of the life history of the senate. This history by Angus Taylor eliminates both of these drawbacks. I chose Angus because of his long years of service in the Academic Senate, and because, in my reorganization of the university when I was president, I had appointed Taylor as the first vice president of academic affairs to work particularly with the instrumentalities
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of the Academic Senate. The new position expressed my recognition of the central role of the Academic Senate in the shared governance of the university. I think the academic success of the university is based more on the contributions of the Academic Senate than on any other factor. The Academic Senate holds the most important share in this system of shared governance, particularly in the review of all academic appointments and promotions.

It is helpful to have this history available at any time, but particularly when the role of the Academic Senate is once again under examination. And it is fortunate that a series of publications by the Institute of Governmental Studies at Berkeley exists within which this publication neatly fits.

Clark Kerr
President Emeritus
September 1997
INTRODUCTION

This short book was written in order to make known to current members of the faculty of the University of California interesting and important information about the Academic Senate of the university—how the senate came to be what it is today, how the senate acquired its significant role in the shared governance of the university, and how its mode of operation has been adapted to the increase in size and complexity of the university.

A number of illustrations are presented of the ways in which the senate has been usefully and, on occasion, critically involved in events in the ongoing operation of the university.

Faculty members and academic administrators need to be aware of the Academic Senate, to know something about its history and how it works. For the good of the university and the senate it is desirable that there be widespread faculty participation in the work of the senate. It is very important that when an outsider is appointed to a high-level academic administrative position—especially as president or chancellor—that officer promptly becomes aware of the nature of the Academic Senate, and especially that the officer understands how the existence of the senate affects the officer’s duties and authority.
THE BERKELEY REVOLUTION

Although the name of the Academic Senate is included in the text of the Organic Act\(^1\) of March 23, 1868, which established the University of California, it was not until 1920 that the Academic Senate acquired from the regents formal recognition of its role in advising the president of the university and its assigned responsibilities with respect to conditions for the admission of students, requirements for degrees and certificates, and the authorization and supervision of courses of instruction.

When Benjamin Ide Wheeler became president of the University of California in 1899, he insisted upon having a free hand in the academic administration of the university. Wheeler appointed the faculty committees whose advice he sought with respect to the appointment and advancement of professors, and under his leadership the university grew in the quality and distinction of the faculty. When Wheeler retired on July 15, 1919, the regents appointed a three-man Board of Control to administer the university until a new president could be chosen. In December 1919 the regents appointed David Prescott Barrows as president. Barrows was a professor of political science at Berkeley, with a Ph.D. from the University of Chicago and wide experience outside universities: as superintendent of schools and then Director of Education in the Philippine Islands, and serving with Herbert Hoover during World War I on the American Commission for Relief in Belgium. Barrows joined the United States Army as an officer in 1917 and eventually became a major general in the National Guard after the war.

Even before Wheeler retired there had been stirrings of faculty desire for more active involvement in the processes of university decision making, but there had been no concerted effort to press these desires on the president.

\(^1\)For definition of “Organic Act” and other terms used, see Glossary. For text of the act, see Verne A. Stadtman, ed., *The Centennial Record of the University of California* (Berkeley: University of California, 1967), 378-82.
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The Academic Senate’s bid for real influence with the university administration took place after the retirement of Wheeler and before the appointment of Barrows. The senate presented a Memorial to the regents in October 1919. In polite, diplomatic language the Memorial expressed the desire of the faculty to play a helpful role in working with the administration to reconstitute the governance of the university. Among the requests: That the Dean of Faculties be elected by the senate and be the senate’s presiding officer. That the Dean of the Graduate Division be elected by the senate upon nomination by the Graduate Council. That the privilege of a vote in the senate be extended to all instructors after two years of service.

The Memorial expressed the readiness of the senate to appoint a committee of its members to confer with the regents about the desire of the senate for a more active and constructive role in governance. The Board of Regents responded by authorizing its Executive Committee to meet with a committee of faculty members. They met on November 24, 1919. The faculty members, chosen by the senate, were George P. Adams, Andrew C. Lawson, Gilbert N. Lewis, George D. Louderback, and Orrin K. McMurray. The regents then established a subcommittee to hold further conferences with the faculty committee. The regents’ subcommittee was chaired by James K. Moffitt (after whom the Undergraduate Library at Berkeley is named) and included James A. Britton, Wigginton E. Creed, Chester H. Rowell, and Rudolph J. Taussig. Rowell became ill and was replaced by Monsignor Charles A. Ramm. Negotiations between the regents and the senate representatives concluded with the adoption by the regents, on June 24, 1920, of new Standing Orders.

It was an historic occurrence. The achievement of these provisions in the Standing Orders of the Board of Regents, as a result of the initiative taken by members of the Academic Senate in October 1919, is known in the lore of the university as “The Berkeley Revolution of 1919-1920.” The new Standing Orders contained the following provisions:

2The wording of this Memorial is given in the Appendix.
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PRESIDENT

The president shall recommend to the board of regents appointments, promotions, demotions and dismissals of members of the academic senate; he shall take such actions whenever they affect professorial positions only after consultation with properly constituted advisory bodies of the academic senate. The president shall counsel with the academic senate regarding changes in the educational policy of the university. He shall transmit to the board of regents, at their next regular meeting, any resolution or memorial addressed by the senate to the board. He shall report to the senate concerning all acts of the regents and of the state government which affect the conduct of education and research within the university.

Deans and Directors

Deans and directors shall be appointed by the board of regents on recommendation by the president, who will first obtain through properly constituted conference bodies the views of the academic senate. The dean of the graduate division shall advise the president and the senate regarding all matters pertaining to higher degrees and the encouragement and maintenance of research in the university.

The Academic Senate

The academic senate shall consist of the president, deans, directors, recorder, librarian and all professors and instructors giving instruction under the control of the academic senate; but instructors of less than two years’ service shall not be entitled to vote. The academic senate shall determine its own membership under this rule. It shall choose its own chairman and committees’ in such manner as it may determine.

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3This authorization for the senate to choose its own committees is the basis for the senate’s early establishment of a Committee on Committees. The authorization is, arguably, the cornerstone of the senate’s power and ability to act independently of the administration.
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The senate, subject to the approval of the board of regents, shall determine the conditions for admission, for certificates, and for degrees. It shall authorize and supervise all courses of instruction in the academic and professional colleges and schools. It shall recommend to the board of regents all candidates for degrees in course. It shall be consulted through a properly constituted committee in connection with the conferring of all honorary degrees.

The senate shall supervise the discipline of students. The right of the academic senate to lay its views before the board of regents through the president on any matter pertaining to the conduct and welfare of the university is fully recognized.

The academic senate is authorized to select a committee to advise with the president concerning the budget.

Privileges of Faculty Members

Any member of the academic senate shall have the privilege of a hearing by the president and by the committees of the senate on any matter relating to personal, departmental, or university welfare, but no member of the senate nor any group of members shall communicate with the regents on university matters except through the president of the university or through authorized committees of the senate.

Colleges and Schools

The faculties of the colleges and professional schools shall have such powers as may be delegated to them by the academic senate.

The membership of the faculties of the several colleges and schools shall be determined by the academic senate.

No change in the curriculum of a college or professional school shall be made by the academic senate until such change shall have been submitted to the formal consideration of the faculty concerned.4

4These Standing Orders were recommended by the Executive Committee at a regents’ meeting on April 13, 1920, and approved by the board on June 24, 1920.
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These historic principles embodied in the Standing Orders still survive, although some modifications came with the major changes in the structure of the university, with many campuses, and with the vesting of important power in the chancellors. There have been significant changes in the advisory roles of the senate and in the duties of the president (as, for example in appointment, promotion, and dismissal of faculty members who belong to the Academic Senate). A Standing Order about tenure was created a few years after the oath controversy of 1949-1950. There is a Standing Order that authorizes the existence and role of the senate’s Editorial Committee. In comparatively recent times the Standing Order that defines the membership of the Academic Senate has been amended to include many new categories of faculty members, with titles such as Professor in Residence, Acting Professor, Professor of Clinical Medicine, and Lecturer with Security of Employment. There are several published accounts of the period before, during, and immediately after the Berkeley Revolution that may be consulted in order to obtain more information.\(^5\)

The choice of Barrows as president came in the early stages of the negotiation between the regents and the senate. At a meeting

\(^5\)The Berkeley Revolution is referred to as “the great revolt” and described briefly in the article on “Faculty Government” on pages 288-91 in *The Centennial Record* (supra note 1). See, in particular, page 290, where Joel Hildebrand, Armin Leuschner, George Louderback, and Gilbert N. Lewis are described as “leaders of the revolutionaries,” with Andrew Lawson as “their floor leader and strategist.” The author of this article was Arthur E. Hutson, a professor of English at Berkeley.

For other accounts of the Berkeley Revolution, as well as other sources of information about the Academic Senate, see the following publications:

(a) Russell H. Fitzgibbon, *The Academic Senate of the University of California*, a pamphlet issued in 1968 by University President Charles J. Hitch. See especially pages 23-26. Fitzgibbon was a professor of political science, first at UCLA and then at UC Santa Barbara.

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of the regents on December 12, 1922, the president presented a report in which he commented on his experience in dealing with the senate as it exercised its advisory role under the new Standing Orders. Barrows referred to these as “the set of rules defining the powers of the Senate and ordering the relations of the President and the Senate.” He said:

These new rules had been drafted and were being discussed by the Regents when on December 3, 1919, I was appointed President. I was allowed the opportunity to examine these rules and to express myself on them before they were adopted. I expressed the opinion that while possibly they made the President’s conduct of affairs more difficult, they did not appear to seriously impair the President’s position. In the main, they seemed to merely codify the best practice followed by the University. I stated my readiness to conduct the office in accordance with them, and I recommended their adoption. . . .

Before their adoption the President appointed all faculty committees; since their adoption nearly all committees have been filled by the Senate through its Committee on Committees, chosen annually by ballot in November. The Senate has a feeling that, as its one important right under the Regents’ rules is to give advice, it should determine the membership of these advisory committees.

The Committee on Committees, in constituting these committees, in my opinion, failed in some cases to make them truly representative of the full body of opinions of the Senate. That fraction of the Senate which was opposed to the new order seemed only slightly to be represented in the various bodies of administration. This seemed to the President particularly to be the case in the committees constituted last year. On March 27, 1922, the President addressed the Senate on this matter, advising that he found certain of these bodies so narrowly constituted that he could not limit his pursuit of faculty advice to them, and must either admit to conference other members of his own selection or seek subsequent advice outside of them. The Senate thereupon appointed a committee of fifteen to consider the conduct of Senate business.
At this point, Barrows’ report narrates some of the points he made in a presentation to the committee of fifteen. Then he continues:

I am pleased to report, however, that the present Committee on Committees elected on November 20, 1922, after a distinct effort by Senate members to canvass all shades of opinion, seems satisfactory from the standpoint of being representative. The Dean of the Faculties, who is an *ex-officio* member, has been chosen chairman, and this arrangement would seem to assure a proper consideration of the President’s desires in the composition of committees. The Senate committees have, quite without exception, done careful and laborious service, and the President has received much appreciated aid from several of them—particularly the Board of Research, the Editorial Committee, and the Committee on Budget and Interdepartmental Relations. It should be kept clear, however, that these committees are merely advisory. Their advice once given, their responsibility ends. The President in one case felt that he must make this clear by an explicit refusal to report to the Committee on Budget and Interdepartmental Relations the results of his own action.⁶

Barrows did not remain president for long. In May 1922, he indicated a desire to resign, but the regents persuaded him to continue until the end of June 1923. He returned to the faculty and served until his retirement in 1943. The next president, William W. Campbell (1923-1930), was a distinguished astronomer who had been director of the Lick Observatory since 1901. As a condition of accepting the presidency Campbell obtained permission from the regents to continue as director in charge of general policy at Lick and of the selection of research problems and staff. He also persuaded the regents to amend the Standing Orders so as to abolish the provision (created in June 1920) for a standing conference committee of the Board of Regents and the Academic Senate and go back to the previous situation, in which the president would

⁶Minutes of the regents’ meeting, December 12, 1922.
The final draft of the budget for 1933-34, as of the end of June 1933, shows a projected income of $9,425,560 from all sources for maintenance, operations, and permanent improvements, including a state appropriation of $6,123,194, approximately $353,923 from the U.S. Government and from other miscellaneous sources, including student fees. It is of

Robert Gordon Sproul, the president from 1930 to 1958, had a bachelor’s degree in civil engineering from Berkeley and no earned degree in more advanced education. He had been an administrative employee of the regents since 1914 and was, just before he became president, the occupant of four positions: controller, land agent, secretary of the regents, and vice president in charge of business and financial affairs.

PRESIDENT SPROUL AND THE GREAT DEPRESSION

A few years after Sproul became president he faced a serious budgetary problem brought on by the Great Depression that followed the stock market crash of 1929. Funds available for operating expenses for fiscal year 1933-34 would be reduced by approximately $2,000,000 from the preceding year. In the academic year 1932-33 the regents had directed the president to return to the state $300,000 from the state’s appropriation to the university for the current year and, if necessary to accomplish this, to request the faculty and university employees to accept salary reductions.

Sproul’s salary, which had been $15,000 for the year 1932-33, was reduced to $12,000 for the year 1933-34. In a report to the regents about salaries for 1933-34 President Sproul stated that the planned reduction in salaries of the academic staff ranged from two percent to 10 percent. He also stated that “in the opinion of the Academic Senate reductions of salaries had been fairly and equitably distributed.” He called attention to the fact that “the cuts fell heavily on the best men, whom, if the condition continues over a long period, will undoubtedly be difficult to hold.”

The final draft of the budget for 1933-34, as of the end of June 1933, shows a projected income of $9,425,560 from all sources for maintenance, operations, and permanent improvements, including a state appropriation of $6,123,194, approximately $353,923 from the U.S. Government and from other miscellaneous sources, including student fees. It is of
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Professor Joel H. Hildebrand commented on the decisions to cut faculty salaries in his 1962 oral history:

In 1932 after the onset of the depression and the big drop in the funds of the University of California, Sproul appointed a Special Committee on Educational Policy with me as chairman. Two or three years later it became a regular Academic Senate committee and has continued ever since. . . . Its task in the thirties was to consider the emergency the University was in. . . . If you have to reduce salaries, how do you do it? . . . We took more from the top ranks than we did the bottom. One of the members proposed a set of reductions for the several steps. I found that his reductions plotted against salaries gave a zigzag line. I proposed an equation for a smooth curve. And that equation was adopted as the basis of downward adjustments.8

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historical interest to note that the incidental fee charged each student in attendance at Berkeley, which had been $25 per semester since 1921, was raised to $26, starting with the year 1933-34. The corresponding figure for students at the Los Angeles campus was raised from $22.50 to $23.50.

8Here is the way in which the salary reduction plan, as described by Professor Hildebrand, worked out for the schedule of academic salaries of regular faculty members on the nine-month service plan. The information is based on the rosters of departmental salaries in the final draft of the budget for 1933-34:

<table>
<thead>
<tr>
<th>Rank</th>
<th>Normal years at salary</th>
<th>1932-33 salary</th>
<th>1933-34 salary</th>
<th>Percentage reduction</th>
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<tr>
<td>Instructor</td>
<td>1</td>
<td>$2,000</td>
<td>$1,960</td>
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</tr>
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<td></td>
<td>1</td>
<td>$2,200</td>
<td>$2,136</td>
<td>2.91</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>$2,400</td>
<td>$2,312</td>
<td>3.67</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>$2,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Professor</td>
<td>3</td>
<td>$2,700</td>
<td>$2,576</td>
<td>4.59</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>$3,000</td>
<td>$2,840</td>
<td>5.33</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>3</td>
<td>$3,300</td>
<td>$3,104</td>
<td>5.94</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>$3,600</td>
<td>$3,368</td>
<td>6.44</td>
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<td></td>
<td>3</td>
<td>$3,900</td>
<td>$3,632</td>
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<tr>
<td>Professor</td>
<td>3</td>
<td>$4,000</td>
<td>$3,720</td>
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<tr>
<td></td>
<td>3</td>
<td>$4,500</td>
<td>$4,160</td>
<td>7.56</td>
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While the reductions in faculty salaries ranged from two to 10.1 percent, the only faculty whose salaries were reduced by as much as nine or 10 percent were those with salaries above the top of the scale as of 1932-33. Sproul’s remark that “the cuts fell heavily on the best men” was doubtless aimed at some of the faculty members in the overscale category. Among the highest paid individuals were certain deans and directors whose total compensations were cut exactly or approximately 10 percent. The salary of Professor C. B. Hutchison, dean of the College of Agriculture and director of the Agricultural Experiment Station, was cut from $10,000 to $9,000, as was that of Professor C. Derleth, dean of the College of Engineering. Professor G. N. Lewis, dean of the College of Chemistry, was cut from $10,500 to $9,440, and A. O. Leuschner, professor of astronomy and director of the students’ observatory, was cut from $9,500 to $8,560.

In 1932-33 Provost Monroe E. Deutsch at Berkeley and Provost Ernest C. Moore at Los Angeles each received $10,500, but for 1933-34 their salaries were reduced to $9,500. For accounting purposes their pay in 1933-34 was broken down as follows: Deutsch as vice president and provost, $3,580, and as professor of Latin, $5,920, for a total of $9,500; Moore as vice president and provost, $3,140, and as professor of education, $6,360, for a total of $9,500.

By 1937-38 the salary cutback had been alleviated. In 1945-46 there was a restructuring of the scale, with a range from $2,800 for instructors to $6,000 as the highest in-scale level for full professors. But in that year there were three (instead of two) levels of salary for

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<tr>
<td>3</td>
<td>5,500</td>
<td>5,040</td>
<td>8.36</td>
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<td>Professors at above scale salaries</td>
<td>6,000</td>
<td>5,480</td>
<td>8.67</td>
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<td>7,000</td>
<td>6,360</td>
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<td>8,000</td>
<td>7,240</td>
<td>9.50</td>
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<tr>
<td></td>
<td>9,500</td>
<td>8,560</td>
<td>9.89</td>
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<td>10,000</td>
<td>9,000</td>
<td>10.00</td>
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<tr>
<td></td>
<td>10,500</td>
<td>9,440</td>
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</tbody>
</table>
assistant professors and only three levels (instead of four) for full professors.

**THE SENATE DIVIDES INTO NORTHERN AND SOUTHERN SECTIONS**

At the time of the Berkeley Revolution there were members of the Academic Senate at Berkeley, Davis, Lick Observatory, Los Angeles (then known as UC Southern Branch), Riverside (the Citrus Experiment Station), and La Jolla (the Scripps Institution). The senate faculty membership was distributed as follows in the year 1919-1920:

<table>
<thead>
<tr>
<th>Location</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley</td>
<td>358</td>
</tr>
<tr>
<td>Davis</td>
<td>17</td>
</tr>
<tr>
<td>Lick</td>
<td>8</td>
</tr>
<tr>
<td>San Francisco</td>
<td>151</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>70</td>
</tr>
<tr>
<td>Riverside</td>
<td>13</td>
</tr>
<tr>
<td>La Jolla</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>620</strong></td>
</tr>
</tbody>
</table>

After the regents took over the facilities of the Los Angeles State Normal School in 1919 and established what was at first called the University of California, Southern Branch, there was an interim period before the organization of the Academic Senate was modified to provide for effective participation of the faculty at the Southern Branch in the duties and responsibilities of the senate. In 1923, when the four-year College of Letters and Science at Los Angeles was created, a Council of the Southern Branch was established. It was empowered to supervise all courses of instruction on the Los Angeles campus of the university. A senate reorganization plan was finally approved in 1931 that divided the senate into a Northern and a Southern Section. The plan went into effect in 1932, and the first formal meeting of the Southern Section took place on April 19, 1933. The Northern Section was composed of all senate members at Berkeley, Davis, Lick Observatory, and
San Francisco. The Southern Section was composed of all senate members at the Southern Branch (later UCLA), Riverside, and La Jolla (later UC San Diego).

The Southern Section developed its organization and committee structure along much the same lines as the Northern Section, which carried on the pattern that had been established under the influence of the faculty at Berkeley. There was a valuable infusion into the Southern Section of faculty members who transferred from Berkeley to Los Angeles. (The agriculture faculty was strengthened, and the senate leadership was buttressed.) Beginning in 1933 President Sproul was chair *ex-officio* of the entire Academic Senate, and each of the sections had a faculty member as vice-chair who presided at meetings of the section when the president was not in attendance.

Initially, all senate legislation had to be approved by both sections, but soon the system was modified to allow a single section to take final action on matters that were relevant only to that section. There was a small standing committee, called the Academic Council, whose principal duty was to help coordinate the undertakings of the two sections when they were dealing with a complicated problem that affected both sections.

Each section had its own Committee on Committees, its own Committee on Budget and Interdepartmental Relations, and so on. But there was a unified Committee on Educational Policy (CEP) with members from both sections. It reported to the president on matters of educational policy that transcended the interests of a single section. The CEP did much of its business in separate meetings of the northern and southern parts of the committee, with communication between the two parts by mail (exchanging minutes and drafts of position papers) and by telephone communication between the presiding officers. Occasionally there were meetings of the whole committee. Each part of the committee had as its presiding officer either the chair or the vice-chair of the whole committee. The chair alternated yearly between north and south. There were issues of educational policy that were deemed to be of concern only to one section, and in such a case only one part of the CEP reported on the issue (but kept the other informed).
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There was a long period before university faculty members at centers other than Berkeley and Los Angeles had their own local agencies of the Academic Senate. The Davis campus, started on a site purchased in 1906, began operating in 1908 as the University Farm School with a nondegree program to teach the practical skills of farming and animal husbandry. In 1922 a four-year degree program in agricultural science was initiated, but even then most of the students had to take many of their required courses at Berkeley, where a College of Agriculture had existed since 1869. Not until 1951 was a College of Letters and Science fully operational at Davis. In 1951-52, the Davis and San Francisco Divisions of the Academic Senate came into existence.9

In 1944 the facilities of Santa Barbara State College were transferred to the University of California. From 1944 to 1958 the university operated the former state college as a liberal arts college. After Clark Kerr became president in 1958, a decision was made to develop the college as a “general campus” of the university, which implied growth in enrollment and some eventual development of graduate work and professional schools. Before the faculty at Santa Barbara was taken into the Academic Senate, there was a period of transition during which changes in curricula, admission and graduation requirements, and other adjustments to new circumstances were accomplished. In 1956 the regents amended their Standing Orders to include eligible faculty members at Santa Barbara in the Southern Section of the Academic Senate. And finally, in 1958, a division of the senate was organized at Santa Barbara.

9The University of California, San Francisco, as it currently exists, with Schools of Dentistry, Medicine, Nursing, and Pharmacy, did not have a chief campus officer until a provost was appointed in 1958. The title was changed to chancellor in 1964. For an account of the history of the development of the San Francisco campus, see Stadtman, ed., Centennial Record, 461-68.
In 1948 the regents voted to start a small liberal arts college at Riverside, adjacent to the Citrus Experiment Station. A Riverside Division of the Academic Senate was established in 1958-59. In that year, divisions of the senate were organized at Berkeley and UCLA to deal with affairs deemed purely local in character. However, the Northern and Southern Sections continued to function in matters appropriate to them until a major reorganization of the senate took place in 1963.

During the existence of the two sections of the senate their Committees on Budget and Interdepartmental Relations were, almost certainly, the hardest working of all senate committees, and were widely regarded as the most important committees, because of the responsibility of each committee for safeguarding the quality of the faculty through the recommendations they made to the administration concerning candidates for appointment and promotion. They were called Budget Committees, even though their functions in evaluating the qualities of appointees and promotees were of greater significance than the advice they gave on budgetary and interdepartmental matters. The Budget Committees did not have the primary responsibility for searching out and choosing excellent candidates for appointment. That responsibility lay with chairpersons, deans, and to some extent with chief campus officers (or in rare cases with the president). But the Budget Committees had a very important responsibility in upholding a standard of excellence, especially in appointments of full professors, associate professors, and assistant professors who might very soon be candidates for promotion.

Since the late 1960s, most of the divisions of the senate (except for Berkeley) have been using the name “Committee on Academic Personnel” instead of “Committee on Budget and Interdepartmental Relations.” These committees, by whatever name, rely to a

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10 At that time the staff of the Experiment Station included eight professors, and there were six enrolled graduate students. When the undergraduate program at the new college got underway in 1954-55, there were at Riverside 79 members of the Academic Senate, Southern Section, 582 undergraduate students, and seven graduate students.
significant extent on ad hoc review committees to assist in the evaluation of candidates. The ad hoc committees are appointed by the campus administration largely on the basis of nominations by the Budget or Academic Personnel committees. The ad hoc committees report to the administration through the Academic Senate Budget Committee or Committee on Academic Personnel. An effective and expeditious review and evaluation process requires widespread participation by the faculty. It is essential that faculty members who are asked to take part in the review process be willing to accept this duty whenever it is reasonably possible.

THE STRUGGLE OVER THE LOYALTY OATH

There have been a few occasions throughout its history in which the whole Academic Senate has become involved in dealing with a matter of consequence to the entire university—a matter that the senate addressed, not primarily through its standing committees, but through meetings of the two sections. One such occasion occurred in a two-year period starting in 1949, when the Board of Regents decided that, in order to clarify a statement of policy adopted in 1940, it should modify a standard oath of allegiance that had been required of all university appointees since June 1942. Here is the form of that standard oath:

I do solemnly swear (or affirm) 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 my office according to the best of my ability.

The decision to amend this oath was taken at a meeting of the regents in Santa Barbara on March 25, 1949. The regents approved a motion made by President Sproul that the standard oath be modified by adding the following words:

that I do not believe in, and I am not a member of, nor do I support any party or organization that believes in, advocates, or teaches the overthrow of the United States Government, by force or by any illegal or unconstitutional methods.
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The new oath was adopted by a unanimous vote. The circumstances that accompanied the adoption of the modified oath are recounted and analyzed in the first two chapters of a book, *The California Oath Controversy*, authored by David P. Gardner.\(^{11}\) A key motivating factor in this decision by the regents was a policy resolution that had been adopted by the Board of Regents on October 11, 1940, in connection with the board’s dismissal from university employment of a teaching assistant in the mathematics department at Berkeley. The chair of the department charged the T.A. (who was an acknowledged member of the Communist Party) with violating the spirit of his teaching appointment by failing to devote his energies to his duties and using the university as a platform for propaganda. The regents’ resolution stated, “We believe, therefore, that membership in the Communist Party is incompatible with membership in the faculty of a state university.”

The 1940 resolution was not accompanied by any proposal of an enforcement procedure. The fact that such a procedure was lacking appears to have contributed to the decision about a modified oath at the meeting on March 25, 1949. There had been no significant controversy about the anti-Communist policy when it was adopted in 1940. The actual loyalty oath controversy did not begin until the faculty learned that employment and salary were to be contingent on signing an oath that went beyond the standard oath required since 1942.

There had been no public announcement about the imposition of a new oath until, on May 9, there appeared in the *University Bulletin* a notice from Robert Underhill, Secretary of the Regents. It stated that in the acceptance letters for 1949-50 there would be “an oath of allegiance in the form to be set forth therein, and that all faculty and employees must take the oath as a part of the acceptance.” There was also this statement: “Salary checks cannot be released until acceptance letters have been returned to this office properly signed before a Notary Public.”

\(^{11}\)(Berkeley: University of California Press, 1967). The following account of the oath controversy is based upon Gardner’s book except where noted otherwise.
The announcement in the *University Bulletin* did not give the wording of the oath. As a consequence, many faculty members inquired about the text of the oath. By early June the nature of the oath had become generally known, and the controversy began. Special meetings of the senate were held; the Northern Section met on June 14, and the Southern Section on June 20. These meetings caused a delay in sending out the acceptance letters, during which President Sproul conferred with his Special Senate Advisory Committees, one for each of the two sections of the senate. (These consultations will be described later.)

At the meeting of the Northern Section, Professor Edward Tolman introduced a resolution addressed to the regents. In addition to affirming the loyalty of members of the senate to the state and nation, the resolution objected to the speed with which the amended form of the oath was being imposed, raised issues of academic freedom and tenure, and requested that the second part of the oath (the amendment) be deleted.

After considerable discussion, a substitute resolution was adopted. It requested that the second part of the oath either “be deleted or revised in a manner mutually acceptable to the Regents and the members of the Academic Senate. . . .” The Northern Section also instructed its advisory committee to consult with the president with a view to working out a solution as called for in the substitute resolution. The Southern Section adopted the substitute resolution on June 20.

The advisory committees, with three members each, were standing committees responsible for advising the president on matters of general interest to the university. In 1949, the northern members were Joel H. Hildebrand, professor of chemistry at Berkeley, Benjamin H. Lehman, professor of English at Berkeley, and H. B. Walker, professor of agricultural engineering at Davis. Walker was subsequently replaced by William R. Dennes, professor of philosophy at Berkeley. The chair of the southern advisory committee was Martin R. Huberty, professor of irrigation and soils at UCLA. The other members, also from UCLA, were John W. Olmsted, professor of history, and Gordon S. Watkins, professor of economics. When Watkins was appointed provost of the develop-
ing campus at Riverside (in 1949), his place on the advisory committee was taken by Hugh Miller, professor of philosophy at UCLA.

The Advisory Committee of the Northern Section reported to President Sproul on June 18, and the Advisory Committee of the Southern Section endorsed the report on June 21. The report said, “We assume at the outset that Communist commitments and affiliations are inconsistent with that freedom of mind which is indispensable to the scholar, scientist, and teacher.” The report unqualifiedly affirmed the university’s nine-year policy on nonemployment of Communists and gave no hint that the policy was in active dispute or that several members of the faculty, not to mention the American Association of University Professors (AAUP), patently rejected the notion that Communists, in the absence of demonstrable professional unfitness, should be barred from university teaching.

Meeting on June 24, the regents decided to revise the wording of the amendment to the standard oath that they had adopted in March. The new wording was:

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 obligation under this oath.

The results of the meeting on June 24 were communicated to members of the faculty in July in letters personally addressed to each faculty member by President Sproul. Sproul’s full message was:12

The Regents of the University of California on June 24, 1949, after consultation and agreement between the President and the advisory committees of the two sections of the Academic Senate, approved the following resolution:

12Personal copy of the letter to faculty, dated July 25, 1949, and signed by Sproul.
At its birth, the University of California was dedicated to the search for truth and its full exposition. The primary obligation of the Regents of the University of California has been to stand steadfastly for that freedom of the human mind and spirit which has enabled the assemblage of distinguished scholars constituting the faculty to continue to pursue these objectives.

The Regents gladly share with the faculty the responsibility to keep the University free from those who would destroy its freedom.

Today this freedom is menaced on a world-wide basis by the Communist Party through its determination by fraud, or otherwise, to establish control by the State over the thoughts, and the expression of thoughts, by the individual.

Therefore the Regents reaffirm their declaration of policy, adopted in 1940, that membership in the Communist Party is incompatible with objective teaching and with the search for truth.

Pursuant to this policy the Regents direct that no member of the Communist Party shall be employed by the University.

Any person who is or shall become a member of the Communist Party, or who otherwise undertakes obligations or advocates doctrines inconsistent with this policy, shall, after the facts have been established by the University Administration, and after the traditional consultation with the Committee on Privilege and Tenure of the Academic Senate in cases of members of the faculty, be deemed to have severed his connection with the University.

To implement the above stated policy, the Regents direct, also, that the following oath be subscribed to by all members of the faculty, employees and administration of the University:

I do solemnly swear (or affirm) 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 my office according to the best
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of my ability; 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 obligation under this oath."

[The President’s letter then continued:]

May I, therefore, request that you detach, sign, and mail to me the form of oath on the bottom half of this sheet after your signature has been witnessed by a notary, or other official authorized to administer oaths. Notarial service is available on various campuses of the University (Berkeley, Davis, Los Angeles, Santa Barbara). If it is necessary for you to pay a notary fee, please have this fact noted on the form, and you will be reimbursed. It is hoped that the form, with due signature, will be returned before October 1.

Yours sincerely,
Robert G. Sproul

On June 30, at a meeting of the regents’ Committee on Finance and Business Management, President Sproul had recommended that salary checks for July and August should be sent out as usual and that the letter calling for the signing of the oath should be sent out before the mailing of the customary “contract letter” for the year 1949-50, detailing the rate of compensation. The president received authorization to proceed in this fashion. Some faculty members signed the oath form and returned it promptly. Others did not, and before long it became known that those who had sent in a signed oath form soon received a contract letter, while those who delayed in signing the oath did not. During July, a movement was launched at UCLA by some members of the AAUP; they urged delay in signing the oath until there could be discussion of it at a senate meeting in September. A group at Berkeley took similar action.

Late in August, Professor Lehman (who had succeeded Hildebrand as head of the Advisory Committee, North) told Sproul that he was becoming aware of a good deal of “hostility” about the oath. Withholding contract letters from nonsigners, he said, was regarded as “a form of duress.” By early September only about
half of the faculty members at Berkeley had signed the oath, and at UCLA only about 40 percent had signed. The president discussed the situation with the two advisory committees on September 6. He suggested that, if the senate were to endorse unequivocally the regents’ policy on nonemployment of members of the Communist Party, the regents might be willing to drop the disclaimer that had been added to the standard oath on June 24. But when the Northern and Southern Sections met on September 19 and September 22, respectively, they did not unequivocally endorse the regents’ policy. Instead, they adopted the following resolutions:

**Northern Section, September 19**

The faculties assembled in the Senate, Northern Section, wholeheartedly concur in the University policy as set forth in University Regulation Number 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.

**Southern Section, September 22**

The faculties assembled in the Senate, Southern Section, concur in the policy set forth in University Regulation 5. They also believe the University should prohibit employment of any person whose commitments or obligations, Communist or otherwise, demonstrably prevent objective teaching and the free pursuit of truth.

In addition, both sections adopted the following resolution:

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 relevance of University Regulation 5 in this connection is illustrated by the following sentences contained in it:
The University is founded upon faith in intelligence and knowledge and it must defend their free operation. It must rely upon truth to combat error. . . .

Essentially the freedom of a university is the freedom of competent persons in the classroom. In order to protect this freedom, the University assumes the right to prevent exploitation of its prestige by unqualified persons or by those who would use it as a platform for propaganda. It therefore takes great care in the appointment of its teachers; it must take corresponding care with respect to those who wish to speak in its name.

The actions and discussions engaged in by the two sections of the senate in September revealed a basic difference between the essentially simplistic view of the regents and the diversity of attitudes among senate members. The regents, including the president, showed no indication of backing away from the firm assertion that being a member of the Communist Party was incompatible with being an employee of the University of California, and a good many members of the faculty were quite willing to acquiesce in that policy. There were, however, a great many faculty members who, while not disagreeing with the regents’ objective of keeping the university free of the influence of communist indoctrination, propagandizing, and other activities of the Communist Party, believed that could not be done by merely requiring all individuals on the university payroll to subscribe to the oath specified by the regents on June 24. There were also objections on the ground that the new oath discriminated against the faculty and staff of the university, implying an unjustified suspicion of them as a class. Still others objected that it was wrong to ban the employment of members of a legal political party.

For a while, late in September, the regents, the president, and the two advisory committees entertained a hope of overcoming the impasse. At a meeting of the Board of Regents on September 30, to which the advisory committees were invited, the regents approved the president’s recommendation that all those who had not signed the oath be assured of their standing and compensation.
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for the remainder of the fiscal year 1949-50 by sending out the contract letters that had been withheld.

At the end of the meeting, a statement was released to the press that reaffirmed the university policy of not employing members of the Communist Party and explained that, to implement the policy, the regents had previously adopted a form of oath or affirmation that was formulated by the president and the advisory committees of the Academic Senate. The press release then said that the Academic Senate had asked that a portion of the oath be deleted, and that the Board of Regents “will be glad to consider any method which the faculty may deem to be a further or better implementation of the policy.” Then followed these sentences:

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 consideration to the end that this policy be given its fullest effect.

In October and November of 1949 the Northern Section of the senate discussed the regents’ press release of September 30. Meeting on November 7, it passed a resolution approving the agreement announced in that press release, but emphasizing:

it is the objectives of impartial scholarship and the free pursuit of truth which are being approved, not the specific policy barring employment to members of the Communist Party solely on the grounds of such membership.

This interpretation of the “complete agreement” expressed in the press release became a source of severe controversy between some regents and some members of the faculty. The senate meeting on November 7 also adopted a resolution (by a split vote, 148 to 113) relating to the responsibility of the Board of Regents
to exercise its power with due recognition of the role of the faculty in certain kinds of decision making. Here are excerpts indicative of the thrust of the resolution:

The public responsibility of the Regents is to create and maintain the conditions necessary to the University’s life. The power of the Regents must accordingly be exercised not only with due regard for those principles of thought and association which constitutionally limit the power of all public officials but also with deep respect for the essential nature of a University as an institution peculiarly dedicated to freedom of mind. . . .

The principles of academic freedom are the rules and procedures protecting the academic community against any attempt, however well-intentioned, to hinder it in the pursuit of truth or to “protect it from error.” These principles, including the principle of tenure, provide not only a high degree of independence for individuals of attested competence but also a significant degree of faculty self-government. . . .

The area of faculty self-government is, of course, limited. But it includes full faculty participation in the making of decisions affecting the conditions crucial to the work of teaching and research and a high degree of deference to faculty judgment in matters, such as qualifications for membership, which are peculiarly within the competence of the faculty.

To carry out the promise that had been made in the press release of September 30, “that the Regents and the faculty will continue their close and active consideration to the end that this policy be given its fullest effect,” a special committee of regents and a special committee of the senate met in San Francisco on January 4, 1950. John Francis Neylan was chair of the regents’ five-man Special Committee on Conference. The senate’s Special Combined Conference Committee, with four members from each of the senate’s two sections, had two cochairs: Malcolm Davisson (economics, Berkeley) and J. A. C. Grant (political science, UCLA).

In the meeting it soon became evident that the two committees had different conceptions of the meaning of “this policy.” Regent Neylan said that the purpose of the meeting was to seek a joint
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implementation of the policy barring members of the Communist Party from employment by the university. In advance of the meeting, the members of the regents’ committee had received a draft of a position paper prepared in December by the senate’s committee that took the general position that the common objectives of the regents and the senate were to safeguard the university’s maintenance of impartial scholarship and objective teaching. The draft asserted that the senate’s special committee was “convinced that the exclusion of members of the Communist Party per se from employment is not the best means.”

At the meeting on January 4, the senate committee presented a short list of proposals that made no reference to the policy of not employing members of the Communist Party, but were asserted to be more effective than, and preferable to, the Communist disclaimer portion of the oath in keeping the faculty free of pro-Communist bias in scholarship and teaching. The substance of the list of proposals was that (1) the regents rescind the Communist disclaimer portion of the oath, (2) the senate agree formally to recognize the importance of each individual’s character and loyalty in the criteria used in evaluating faculty candidates for appointment and promotion and in the selection of teaching and research assistants, and (3) the regents recognize that standards of competence for members of the faculty were a responsibility jointly of the regents and the faculty and that the testing of individuals for fitness must rest primarily with the faculty.

The group of regents did not regard these proposals favorably. Regent Neylan said the senate representatives appeared to be repudiating the essence of what had been agreed to by all parties on September 30. Regent Victor Hansen, a member of the regents’ special committee, apparently interpreted the position of the senate’s special committee to be that the regents’ policy against the employment of Communists was flawed, for he asked whether the faculty was adamant that a person shall not be dismissed merely because he is a member of the Communist Party. Professor Grant responded that the senate’s special committee was convinced that it could not successfully propose for approval by the Academic Senate anything that carried with it approval by the senate of the
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regents’ policy requiring dismissal from employment of any individual merely on the basis of that person’s membership in the Communist Party.

Neylan thanked Grant for his frankness, but later said it was quite impossible for the regents to abandon that policy. Davisson said that the senate special committee was not proposing that the regents retreat from that policy. Neylan said he understood the contrary from what Grant had said. At this point President Sproul exclaimed “Oh, no—will not approve it.” (Emphasis added. The point of the objection was that, although the senate as a body would not vote to approve the regents’ policy, it would still be logically possible for the members of the senate to live with the policy.)

The long meeting on January 4 ended without any progress toward a resolution of the impasse. No further meeting of the two committees was held. The regents, at their regular January meeting, on motion by Regent Neylan dissolved their special committee. The board asked Sproul to make a recommendation at its February meeting.

In Sproul’s recommendation to the regents at their meeting on February 24 was a paragraph that asserted that a member of the faculty who belonged to the Communist Party had violated the terms of his employment, was not entitled to tenure, and was to be dismissed after the facts had been established by the university administration and by the Committee on Privilege and Tenure. Then came a paragraph in which Sproul recommended that a condition precedent to employment or renewal of employment in the university:

shall be the execution of an oath in the form prescribed on June 24, 1949, or the equivalent affirmation that the appointee accepts his position subject to the policy excluding Communists from membership in the faculty of the University, as stated in the Regents’ resolutions of October 11, 1940, and June 24, 1949. Such oath or affirmation shall accompany the letter of acceptance of appointment and shall be a part thereof.

Neylan pointed out that a person who makes the affirmation as an alternative to executing the specified oath is not explicitly
stating that he is not a member of the Communist Party. He moved, as a substitute resolution, a text of seven paragraphs, the first three of which were devoted to background narrative about the policy of October 1940, the oath prescribed in June 1949, and the deliberations of September 29 and 30, 1949. Then came the heart of the resolution:

Further discussions have now been held, and the Regents have decided that, as trustees for the people of California, they must continue to safeguard the freedom of the University against ruthless, fanatical and subversive minorities in the body politic, such as the Communist Party; that any member of the faculty who is or shall become a member of the Communist Party has violated the terms on which he is employed and is not entitled to tenure, which involves responsibilities as well as privileges, and shall be dismissed, after the facts have been established by the University administration, which shall consult with the Committee on Privilege and Tenure of the Academic Senate, but only as to the adequacy of the evidence of membership in the Communist Party.

In relation to all other questions regarding tenure, the Regents reaffirm that the responsibility for judging members of the faculty is a common concern of the faculty, of the President and of the Regents, in accord with the terms of University Regulation 5, promulgated in revised form June 5, 1944. The Regents will, therefore, adhere to their traditional practice in taking no action against any member of the faculty on grounds other than membership in the Communist Party without referring the case through the President to the Committee on Privilege and Tenure of the Academic Senate for full findings and recommendations as in the past.

The Regents, in the light of the facts herein stated, give notice that a condition precedent to employment or renewal of employment in the University shall be the execution of an oath in the form prescribed on June 24, 1949, or the equivalent affirmation that the appointee is not a member of the Communist Party, or under any oath or commitment, or a party to any agreement that is in conflict with the policy of the Regents excluding Communists from membership in the faculty of the
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University. Such oath or affirmation shall accompany the letter of acceptance of appointment and shall be part thereof.

Each appointee will be notified that if an acceptance of appointment on the terms stated is not received by the Secretary of the regents on or before April 30, 1950, he will be deemed to have severed his connection with the University as of June 30, 1950.

Neylan’s substitute motion was approved by the regents on a 12-to-six vote. The regents’ action on February 24 produced great dismay in the faculty. But some influential professors, while objecting strongly to the dismissal of a faculty member merely for failure to sign the prescribed oath, did not object to, and actually approved of, the regents’ policy against the employment of Communists. A new factor in the situation was that on March 7 Neylan had released for public attention the question:

As a constructive step toward the solution of this situation, why does the Academic Senate not adopt a resolution in plain English unequivocally endorsing the policy excluding Communists?

From the ferment of faculty concern in late February and early March, it thus came about that both sections of the Academic Senate agreed in March 1950 to conduct a mail ballot of all senate members in order to determine if there was approval of the two following propositions:

(1) The Academic Senate requests that there be substituted for the present oath [with the disclaimer, i.e., the oath as mandated by the Regents in June 1949] the following requirements: All members of the Senate will subscribe to the Constitutional oath of loyalty sworn by officers of public trust in the

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13 Those voting “aye” were Regents Ahlport, Dickson, Ehrman, Giannini, Hale, Jordan, McFadden, Merchant, Neylan, Pauley, Sprague, and Teague. Voting “no” were Regents Fenston, Griffiths, Hansen, Heller, Sproul, and Warren.
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State of California, as prescribed in Article XX, Section 3 of the Constitution of the State of California. All future letters of acceptance of salary and position will contain a statement that the person concerned accepts such position subject to the University policies embodied in the Regents’ resolutions of October 11, 1940, and June 24, 1949, excluding members of the Communist Party from employment by the University, and in University Regulation 5 endorsed in the Regents’ statement of February 24, 1950.

(2) No person whose commitments or obligations to any organization, Communist or other, demonstrably prevent impartial scholarship\(^{14}\) and the free pursuit of truth will be employed by the University. Proved members of the Communist Party, by reason of such commitments to that Party, are not acceptable as members of the faculty.\(^{15}\)

When the mail ballot was complete and the results counted on March 22, the results were:

<table>
<thead>
<tr>
<th>Proposition 1</th>
<th>Proposition 2</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
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\(^{14}\)The wording of proposition two as presented here is the wording that was used in the mail ballots for members of the Southern Section of the Senate. A slightly different wording was used in the mail ballots for members of the Northern Section. The only difference was that the phrase “demonstrably prevent impartial scholarship,” was used in the South while the phrase “prejudice impartial scholarship” was used in the North. The phrasing by the Northern Section preceded the phrasing adopted by the Southern Section.

\(^{15}\)This proposition (two) that was approved by the senate in the mail ballot of March 1950 was explicitly disavowed by the senate in part II of a two-part resolution that was contained in a memorial to the regents. The wording of the memorial was approved by the Assembly of the Academic Senate on November 3, 1969, and submitted to a mail ballot that was concluded on December 15. The vote on the disavowal was: Yes 2,487, No 1,128, Abstain 44.

Details about the circumstances that led to this disavowal are provided later in this narrative.
The Academic Senate of the University of California

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When the regents met in Santa Barbara on March 31, President Sproul informed the members of the board of the results of the mail ballot, and Regent Earl Fenston then moved that the regents rescind the action they had taken on February 24. There was a long discussion after which the motion was lost on a 10-10 tie.16 At this point the nearness of the April 30 deadline for complying with the regents’ resolution of February 24 produced an intense activity in the search for a way to avoid a disastrous confrontation between the Academic Senate and the Board of Regents. There was widespread and strong antipathy to the oath that incorporated the anti-Communist disclaimer. There was also apprehension about the abrogation of tenure that seemed sure to occur if a tenured faculty member was dismissed for no other reason than refusal to sign the oath in the form prescribed. Many of the regents were anxious to help President Sproul and his faculty advisers find a way out of the difficulty. Prominent alumni were drawn into the effort.

At the regular meeting of the regents on April 21, Sproul introduced and the regents adopted a resolution that superseded their resolution of February 24. Those who had not yet signed the oath (or affirmation) in the form specified in the regents’ action of June 24, 1949, were to sign the constitutional oath of office required of public officials in the state of California, except for noncitizens who were not lawfully subject to the requirement of that oath. The same requirement was to be a condition of employment or continuation of employment on or after July 1, 1950. A second part of the resolution introduced by Sproul required each

16 Those voting “aye” were Regents Ehrman, Fenston, Griffiths, Haggerty, Hansen, Heller, Simpson, Sproul, Steinhart, and Warren. In the 10-10 tie vote, the regents voting “no” were Ahlport, Collins, Dickson, Giannini, Jordan, Knight, McFadden, Merchant, Neylan, and Sprague.
appointee to send the secretary of the regents a signed letter of acceptance of appointment worded as follows:

I hereby formally acknowledge my acceptance of the position and salary named and also state that I am not a member of the Communist Party or any other organization which advocates the overthrow of the Government by force or violence, and that I have no commitments in conflict with my responsibilities with respect to impartial scholarship and free pursuit of truth. I understand that the foregoing statement is a condition of my employment and a consideration of payment of my salary.

This wording of letters of acceptance of appointment was specified to apply, not only to those who currently were nonsigners, but to all future new or continuing appointees. With respect to an individual’s right to appeal to the Committee on Privilege and Tenure the resolution presented by the president made the following provision:

In the event that a member of the faculty fails to comply with any foregoing requirement applicable to him, he shall have the right to petition the President of the University for a review of his case by the Committee on Privilege and Tenure of the Academic Senate, including an investigation of and full hearing on the reasons for his failure to do so. Final action shall not be taken by the Board of Regents until the Committee on Privilege and Tenure, after such investigation and hearing, shall have had the opportunity to submit to the Board, through the President of the University, its findings and recommendations. It is recognized that final determination in each case is the prerogative of the Regents.

The motion by President Sproul that his resolution be adopted was seconded by Regent Neylan. The only regent voting against the motion was Lawrence M. Giannini. As a consequence of the regents’ action at the meeting on April 21, attention was focused on two issues:

1. To what extent will those who have been non-signers avail themselves of the opportunity to petition for a hearing at
which they can explain their opposition to signing the letter of acceptance of a contract of employment by the university as worded in the resolution approved by the regents on April 21? And,

(2) Will the regents accept the president’s favorable recommendation concerning the outcome of the hearing of a petitioner in a case in which the president believes that the petitioner is not a member of the Communist Party and does not have commitments that are in conflict with the freedom of mind expected of her or him as a teacher and scholar?

The answers to these questions were not fully revealed until the conclusion of a meeting of the Board of Regents on August 25. It became known that some members of the board, Regent Neylan in particular, thought that the hearing procedure was intended to accommodate only a few individuals such as Quakers and others with religious or conscientious objections to oaths and disclaimers of the type required. Some faculty members tried, unsuccessfully, to encourage the formation of such a large group of petitioners for hearings that the regents would be faced with an intractable problem. On May 4, Professor Joel Hildebrand circulated a statement to members of the Northern Section of the senate that read, in part,

A tactic has been advocated of presenting to the Committee on Privilege and Tenure so many cases of non-signers that it could not handle them individually and so the procedure would be broken down, with the expectation that all non-signers would be saved. The result would be quite contrary to any such expectation. . . .

I venture to interpret the position of a large majority of the Senate as believing that the contract form is not unreasonable, and as devoutly wishing to have an end to the turmoil, division and ill-will under which we have so long suffered.

The Senate cannot dictate to the individual conscience, but in a democratic organization, policies adopted by a majority, following proper procedure, must not be obstructed by a minority.
Members of the Committees on Privilege and Tenure met with President Sproul in May to discuss the methodology and procedure for the hearings. It was decided that, in eliciting from each petitioner the reasons for being a nonsigner, probing questions would be asked about the petitioner’s attitude toward the Communist Party and about commitments that might indicate limitations upon intellectual freedom in teaching and scholarship. As was revealed later, some petitioners failed to receive favorable recommendations to the president by the hearing committees because the petitioner’s attitude during the hearing was uncooperative or inadequately responsive to the felt need of the committee to be assured of the legitimacy of the reasons given for being a nonsigner.

The Committees on Privilege and Tenure held hearings for 81 petitioners and found favorably for 75 of them. In the six cases where reports were unfavorable, no claims were made that the hearings had turned up evidence of affiliation with, or commitments to, the Communist Party. The regents met on June 23 and decided to defer consideration of the 81 cases until July. By the time of the meeting on July 21, a good many of the 75 whose hearings had resulted in favorable recommendations had either signed, resigned, or taken positions elsewhere. Thirty-nine of the original 75 remained, and Sproul recommended that the regents confirm these 39 in their positions with the university and dismiss, as of June 30, the six with unfavorable reports. The regents voted unanimously to dismiss the six, and, after a lengthy discussion, voted 10 to 9 to confirm the 39. Neylan was among the nine voting against Sproul’s motion, but he then used the parliamentary device of changing his vote from nay to aye and served notice that at the next meeting of the board, he would move to reconsider the motion that had just been approved.

When the regents met next, on August 25, 22 of the 24 regents were present. Of the 39 nonsigners whose cases were under consideration on July 21, five had signed, three had resigned, and only 31 remained to be considered. By a vote of 12 to 10, all 31 of the remaining nonsigners were dismissed: 24 from Berkeley, one from San Francisco, two from Santa Barbara, and four from Los
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Angeles. Twenty-eight were members of the senate, and three were lecturers. (One of those dismissed at UCLA was David Saxon, assistant professor of physics, who became president of the university on July 1, 1975.)

The dismaying outcome of August 25 did not go unchallenged. Twenty members of the faculty at Berkeley, under the leadership of Edward C. Tolman, professor of psychology, took legal action through the District Court of Appeal to block the implementation of the regents’ decision to dismiss the nonsigners. The case was known as Tolman v. Underhill. (Robert M. Underhill was secretary of the Board of Regents.) The District Court of Appeal made its unanimous decision on April 6, 1951, in favor of the petitioners. The court, mindful of the constitutional mandate that the university was to be independent of political or sectarian influence, and because it regarded members of the faculty as falling under the classification “officers of public trust” as described in a certain portion of the California State Constitution, ruled that members of the faculty could not be subjected to any narrower test of loyalty than the constitutional oath prescribed.

This decision did not put an end to the matter. The California Supreme Court took Tolman v. Underhill under advisement, thus suspending the District Court ruling. The Supreme Court took into account a new state oath that had gone into effect on October 3, 1950, by action of the legislature and the signature of Governor Warren. It was called the Levering Oath (after Assemblyman Harold Levering). A reason given for the adoption of this oath was “the present emergency in world affairs” (a reference to the Korean War). On October 17, 1952, the Supreme Court ruled that University of California personnel “cannot properly be required to execute any other oath or declaration relating to loyalty other than that prescribed for all state employees.”

As a result, all of the nonsigners who had been dismissed were entitled to reinstatement. Some came back to their positions; others, having relocated, did not.

**TOWARD A FORMAL POLICY ON TENURE**
Angus E. Taylor

For several decades prior to the loyalty oath controversy, there had been a tacit understanding in the university that faculty members holding the title of full professor or associate professor were tenured appointees. The commonly accepted meaning of this was that such faculty members had security of employment as long as they lived, up to the official age of retirement. The regents, by their action on August 25, 1950, had violated the tacit assumptions about tenure that had existed and that the faculty had taken for granted. The shock of this regental action energized the Academic Senate to launch an effort to have the Board of Regents officially recognize an explicit policy on tenure. A Special Unified Committee on Tenure was established with 14 members—seven from each of the two sections of the senate. The charge to the committee was to prepare recommendations for the establishment of a clear and formal policy on the definition and meaning of tenure and an appropriate method for implementing the policy. On January 21, 1952, the committee submitted its report to the Northern Section and on April 24 to the Southern Section. The first part of the report dealt with the historical and legal basis for tenure at the University of California. The committee discovered that on March 9, 1920, the Board of Regents had implied its recognition of the prevailing tacit understanding of tenure when it accepted the recommendation of its Finance Committee that “appointment as associate or full professor carries with it security of tenure in the full academic sense.”

But the minutes covering this action did not include the meaning of “in the full academic sense.” Some citations of customary interpretations of tenure by administrative officers at Berkeley in the report of the Special Unified Committee clarified the point. Here are some excerpts:

A point frequently made by Dr. Monroe E. Deutsch when he was Vice President and Provost was that if a man is advanced from the status of assistant professorship to that of associate professorship, the University thereby was committed to permanent tenure for the individual.
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In a July 4, 1945, memorandum with reference to an associate professor at Berkeley, Deutsch wrote:

this rank is regarded “as continuing during good behavior and efficient service.” In short it is considered as permanent in the sense in which that phrase is used in the academic world. The position involves indefinite tenure.

Included in the report of the Special Unified Committee were the results of a survey of faculty tenure at other universities and colleges. A proposed statement of rules and principles to govern appointments, promotions, and tenure in the University of California followed. The Special Unified Committee recommended that this statement be submitted for approval of the senate by a mail ballot.

The special committee also drew up a detailed document in the form of a petition to the regents asking them to put into their Standing Orders a formal definition of tenure, specifications about the particular classes of members of the faculty who enjoy the privilege of tenure, and a guarantee that hearings by a Senate Committee on Privilege and Tenure precede any decision to dismiss, demote, or force premature retirement on a tenured faculty member. The following definition of tenure was to be included in the petition:

Tenure is the right of a person to hold his position until the age of retirement, with dismissal, demotion, or premature retirement therefrom only for specified causes under the procedures adopted by the Academic Senate and by the Board of Regents.

The first report of the Special Unified Committee proposed a specific list of “causes”—faults in performance or qualifications of a faculty member which, if proven to exist, would justify dismissal, demotion, or premature retirement of a faculty member with tenure. Examples: professional incompetence, neglect of duty, dishonesty, mental or physical incompetence, moral turpitude. In the end it was decided not to have such a list, mainly because no agreement could be reached on the items to be included. Not until
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1958 were the senate’s efforts rewarded when the regents put into their Standing Orders a section on tenure and procedures to be followed if tenure is to be abrogated.

The regents’ policy on tenure now reads:

All appointments to the positions of Professor and Associate Professor and to positions of equivalent rank are continuous in tenure until terminated by retirement, demotion, or dismissal. The termination of a continuous tenure appointment or the termination of the appointment of any other member of the faculty before the expiration of the appointee’s contract shall be only for good cause, after the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate, except as otherwise provided in a Memorandum of Understanding for faculty who are not members of the Academic Senate.17

FACULTY ADVICE ON UNIVERSITY EXPANSION

After the end of World War II enrollments at Berkeley and Los Angeles increased rapidly for several years until a decline occurred as a consequence of the Korean War. The maximum enrollment at Berkeley during the 1940s was just under 26,000 in 1948-49. At UCLA the corresponding maximum was just over 17,300 in 1949-50. At both campuses enrollment began to grow again in 1954-55. California’s population was increasing at a substantial rate; families moved from other states, and many recently discharged veterans settled in California. It was evident that by the early 1960s the postwar baby boom would begin to bring a sharp increase in the numbers of students graduating from high schools in California. Clearly, the university would have to start planning for a large surge in undergraduate applications. The university would also need to provide more opportunities for students seeking M.A.s, Ph.D.s, and graduate degrees in the professions.

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17The wording here is that of Standing Order 103.9, Rev. 21 (9/88).
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The regents and the State Board of Education formed a joint committee, called the Liaison Committee, to coordinate their efforts in the formidable task of meeting the state’s current and future needs in public higher education. The Liaison Committee established a study team with a staff to undertake a systematic study of the state’s needs in higher education, to gather information and to make a report with recommendations. The report, entitled *A Survey of the Needs of California in Higher Education*, known as “The Strayer Report” (named after a member of the survey team), was issued in March 1948. The report was influential, but it underestimated enrollment growth at Berkeley. It anticipated that enrollments at Berkeley and Los Angeles would be limited to 20,000 each until 1960, but in 1960-61 the enrollments at Berkeley and Los Angeles were, respectively, almost 24,000 and 19,800. The Strayer Report was the first of three reports sponsored by the Liaison Committee. A second report, *A Restudy of the Needs of California in Higher Education*, was issued early in 1955.

The regents and the State Board of Education were not satisfied with the *Restudy Report*, which recommended that no new UC campus be started before 1965, suggesting instead that enrollment demands be met by expanding the existing campuses.

The third report commissioned by the Liaison Committee and published in early 1957 was called *A Study of the Need for Additional Centers of Public Higher Education in California*. It provided undergraduate enrollment expectations by 1970 from five areas of the state, as estimated by the California State Department of Finance:

1. S.E. Los Angeles and Orange counties - 17,500
2. Santa Clara County - 11,900
3. San Diego region - 6,100
4. San Joaquin Valley - 5,000
5. Eleven northern counties - 1,700

The *Additional Centers* report made no recommendations about priorities for action. (The regents saw a prepublication form of the report in November 1956.)
In the spring of 1954 the combined Committee on Educational Policy (CEP) of the Northern and Southern Sections tried to respond to a request from President Sproul for advice on how the university should deal with the expected heavy undergraduate enrollment pressure. The minutes of both sections of the CEP indicate some of the attitudes toward the problems, but no conclusion was reached. Four alternatives were considered: (1) creating a new university campus, (2) eliminating the lower division, (3) limiting enrollments at both Berkeley and Los Angeles, leaving those who were turned away to their own devices, and (4) unlimited expansion at Berkeley and Los Angeles. The minutes show the following objections to (1), (2), and (4):\textsuperscript{18}

(1) Difficult and costly. Hard to attract excellent faculty. Where to put a campus that will draw large enrollment?

(2) In some fields the university alone provides the necessary lower division courses. Some lower division courses would have to be offered to enable students to be adequately prepared for their upper division work. The elimination of the lower division would decrease greatly the need for teaching assistants and would result in serious reduction of the availability of financial support for graduate students. The lower division at the university sets the standard of instruction at this level for the junior colleges and state colleges.

(4) Student-faculty interpersonal relationships would suffer in frequency and significance. Library facilities would be strained. Space on campus, commuting, and parking problems would make conditions unpleasant and almost intolerable.

At the end of January 1956, Roger Revelle, the director of the Scripps Institution of Oceanography, proposed to Sproul that the university establish a graduate program in science and technology at La Jolla, adjacent to Scripps. He had in mind the creation of a center at which a group of distinguished scientists, together with

\textsuperscript{18}Minutes of CEP, North, on March 25, May 13, and May 20, 1954. Minutes of CEP, South, on March 30, 1954. Minutes of a joint meeting of both CEPs on May 29, 1954.
graduate students and postdoctoral scholars, would carry on teaching and research in pure and applied natural sciences and mathematics. His plan did not call for a full-scale undergraduate program. There would be undergraduate instruction (at the upper division level only) just to the extent necessary to support the graduate program. It would not begin to enroll undergraduates until the size of the faculty was developed enough to provide adequate breadth in the various disciplines.

In March 1956, Sproul asked the CEP to advise him on the Revelle proposal. At that time the chair of the CEP (North) was Edward Strong, professor of philosophy at Berkeley. The chair of the CEP (South), and of the combined CEP, was George Mowry, professor of history at UCLA. The committee reported to Sproul on April 12. A small group of CEP members, including Mowry and Strong, spent a long day and an evening with Revelle at his home in La Jolla. They met and talked with President Malcolm Love of San Diego State College and with several individuals from the San Diego city and industrial establishment (La Jolla is part of the city of San Diego).

Revelle’s plan provided that only about a third of approximately 450 graduate students in the program would be drawn from California south of the Los Angeles metropolitan area. High quality graduate students would be attracted from all over the United States and around the world. The CEP’s report included the following paragraphs:

> Except for engineering, there is not now, nor will there be in the next decade, a need to have the University undertake a large-scale program in advanced graduate instruction in the San Diego area. San Diego State College is offering instruction to a substantial number of students in engineering and the sciences up to the Master’s degree. Heads of these departments report that their students obtain assistantships, scholarships, and fellowships which enable them to continue elsewhere in work for advanced degrees. Students who enter into local industry as engineers continue with advanced work in the off-campus instruction offered [in the San Diego area] by the UCLA College of Engineering. The proposed Institute of Mechanics on the La
Jolla campus is conceived to be a rather highly specialized enterprise which will not meet the local needs for continuation in engineering.

President Love of San Diego State College seems to set no limits to development at the graduate level; that is, as argument for work leading to the Ph.D. in fields other than those provided for at La Jolla can be made, the State College can be expected to make it. If successful in the effort to institute a Ph.D. program, San Diego State would establish a precedent for other State Colleges. It would thereby run counter to recommendations made in the Strayer and McConnell [Restudy] reports. The Administration at San Diego State is, in effect, presenting the University with two alternatives: (1) invitation to the College to become part of the University with a program modeled after Berkeley and Los Angeles, or (2) establishment of an independent San Diego State University. If the latter alternative should materialize, the University of California, which is now at the apex of state-supported higher education, is in danger of being leveled down to one among several centers all competing for the requisites of a Ph.D. program. The expenses of duplicated facilities would be enormous and top quality would suffer.

The committee is of the opinion that Ph.D. programs should continue to remain the responsibility of the University of California and not be distributed among a number of other state-supported institutions outside the structure of the University. So far as the need for advanced graduate work increases, as it inevitably will, the University may need to establish additional campuses in the areas of greatest need, when it is clear that existing campuses can no longer care for the numbers of students capable of work for doctoral degrees.¹⁹

The committee commented that the San Diego community people it had talked to were inclined to favor a general UC campus rather than a strictly scientific graduate school. The CEP said that, if the university were to establish a new general campus, then

¹⁹Letter from chair of combined CEP to Sproul, dated April 12, 1956. The letter was signed by the chair, Professor George E. Mowry (history, UCLA).
Orange County or the San Joaquin Valley would have a claim prior to that of San Diego, but that the time had not yet come to make that choice. In April of 1956 the CEP did not yet know anything about what would emerge in the Additional Centers Report.

At the same time that Sproul asked the CEP to advise him on the Revelle proposal, he put the same request to an administrative committee: from Berkeley, chemistry professors Joel Hildebrand and Glenn Seaborg, physics professor E. O. Lawrence, dean of Engineering M. P. O’Brien, and Vice President James Corley; from UCLA, dean of engineering L. M. K. Boelter, physics professor Joseph Kaplan, and Louis B. Slichter, director of the Institute of Geophysics. Seaborg was chair of the full committee, which reported to Sproul on April 6, 1956. The CEP members saw a draft of the Seaborg group’s report before the CEP completed its own report.

The Seaborg report made three assertive recommendations:

1. There is a definite need for additional first-class facilities for higher education, undergraduate and graduate, emphasizing science and engineering, in the San Diego area.

2. The committee believed that a new science institution should be based on an expanded La Jolla campus. There should be facilities in the humanities appropriate to the furnishing of a liberal education to the prospective scientists. The organization should be along more or less departmental lines rather than on the Institute Plan. There should be a rather high ratio of graduate to undergraduate enrollment, with strong emphasis on research.

3. “We are impressed with the potentialities for the development of graduate work at La Jolla. We are also impressed with the potentialities for the development of the undergraduate program in science and engineering at San Diego State College. A close association between these two institutions would be very desirable. San Diego State College should be encouraged to strengthen its program in science and engi-
Corley, Kaplan, and Slichter wrote statements of their own. Corley wrote that he had not met with the committee but had read the report. He approved of (1) and (2) but dissented strongly about encouraging San Diego State to strengthen its program in the way proposed. Kaplan and Slichter both expressed the view that to put major resources into Revelle’s graduate program was unjustified, because there was ample room for growth in the graduate programs at UCLA, and probably some room at Berkeley. Slichter was vigorously eloquent in asserting that the program at UCLA had not yet reached its potential.

At its meeting in August 1956, the Board of Regents approved the following resolution:

That the Regents take the necessary steps to expand, over a period of years, the faculty and facilities at the La Jolla campus to provide a graduate program in science and technology, with such undergraduate instruction as is essential to support the program.

Sproul made it clear during the discussion that the regents were not making a commitment about any details. He asked Revelle to prepare a report on long-range estimates for potential development and a specific proposal for the near future, including a timetable.

In the fall semester of 1956 the CEP (combined North and South) was active in the general problem of expansion of the university. In a report to the president on November 1 the CEP recommended:

(a) The campuses at Berkeley and Los Angeles should be planned to accommodate not more than 25,000 students each.
(b) In order to continue to provide suitably qualified California students undergraduate education in the university,
new major campuses would be needed. (The CEP assumed there would be no stiffening of entrance requirements.)

(c) Consideration should be given to developing the campuses at Davis, Riverside, and Santa Barbara to accommodate increasing enrollments, especially in the upper division. Moreover, graduate instruction should be expanded at Davis and started at Riverside and Santa Barbara.²¹

The Additional Centers report received its first extensive attention by faculty members at the 12th All-University Faculty Conference at Carmel in April 1957. The report of the first study committee at the Conference was on the subject “Size and Number of Campuses.” The study committee, chaired by Dean E. McHenry, professor of political science at UCLA, recommended as follows:

1. The Berkeley and Los Angeles campuses should be expanded to accommodate 25,000 students. Beyond that point there will be diminishing returns because of excessive physical congestion and impairment of student and faculty welfare.

2. The campuses at Davis, San Francisco, Riverside and Santa Barbara should be readied for sizable increases.

3. There should be two new campuses, one to serve the growing populations of the eastern and southern parts of Los Angeles County and Orange County, and another to serve the people of the Santa Clara Valley and South Central Coast (the region comprising the counties of San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito).

4. With respect to the San Diego region the study committee said that the population of San Diego County exceeded that of San Francisco and by 1960 will probably exceed that of Alameda County. It also noted that “community demands have been a factor in the Regents’ decision to launch a program in advanced science and technology . . . , and expansion to a general campus seems inevitable.”

²¹These three points are based on CEP report to Sproul, November 1956, 68.
5. Although the *Additional Centers* report had said that the possibility of a new UC campus in the San Joaquin Valley should be considered in 1965, the study committee thought it ought to be considered right away.

On June 7, 1957, the combined CEP, writing to President Sproul, commented on what had been authorized for La Jolla, in the context of the committee’s broader view about the university’s major responsibilities in the next two decades. The CEP spoke of the need to expand the university at an unprecedented rate, to provide both graduate and undergraduate training for an almost overwhelming population increase in university-age citizens, and to accomplish this without sacrificing the standards of research and teaching that gave the university its distinction. The CEP said that implementing Revelle’s plans for science and technology at La Jolla “did not represent a sound step” in the overall needs of the university. The CEP foresaw that, in all likelihood, circumstances would require the eventual development of a broadly based major campus in the San Diego area.

On August 14, 1957, there was an all-day meeting of over 50 people—13 regents, chief administrators of the campuses at Berkeley, Davis, San Francisco, Santa Barbara, Los Angeles, Riverside, and La Jolla, certain vice chancellors, deans, and other administrative officers and staff, plus about 15 faculty members from important Academic Senate committees, for a conference held at Lake Arrowhead, in the San Bernardino mountains east of Los Angeles. The subject of the conference was “Educational Policy of the University of California in a Period of Increasing Enrollments.” On the two following days regents’ committees and the full Board of Regents met. Sproul, who was ill, could not attend; Regent Edwin Pauley, chair of the board, presided.

On the 14th, attention focused on four topics, with presentations followed by discussion: the *Additional Centers* report, the report on “Size and Number of Campuses” from the 12th All-University Faculty Conference, a report of a committee chaired by Vice President Harry Wellman recommending policies and programs for the development of the La Jolla campus, and, finally, a discussion of the university’s policies on admission of undergrad-
The remarks by Johnson and Brode were made at the Lake Arrowhead meeting, August 14, 1957.

Subsequent events show that the presentation by Dean McHenry of the report on “Size and Numbers of Campuses” and by Vice President Wellman on his committee’s recommendations had significant effects on the regents’ decisions.

Here is the essence of the recommendations of the Wellman committee: That the initial step, as approved in principle by the regents in 1956, to provide a graduate program in science and technology at La Jolla, be extended to include an undergraduate program, and that this extension be executed in a manner consistent with the development of a general university campus. And that this development proceed as rapidly as possible consistent with the statewide obligations of the university.

UCLA professor of education, B. Lamar Johnson, chair of the combined Senate Committee on Educational Policy, and Robert B. Brode, professor of physics at Berkeley and chair of the Northern Section’s CEP, spoke in agreement with Vice President Wellman’s recommendation about ensuring that the science and technology program be designed to be consistent with growth of a general campus. Brode said:

while there is some doubt among faculty members [at Berkeley] regarding the wisdom of developing a specialized institute of science and technology as meeting the needs of the San Diego area, all felt very strongly that San Diego needs a full university campus. . . . The northern section of the Educational Policy Committee felt unanimously that an initial development along the line already approved by the Regents would not be amiss if so designed as to become an integral and not necessarily a dominating part of a full University campus. 22

At their following meeting at Lake Arrowhead, the regents approved the Wellman committee plan. Under the name Institute

22The remarks by Johnson and Brode were made at the Lake Arrowhead meeting, August 14, 1957.
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of Science and Technology the gathering of a faculty at La Jolla began, but the name was changed to School of Science and Engineering in April 1959. The first contingent of 105 graduate students was enrolled in 1960-61. Roger Revelle was the chief campus officer and dean of the school until the physicist Herbert York took over as chancellor on July 1, 1961. The new campus, originally known as University of California, La Jolla, was renamed as University of California, San Diego, in November 1960. The San Diego Division of the Academic Senate was formally organized on May 26, 1961, as a part of the Southern Section of the senate. The first presiding officer of the division (called vice chairman) was Joseph Edward Mayer.

After the August 1957 meeting, the regents took no further action about expansion and new campuses until they met at Davis in October, where they agreed to proceed with planning for two new campuses. One would be located in the south-central coast region of the state and the other in the south-east Los Angeles County-Orange County region, as indicated in the Additional Centers report and the report of the McHenry committee at the 12th All-University Faculty Conference. Nothing was done about a possible new campus in the San Joaquin Valley. At this same Davis meeting the regents appointed Clark Kerr to succeed Sproul as university president on July 1, 1958.

YEAR-ROUND OPERATION OF THE UNIVERSITY

In his oral history, Vice President Harry Wellman said:

I would not characterize our efforts to operate on a year-round basis as the most successful of the operations we undertook during the years I was vice president of the University; far from it. Year-round operation had a protracted and painful birth and a short and restricted life. . . . It seemed like a good idea at the time, but it did not work out well despite the expenditure of much time and effort and quite a bit of money. . . . There were complaints by some faculty members, particularly on the Berkeley campus, that in moving toward year-round operation the faculty had not been sufficiently consulted. That charge
seemed to me to be entirely unfounded. I do not recall any other academic issue on which faculty members were more widely or more frequently consulted.23

Indeed, the following declarations about utilization of physical plants appear among the recommendations of the 1960 California Master Plan for Higher Education:

9a. Every public higher education institution and private institutions, as able, [should] offer academic programs in the summer months of unit value equivalent to one quarter of a year, one-half or three-quarters of a semester.

9b. State funds [should] be provided for the state colleges and the University of California to offer during the full summer period academic programs on one or more of the patterns indicated in (a) above for regular degree and credential candidates who have met basic admission requirements.24

Systematic consideration of year-round operation of the university was begun at the regents’ request in fall 1960 to the administration to prepare to operate the teaching program of the university on a year-round basis. Because of the great increases in enrollment that were in prospect it was deemed important, for economic reasons, to make fuller use of the university’s physical facilities during the summer. The reasoning was that, if an additional term of normal curricular operation were available on the larger campuses each summer, the result over a period of years would be that the number of undergraduates completing their degrees each year would be increased and there would be significant saving as a result of diminished need (in the university as a whole) for funds for capital outlay—to build physical facilities for classrooms, laboratories, libraries, and offices. As an illustration

of this, President Kerr told the regents in the fall of 1966 that by means of year-round operation the university could expect to save about $100 million in capital outlay by 1975. Vice President Wellman, referring to this statement by Kerr, said: “I do not remember just how that sum was arrived at, but I undoubtedly reviewed it at the time and found it plausible.”

In the first initiative toward year-round operation, President Kerr sought the advice of the combined Senate Committee on Educational Policy. He tentatively proposed two regular semesters of 16 weeks each and a shorter summer term of 12 weeks. The committee recommended that the summer program be, instead, two consecutive six-week terms. This had been a practice in pre-World War II days at Berkeley, with a six-week intercession right after the spring semester, followed by a six-week summer session; but these earlier summer sessions were operated on a for-pay basis, not as a part of a year-round plan. When Kerr presented the committee’s proposal to the regents in February 1961, the board approved it, but stipulated that any campus that wished to could consolidate the two six-week periods into a 12-week term. In making the budget request to the state in the fall of 1961, for the year 1962-63, the regents added a special request for a summer term at Berkeley, to start in June 1963. This request was approved by the legislature and Governor Edmund G. (Pat) Brown.

But this plan was not carried through because of strong objections from a number of influential faculty members at Berkeley, mainly in the humanities and social sciences, who felt that it would be impossible to plan a well-balanced year-round program of high quality with a summer program significantly shorter than the other two terms. From that point forward attention was focused on two possible calendars for year-round operation: a trimester system with three terms of essentially equal lengths, or a quarter system with four terms. Under the trimester system a faculty member would normally teach in two of the three terms, and under the quarter system a faculty member would normally

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25Wellman, 151.
teach during three terms. The university’s choice of which system to use was left open while the alternatives were weighed.

No clear faculty consensus was reached. The Combined Committee on Educational Policy made a lengthy report to President Kerr, dated May 8, 1963. Mail ballots were conducted on the seven campuses. (Irvine and Santa Cruz were not yet in operation.) There were 899 votes for the three-term calendar and 831 for the four-term plan. At Berkeley the vote was divided three ways: 44 percent for a quarter system, 36 percent for a three-term system with a 12-week summer term, and 14 percent for a three-term calendar with terms of equal lengths. The Combined Committee in its report stated that it “appreciates that a quarter system has certain educational merits.” But it added:

After months of study and debate, all but one member of the Combined Committee on Educational Policy have reached the conclusion that a three-term calendar (with a divided summer term at campus option) would be educationally superior to the four-quarter system.26

The Budget Committees of the Northern and Southern Sections, functioning as a Combined Committee on Budget and Interdivisional Relations, reported to Kerr on May 16, 1963.27 The

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26 Letter from the Combined CEP, dated May 8, 1963, to Kerr.
27 Letter from the Combined Committee on Budget and Interdivisional Relations, dated May 16, 1963, to Kerr. It was signed by Robert L.
president had told the committee he would welcome its views regarding the impact of different calendars on year-round operation, together with a statement of the committee’s preference. After summarizing its considerations the committee presented its conclusion:

As a result of consideration of the areas of primary concern to this Committee (that is, the impact of the different calendars upon operating costs, faculty recruitment, faculty salaries, and capital outlay) the Committee believes that a four equal term calendar is preferable to a three equal term calendar for the University of California. The vote on this preference was:

Yes 12
No 1
Absent 2

There was also a vote on the following proposition: In the light of all considerations, the Committee feels that the three-term system is educationally preferable to the quarter system. The results:

Yes 3
No 9
Absent 3

Speaking about year-round operation to the regents at their regular meeting in May 1963, Kerr recalled that the board, at its meeting in June 1962, had postponed the introduction of year-round operation, and he provided the regents with copies of the reports of the two combined committees. He said that in his opinion either the three-term or the quarter-system arrangement would be workable: “I only wish that a clear consensus for one plan or the other had emerged. If it had, I would recommend the clear consensus view without hesitation.” He indicated that, after further consideration, a decision should be made at the regents’ meeting in June and that, after shifting to the new calendar (whatever it was) in 1964-65, year-round operation could go into effect in the year
1965-66, with a summer term of year-round operation beginning with summer of 1966.

Kerr concluded:

Whatever the decision on calendar may be, I hope that the University will approach this change as a constructive educational opportunity. We will be given the chance to reexamine our courses and to some extent our methods of instruction; and there are few of us who would argue that no improvements are possible in these areas. Educational policy, in the now ancient sense of instructional policy for the benefit of the students, might once again become a greater force within the University than has sometimes appeared to be the case in recent years. Change offers opportunities for creative thought, and new and hopefully better approaches. I shall expect to recommend in June that the Regents provide a special fund to be used by each campus to be employed in support of necessary curricular reexamination and, perhaps, reform. One must realize, however, that “Nothing great was ever achieved without enthusiasm.”

With the university committed to year-round operation, a decision on calendar had to be made. On Kerr’s recommendation, the regents chose the quarter system at a meeting on December 13, 1963. Early in 1964 the Coordinating Council for Higher Education (which had been established in the Master Plan for Higher Education in California) unanimously endorsed year-round operation as the most effective way to meet rapidly expanding enrollment. In April 1964 the state legislature gave overwhelming support to year-round operation in Senate Concurrent Resolution No. 24. In due course the legislature’s approval was backed up by financial support. The initial plan was to have the first summer quarter at Berkeley start in June 1966. The Budget Act of 1966 included over $700,000 for studies leading to curricular revision

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28 *University Bulletin*, vol. 13, no. 27 (supplement) (March 8, 1965), 159.

29 *University Bulletin*, vol. 12, no. 21 (January 1, 1964), 123.
related to the changeover from the semester system to the quarter system.

It was decided that when UC San Diego first introduced its program for undergraduate students at all levels in 1964-65, it would operate under a quarter system calendar. When the new campuses at Irvine and Santa Cruz opened in September 1965, they were using the quarter system. The first regular summer quarter was held at Berkeley in 1967 (not 1966, as originally envisaged), and the first regular summer quarter at UCLA was held in 1968.

The original plans for summer quarters were made on an estimate that the summer quarter enrollment on a particular campus would be 40 percent of the average of the enrollments in the three preceding quarters. The actual enrollments in the summer quarters of 1967 and 1968 fell below the estimate. In the fall of 1968 the regents announced that the summer quarters at Berkeley and Los Angeles would be planned on the bases of 35 percent and 33 percent, respectively, instead of 40 percent. At that time the plan was to introduce summer quarters at Santa Barbara and Irvine in 1969 and 1970, and begin summer quarters in 1971 at Davis, Riverside, Santa Cruz, and San Diego.

As it turned out, year-round operation of the University of California was short-lived. It did not survive the financial squeeze put on the university during the administration of Governor Ronald Reagan. There were summer quarters at Berkeley in 1967, 1968, and 1969, and at Los Angeles in 1968 and 1969. Year-round operation with summer quarters was never initiated at other campuses. Enrollments in summer quarters at Berkeley and Los Angeles did not reach anticipated levels.

**THE SENATE REORGANIZATION OF 1963**

Toward the end of 1960 the Representative Assembly of the Northern Section and the Legislative Assembly of the Southern Section approved a resolution establishing a Special Combined Committee on Reorganization of the Academic Senate. The motivation for this resolution, which was welcomed by President Kerr, was the realization that change was soon going to be neces-
sary in the structure of the senate, with its two sections and six divisions: Berkeley, Davis, San Francisco, Santa Barbara, Los Angeles, and Riverside. Soon there would be a La Jolla Division, and two more new campuses were already authorized (Irvine and Santa Cruz).

The Sixteenth All-University Faculty Conference was held on the Davis campus, March 27, 28, and 29, 1961. The general topic was The University in a Period of Growth. The fourth study committee reported on “The Reorganization of the Academic Senate.” It recommended (1) abolition of the Northern and Southern Sections of the senate, and (2) creation of an all-University Assembly of the senate. It also included proposals about the structure, authority, and functioning of the assembly. This all-University Conference had no powers and was not linked to the functioning of the Special Committee on Reorganization of the Academic Senate. It did help to diffuse throughout the faculty serious thinking about the ways in which the university was changing and would change as a result of growth in enrollment and the creation of new campuses.

A preliminary report of the Special Committee on Reorganization was presented to the senate early in 1962. After much discussion a revised report was submitted to a mail ballot in December and was approved by about 85 percent of those voting. The new structure of the Universitywide Senate became effective on July 1, 1963. By that time, the San Diego-La Jolla Division was in operation.

The new structure of the Universitywide Senate was set forth in an edition of the bylaws that appeared in July 1963 and listed the agencies of the senate:
1. The Assembly of the Academic Senate.
2. Standing and Special Committees of the Assembly.
3. Standing and Special Committees of the Academic Senate.
4. Divisions of the Academic Senate.

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30 The report is on pp. 41-45 of the Proceedings of the Conference; the published Proceedings were distributed to members of the faculty in April.
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5. Standing and Special Committees of Divisions.
6. Faculties (of schools and colleges).

The reorganization was concerned mainly with items 1, 2, and 3 in this list. Actions of the Universitywide Senate that formerly required approval by both the Northern and Southern Sections would now require approval by the assembly.

The membership of the assembly consisted of (a) the president of the university, (b) a group of *ex-officio* members, composed of the chair of each division, the chair and vice-chair of the senate’s Committee on Educational Policy, and the chair of each of two other standing committees: the Coordinating Committee on Graduate Affairs and the Committee on Budget and Interdivisional Relations; (c) delegates to the assembly from the divisions. These delegates were called divisional representatives.

In the first year (1963-64), apportionment of the 33 delegates was as follows: Berkeley 13, Davis 4, Los Angeles 10, Riverside 1, San Diego 1, San Francisco 2, Santa Barbara 2. Each division was free to determine the method of selection of its delegates. There was provision for changing the number and distribution of delegates with subsequent growth of the university.

There was an arrangement in advance that in the initial year the chair of the assembly would be one of the delegates from Berkeley, and the vice-chair would be one of the UCLA delegates. The first chair was Professor of Philosophy William R. Dennes, and the first vice-chair was Professor of Mathematics Angus E. Taylor. The assembly soon decided that the vice-chair in a given year would automatically succeed to the chair in the year following. It was also established (after a few years) that, at its last meeting in each spring term, the assembly would elect a vice-chair for the year to follow. The Academic Council (a committee of the assembly described below) nominates a candidate for the vice-chair. The rules provide for other nominations and that the person chosen to be vice-chair for the following year at this election shall not be from the same division as the current vice-chair, so that, in any year, the chair and vice-chair are from different divisions. They are not to be divisional representatives.
As a matter of historical record it is of some interest to note that in the 31 academic years, 1963-64 through 1993-94, there have been nine chairs from Berkeley, three from Davis, three from Irvine, eight from Los Angeles, four from Riverside, two from San Diego, one from San Francisco, one from Santa Barbara and none from Santa Cruz.

The new structure provided for 21 Standing Committees of the Academic Senate. One of those was the Committee on Committees. This committee had two members at large, to be named by the assembly, and one member from each of the divisional Committees on Committees, each such member to be elected or appointed by the relevant division.

In the 1963 edition of the bylaws of the Academic Senate, the Academic Council as described in Bylaw 80 was a committee of the assembly. Originally, the Academic Council consisted of the chair and vice-chair of the assembly (who were also chair and vice-chair of the council), the chair of each division of the senate, and the chair of each of three standing committees of the entire Academic Senate: the Coordinating Committee on Graduate Affairs, the Committee on Budget and Interdivisional Relations, and the Committee on Educational Policy.

Bylaw 53 (1963 edition) specified that “the Assembly shall be ready at all times to advise the President; this function shall normally but not necessarily be exercised through the Academic Council.” When the 1963 edition of the bylaws was first published, it was stated in connection with Bylaw 80 that “Subsequent proposals specifying the powers and responsibilities of the Academic Council are pending.” That state of affairs at the outset may have been the result of a felt need to be cautious about allowing the Academic Council to acquire excessive power. At any rate when, in the course of time, the authority and duties of the Academic Council were spelled out, the first statement was “The Academic Council shall have only the authority enumerated by these By-Laws.”

Over the years since 1963, certain changes have been made in the list of standing committees whose chairs are ex-officio members of the Academic Council. The Standing Committee on Budget and
Interdivisional Relations ceased to exist; in its place two new standing committees were created: a Committee on Academic Personnel and a Committee on Planning and Budget. The chair of each of these committees became a member of the Academic Council. To keep the council well informed about important matters, the chairs of the Board of Admissions and Relations with Schools and the Committee on Faculty Welfare were added to the Academic Council.

In addition to their other responsibilities the chair and vice-chair of the assembly have the following duties: The chair is an ex-officio member (but not a chair) of each of the three standing committees: Academic Personnel, Committee on Committees, and Educational Policy; the vice-chair is an ex-officio member (but not chair) of the Committee on Planning and Budget.

Since 1963 the relationship between the president and the Academic Senate has been very different from what it had been during the years when Robert Gordon Sproul was president. Sproul was firmly committed to the concept of the University of California as a single university, but his dealings with the Academic Senate were, for the most part, with the Northern and Southern Sections of the senate. He received very significant reports from certain committees, particularly from the two budget committees (North and South) and from the two parts of the Committee on Educational Policy, but he seldom, if ever, met personally with those committees. He often presided over meetings of the Northern Section, and occasionally he presided over meetings of the Southern Section. Sproul’s strong effort to establish bonds with individual faculty members from all parts of the university and, at the same time, to enhance a sense of common purpose and fellowship in the university faculty as a whole, was carried out through the annual All-University Faculty Conferences, many of them held in a convivial setting on the Davis campus. These conferences were not conducted with official connections with the Academic Senate, but the problems that were discussed at the conferences and the resolutions adopted at them were often referred to senate committees for further consideration. Sproul had two three-member Faculty Advisory Committees, North and South,
each a senate committee (and he used these advisory committees quite a bit during the controversy over the loyalty oath), but he did not use the advisory committees as systematically and frequently as presidents after Sproul have used the Academic Council in seeking advice.

Since the reorganization of the statewide Academic Senate on July 1, 1963, each president of the university has used the Academic Council as an important agency to help him keep in touch with faculty opinions and attitudes. The president nearly always meets with the Academic Council during part of its regular meeting on the day (Wednesday) that precedes the regularly scheduled two-day meeting of the Board of Regents and its committees. This enables the president to convey important information to the council and to receive advice from it prior to meeting with the Board of Regents. Beginning with Kerr, the presidents or one or more of their vice presidents have consulted regularly with several of the standing systemwide committees of the Academic Senate on various matters: educational policy, the university budget, academic salary scales, and academic personnel policy, including issues affecting university employee benefits.

On a number of occasions, the university has been helped by the interaction between the president and the Academic Council and the advice given by the Academic Council. Two examples follow.

**THE FREE SPEECH MOVEMENT AND ITS AFTERMATH**

The first occasion occurred near the end of a meeting of the Board of Regents at UCLA on December 18, 1964. In a statement to the faculty that was made public, the board expressed appreciation of the role played by the Academic Council in advising the president and making certain suggestions that were transmitted to the regents by the president. At that meeting, the regents faced a difficult problem: what to do about a crisis at the Berkeley campus that had come to a critical juncture after a sit-in occupation of Sproul Hall on the night of December 2-3, when about 800 people,
mostly students, had been arrested for illegal trespass. The sit-in was an action brought on by the student leaders of the Free Speech Movement (FSM) in a controversy with the campus administration that had been going on since the end of September. The underlying issue was the on-campus collection of money and signing-up of volunteers for the furtherance of off-campus actions in support of various agendas by the activists whose focus on the civil rights movement involved participation in both local and nonlocal demonstrations and protests.

Under the California Constitution the university is obliged to be neutral in politics and religion. The university’s interpretation of this obligation had led to the official rule that university facilities could not be used for the organization of direct political action (as opposed to open discussion, under suitable regulations as to time, place, and manner, of the pros and cons of positions on political issues). The on-campus collection of funds, making plans for, and signing up of participants in an off-campus political action were proscribed.

A major confrontation that might have involved large-scale police action was averted on October 2. One of the activists in the protest movement had been taken into custody by the campus police for violating campus rules. After he refused to identify himself (he was a former graduate student named Weinberg), he was placed in a police car. But before the car could be driven away it was effectively entrapped by a large surrounding crowd. Chancellor Strong had made plans to disperse the onlookers by large-scale use of police. Some faculty members urged President Kerr (who was an experienced mediator) to intervene and find a solution that would make police action unnecessary. According to Kerr, the instigator of the faculty proposal was Henry Rosovsky (professor of economics). At a meeting in the evening of October 2, President Kerr, Chancellor Strong, a small group of self-motivated faculty members, some student leaders, and several spokesmen for the student protest movement (including one named Mario Savio) met to discuss the situation. Kerr proposed a procedure that would relieve the existing tension and establish a process of rational consideration of the issues underlying the
student protests. An agreement was reached that resulted in Weinberg’s release and the peaceful freeing of the police car. Weinberg was booked, released on his own recognizance, and no charges against him were pressed. Under the agreement a committee representing students (including leaders of the demonstration), faculty, and administration was set up “to conduct discussions and hearings into all aspects of political behavior on campus and its control, and to make recommendations to the administration.”

On October 5, Chancellor Strong made an announcement of appointments to the faculty-student-administration Study Committee on Campus Political Activity (CCPA). Faculty: Robley Williams (virology), Theodore Vermeulen (chemical engineering), Joseph Garbarino (business administration), and Henry Rosovsky (economics). Administration: Katherine A. Towle (dean of students), Milton Chernin (dean of the School of Social Welfare), William Fretter (dean of the College of Letters and Science), and Alan Searcy (recently appointed vice-chancellor for academic affairs).

After some weeks the CCPA discussions reached an impasse because of administrative and faculty concern about the vulnerability of the university if the campus were to become a base for the planning and support of illegal off-campus activities. Reacting to the impasse, student activists proposed the following statement of policy:

In the area of First Amendment rights and civil liberties the University may impose no disciplinary action against members of the University community and organizations. In this area

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32 The full text of the agreement, along with a list of those who signed it, is given in California Monthly (February 1965), 43.

33 For the announced membership of the CCPA, see California Monthly (February 1965), 45. The list of student members was not complete in the announcement.
members of the University community and organizations are subject only to the civil authorities.\textsuperscript{34}

This statement was not acceptable to the faculty and administrative members of the CCPA. The FSM then lifted its self-imposed moratorium on political activity and proceeded to renew its violation of university rules. President Kerr and Chancellor Strong then let it be known that, because the FSM had abrogated the agreement of October 2, the CCPA was dissolved. They said that the administration would continue to confer on the basic issues with the Academic Senate and the ASUC.

The next move came when Kerr considered an idea that was suggested to him by six professors—the four who were appointed to the CCPA by Chancellor Strong, and two more: Earl Cheit (business administration) and Sanford Kadish (law). The idea was to relax slightly the university’s rules that were being protested. Kerr perceived in the suggestion a possibility of defusing the anger of some of the activists. If he could persuade the regents to modify the rules, that action might deprive the leaders of the FSM of the support of moderates who were in sympathy with the civil rights movement but not inclined to violate the law or break reasonable university regulations. Following up on the suggestion from the six professors, Kerr persuaded the regents to adopt the following resolution at their meeting in Berkeley on November 20:

\begin{quote}
The Regents adopt the policy, effective immediately, that certain campus facilities, carefully selected and properly regulated, may be used by students and staff for planning, implementing, raising funds or recruiting participants for lawful off-campus action, not for unlawful off-campus action.
\end{quote}

This was a liberalization of the existing policy that had (with certain exceptions) banned the on-campus collection of funds, planning, and recruiting of volunteers for off-campus actions to

\textsuperscript{34}This statement (dated November 7, 1964) appears in \textit{California Monthly} (February 1965), 52.
advance a nonuniversity cause. Several of the leaders of the FSM, including Mario Savio, were in the room in University Hall during the meeting. They were not pleased by the fact that the regents’ resolution carried the implication of discipline if the off-campus action was unlawful. Savio came out, spoke to the press in an angry manner, then went across Oxford Street and harangued a large crowd that had assembled.

The controversy escalated on December 1, when the FSM issued an ultimatum, demanding that the administration drop previously announced disciplinary charges (on which hearings were pending) and that there be no further disciplining of students “for political activity.” When the allotted time of the ultimatum expired on December 2, the students occupied Sproul Hall.

On December 8, the Berkeley Division of the Academic Senate met for nearly three hours. The session culminated in a five-part proposition moved by Professor J. W. Garbarino, the chair of the Divisional Committee on Academic Freedom. The proposition, approved by a vote of 824 to 115, had five parts:

In order to end the present crisis, to establish the confidence and trust essential to the restoration of normal University life, and to create a campus environment that encourages students to exercise free and responsible citizenship in the University and in the community at large, the Committee on Academic Freedom of the Berkeley Division of the Academic Senate moves the following propositions:

1. That there shall be no University disciplinary measures against members or organizations of the University community for activities prior to December 8 connected with the current controversy over political speech and activity.

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35 Exceptions were made for signing up volunteers for the Peace Corps, Red Cross blood drives, and certain specifically approved benevolent programs, such as summer camps for underprivileged children and community developments in Mexico and India.

36 On December 1, the FSM had warned that “direct action will follow” unless the demands were met within 24 hours.
2. That the time, place, and manner of conducting political activity on the campus shall be subject to reasonable regulation to prevent interference with the normal functions of the University; that the regulations now in effect for this purpose shall remain in effect provisionally pending a future report of the Committee on Academic Freedom concerning the minimal regulations necessary.

3. That the content of speech or advocacy should not be restricted by the University. Off-campus student political activities shall not be subject to University regulation. On-campus advocacy or organization of such activities shall be subject only to such limitations as may be imposed under section 2.

4. That future disciplinary measures in the area of political activity shall be determined by a committee appointed by and responsible to the Berkeley Division of the Academic Senate.

5. That the Division urge the adoption of the foregoing policies and call on all members of the University community to join with the faculty in its efforts to restore the University to its normal functions.37

Point three of the resolution was implicitly opposed to the policy expressed in the resolution adopted by the regents on November 20. Newspaper reports from San Francisco and Los Angeles about the December 8 action of the Berkeley Academic Senate attracted a great deal of attention. Edward Carter, the chair of the Board of Regents, pointed out to reporters that the regents had full and ultimate authority for conducting the affairs of the university, which they exerted mainly through appointed administrative officers and “by delegation of certain specific but revocable powers to properly constituted academic bodies.” Because these traditional methods appeared to have proved inadequate to deal effectively with the extraordinary situation on the Berkeley

37Minutes of the Berkeley Division, Academic Senate, December 8 and 10, 1964, i-ii.
campus, he said the regents would consider the whole matter directly at their meeting at UCLA on December 17 and 18.38

In anticipation of the Academic Council’s scheduled meeting with President Kerr on Wednesday, December 16, members of the council were in touch with each other by telephone about how the council could be helpful to the president. Thus began the considerations that led eventually to specific recommendations on what the president should suggest to the regents. The chair (Angus E. Taylor) and vice-chair (E. T. Grether) of the council were certain that the regents would not be willing to go along with the resolution of the Berkeley Division as the basis for a settlement of the crisis at Berkeley, but both believed the proper course of action should be for the regents to avoid rejecting the Berkeley resolution outright. Instead, the regents should buy time by undertaking a thorough study of the situation and establishing policy that would disarm those critics of university policy among faculty and students who thought they had a reasonable basis for believing that the university was abridging their constitutional rights.

In explaining to President Kerr the council’s thinking about the problem facing the regents, the council focused on the statement of policy issued by the regents on November 20.

The present issue is whether the Regents’ regulations, as revised on November 20, are permissive enough to give the students, staff, and faculty of the University their full Constitutional rights with respect to on-campus political activities. It is possible that there will be great difficulty in deciding when a group or an individual has infringed the Regents’ rule against campus facilities to organize or finance illegal action off-campus. . . . These problems clearly need to be considered carefully, and members of the University deserve to have an understanding of what policy will be followed in dealing with infractions. . . . What is needed, then, is time and good faith and cooperative endeavor. . . . The Academic Council hopes that the Board of Regents will respect the integrity of the Faculty . . . and will take the Faculty into its confidence and counsel in the endeavor to

38Los Angeles Times (December 10, 1964).
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bring this serious dispute to an end. The Council fully recognizes the force of the idealism of students and faculty who are passionately eager to further the cause of civil rights in America. The Council is also convinced that the University does not wish to and will not put any unnecessary obstacles in the way of those who work for civil rights. The University, however, must not and will not aid or condone actions which violate the criminal law. Our concern is to see that the University is not made vulnerable to charges that it does aid or condone actions contrary to law.39

Separately from the foregoing statement, the council made three formal recommendations to President Kerr, who transmitted them to the regents. They were:

1. That the whole matter of the conducting of political activity on the campuses of the University, and the principles governing the regulation of such activity, be placed under intensive study and consideration by the Board of Regents, the Administration, and the Academic Senate, Universitywide as well as Divisional. This study and continued scrutiny should begin at once, with the aim of recognizing genuine difficulties and devising ways of overcoming them. Appropriate account of student opinion should, by all means, be included in this study.

2. That the Board of Regents and the President chart a course of action which will give assurances to students and faculty alike that the policies governing political and social activities on the campuses will be fairly and liberally administered, with the full participation of the students and faculty on each campus in working out the details of the necessary regulations and procedures.

3. That, in view of the charges which have been made, the University point out clearly to all concerned that in administering the University as a public trust the Regents have no desire to, and indeed are solicitous not to, abridge the Constitutional rights of any individual, and further that the University explain fully

39Report to the President by the Academic Council, December 17, 1964, mimeographed, 1-3.
The Academic Senate of the University of California

the nature of the issues in the controversy which has arisen, and
the rationale of the policies which are being followed.

The outcome of the meeting of the regents on the afternoon of
December 18 was in accord with what the Academic Council had
hoped for. With only one regent absent (Samuel Mosher), the
board voted unanimously to approve two statements for public
release. One was a statement on policy and action; the other was
addressed to the faculty of the university. The regents affirmed that
they held the ultimate responsibility for student discipline and that
the exercise of authority over discipline was not a matter for
negotiation. The authority remained delegated to the president and
the chancellors. The regents said they would undertake a compre-
hensive review of university policies with the intent of providing
maximum freedom on campus consistent with individual and group
responsibility. In the meantime, existing rules would be enforced.
Finally, the regents announced that they did not intend that
advocacy or content of speech would be restricted beyond the
purview of the First and Fourteenth Amendments to the U.S.
Constitution. In their statement to the faculty, the regents ex-
pressed “appreciation to the Academic Council for its constructive
proposals and analysis of recent developments.” They reaffirmed
their faith in the faculty and student body and their devotion to the
First and Fourteenth Amendments, and expressed their respect for
the convictions held by a large number of students concerning civil
rights and individual liberties.

To carry out the promised comprehensive review of university
policies, a committee of regents was appointed with Regent
Theodore Meyer as chair. The charge to the committee was to
make a fundamental reexamination of the policies and rules relating
to the conduct of university students, with particular reference to
political activities of students and student groups. Meyer, a lawyer,
was an ex-officio regent by virtue of being president of the
Mechanics Institute in San Francisco.40 The Meyer committee

40This connection with the Mechanics Institute and the composition
of the Board of Regents was dropped in 1974.
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worked carefully and conscientiously, submitting draft reports for criticism by administrative officers and faculty bodies before it finished its work. In a cover letter sent out with the first draft of the report, Meyer wrote:

The committee is convinced that the prohibition of on-campus planning, etc., for unlawful off-campus action is unworkable, because its implementation requires a decision on the question: “Who is to determine lawfulness?” If the answer is “the courts,” then discipline cannot be imposed promptly when it is most needed; by the time the case is tried in court and possibly appealed, the student may have graduated or dropped out! If the answer is “the University,” then the University can and will be charged with usurping the function of the courts. The committee believes that the University can only be protected against harmful off-campus conduct by regulations directed against such conduct, rather than against the on-campus planning thereof.41

The first draft of the Meyer committee’s proposal of a new version of universitywide regulations relating to student conduct, student organizations, and use of university facilities was presented for discussion on April 15, 1965, when Regent Meyer and some members of his committee met with the chancellors and the chair of the Academic Council. Several chancellors were very critical of the draft, especially its tone and need for greater precision.

On April 21, the Academic Council and Regent Meyer spent an hour discussing a second draft of his committee’s report. The council proposed several changes, some major and some minor. Meyer promised he would recommend some of the changes to his committee, and some of the changes were, in fact, made. At this stage it occurred to the council that the Meyer committee’s report was dealing both with university policy about political activity and with specific details about the implementation of policy. After much discussion the council concluded that the administration rather than the regents should issue a detailed statement of regula-

tions for the implementation of regental policy. The council believed that the administration should be empowered to make adjustments in the regulations as long as the basic policies and intents of the regents were not contravened. The administration should keep the regents informed of such adjustments, and the regents would not need to be drawn into details of administration. With President Kerr’s approval the council expressed these ideas to Regent Meyer. He and his committee decided to act on the council’s suggestions.

Regent Meyer laid before the regents at their meeting on May 21, 1965, a draft of his committee’s proposed statement of policy and implementing regulations, along with an explanatory statement to the board about the thinking and work of the committee. The statement concluded:

In recognition of the President’s authority with respect to the matters dealt with in these regulations, the Committee has referred the draft to the President. The Committee requests that it be discharged.

It was so ordered, and the president prepared the official document entitled: “University of California Policies Relating to Students and Student Organizations, Use of University Facilities, and Non-discrimination.” Issued in June, it became effective on July 1, 1965, for the whole university. It superseded regulations issued in September 1963 and wiped out the policy that had been announced on November 20, 1964. The section on speech and advocacy stated: “Students have the right of free expression and advocacy.” In the paragraph on the standard of student conduct, where the Meyer committee had written that indecent conduct or speech was unacceptable, the president’s document said that students were to refrain from disorderly conduct. The Meyer committee’s wording on discipline for off-campus conduct came out in the presidential document essentially unchanged:

A student may not be disciplined for off-campus violations of these policies or of campus regulations unless the conduct
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constituting violation affects his suitability as a student. Political action, as such, shall not be deemed to affect suitability.

Thus concluded a change in university policy at the end of the turbulent academic year 1964-65. The issue that was raised in September 1964 had been dealt with in a reasonable way, although the end result did not meet the expectations of the leaders of the FSM and some of their supporters in the faculty at Berkeley. The real issue had never been freedom of speech, although it had been touted as such. Some faculty members and external observers had felt or claimed that academic freedom was at stake or that constitutional rights were at issue. Passionate oratory and confusion about such matters inflamed the discourse and influenced the debate at the meeting of the Berkeley Division on December 8. The outcome of that debate hardened some attitudes, but it also helped make possible the useful intervention of the Academic Council and the submission to President Kerr of the council’s proposals that proved to be significant. The appointment of the Meyer committee and important elements of its work were apparently directly responsive to the proposals made by the Academic Council.

THE FIRING OF CLARK KERR

The vote of the Board of Regents to dismiss Clark Kerr as president of the University of California occurred in the afternoon of January 20, 1967, during a “regents only” executive session in University Hall in Berkeley. When the vote was recorded, 22 of the 24 regents were present. The vote was 14 to eight in favor of dismissal. All 24 regents had been in attendance earlier in the


Those voting against dismissal: William K. Coblentz, Frederick G. Dutton, Elinor R. Heller, Einar Mohn, Samuel B. Mosher, William M.
day, but at the time of the vote President Kerr had been asked to leave, and Max Rafferty (an ex-officio regent by virtue of his position as State Superintendent of Public Instruction) had left.

The firing of Kerr occurred at the first meeting of the Board of Regents attended by Governor Reagan. The headline above the lead story in the *San Francisco Chronicle* the next day, Saturday, January 21, read: “U.C. Regents Fire Kerr—Big Victory for Reagan.” The opening sentence stated that Kerr “was summarily fired yesterday.” The story pointed out that Reagan had made criticism of the university and its president a favorite issue of his gubernatorial campaign.

In the days that followed the governor’s inaugural address on January 5, Reagan’s announced intention to make a large cut in the university’s budget and his stated belief that the regents should impose annual tuition on students attending the university were major topics in the newspapers. There were strong protests from university leaders (Kerr and the campus chancellors), faculty members, students, and a number of regents. The governor’s Director of Finance, Gordon P. Smith, proposed a budget cut of 10 percent and an annual tuition of $400. At a special meeting of the regents in Los Angeles on January 9, Kerr and his staff explained to the regents and members of the governor’s staff the consequences of serious cuts in the budget in terms of the university’s ability to accept large numbers of new students and to hire additional faculty members to help in dealing with the anticipated increases in enrollment. A few days before the January 20 regents’ meeting, Reagan accused top university and state college officials of needlessly frightening parents and students by “precipitate and unwarranted” indications that new students would be turned away in reaction to his economy drive. He made clear his dissatisfaction with those who were strongly critical of his cost-cutting campaign. Although not mentioning Kerr by name, he was clearly referring to him.

Between January 5 and January 20, there were published rumors as well as private speculations about Kerr’s situation. On

Roth, Norton Simon, and Jesse M. Unruh (Speaker of the Assembly). 70
January 6, the *Oakland Tribune* carried a headline: “UC’s Kerr May Quit Or Be Fired” which, the paper said, was a common opinion in Sacramento. On January 22, Regent Theodore Meyer issued a statement, published in the *San Francisco Chronicle* the next day, about the meeting at which Kerr was dismissed. Here is a selection from that article:

Kerr’s relations with the Regents were adversely affected by his handling of the Berkeley campus disorders in the fall of 1964. . . . Some subsequent events did not improve the relationship. The resulting uncertainty and controversy have been harmful to the University in many ways. Meyer said that several Regents suggested to him that Kerr’s position be discussed at the Regents’ December meeting, and again at the recent meetings in Berkeley. Meyer said he took the position “that the matter should not be brought up at this time.”

Continuing, Meyer said that Kerr had requested a brief conference with him and Regent Dorothy Chandler (the board’s vice-chairman) prior to the meeting on January 20. Kerr had said to these two Regents “that he could not carry on effectively under existing conditions and that if the question of his continuance in office was likely to come up at any Board meeting in the near future, he thought the Regents should face up to it and decide it one way or other.” Next, said Meyer, “We expressed our doubts as to what action the Board would take and our concern as to the consequences, and we asked him if he would be willing to tender his resignation. He said he would not do so and that it was the Board’s responsibility to make the decision.”

Meyer said that a number of the regents who had voted with the majority on the motion to dismiss Kerr expressed regret that the parting had to come in this way. Meyer said he was among this number. He said that, after the vote, Kerr had been given the opportunity to reconsider his decision about resignation, but had declined.

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The *Daily Californian* of January 25, 1967, reported that at a jammed news conference on January 24, Governor Reagan called the firing of Kerr “necessary but ill-timed.” Asked if any regents had talked to him earlier about disposing of Kerr, Reagan replied that some regents had come to him and said that for some time they had believed that a majority of the board had thought that Kerr should resign or be dealt with definitively. Reagan said he had told them that he would not initiate an action to dismiss Kerr and he thought that such a thing should not be on the agenda at his first meeting as a regent. He declared it was a complete surprise to him when the matter came up at the meeting.

In a book by Bill Boyarsky entitled *The Rise of Ronald Reagan*, there is a chapter entitled “Crisis in Higher Education.”44 Boyarsky was experienced in covering California politics for a national wire service. His account of the firing of Kerr contrasts with what Reagan said at his news conference on January 24. Boyarsky relates Clark Kerr’s reasons for believing that Reagan and his supporters on the Board of Regents were deeply involved in the firing of the president.

The *Daily Californian*, in its January 25 edition, published the text of a letter from Kerr to the Berkeley Division of the Academic Senate. Here is the main substance of that letter:

Last Friday I stated my fundamental policy positions and my hopes for the University and had planned no further statement at this time. Because of your concern, however, I should like to comment very briefly on one aspect of the termination of my tenure as President.

I did not resign prior to last Friday because I could not in good conscience abandon the fight for what I consider to be crucial University policies and principles. I did not resign when offered that opportunity following the Board vote Friday afternoon because I wished to take no voluntary part in a quick and complete response by the University to the shift in the political power and philosophy of the State.

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My refusal to resign also demonstrated that the initiative for my separation as President lay with the Regents and the Governor and not with me.45

Kerr’s letter referred to the statement of Friday, January 20, which he made at a press conference after the regents’ meeting. It was a lengthy statement, including enunciation and elaboration on 10 points considered by Kerr to have been central to his outlook as president.46 The 10th point, “Need for Autonomy” read:

And finally, I’d like to say a word about autonomy. I believe in the autonomy of the University. I think it is desirable for the Regents to have their long terms for the sake of autonomy. But I think also that in return for these long terms, the Regents have an obligation—and this was the purpose of their long terms—not to respond too quickly, and too completely, to the swirls of the political winds in the State. I think their job, like the job of the Supreme Court of the United States, is to look at the long-run welfare of the institution and serve as a buffer against the winds of politics and the shifting nature of those winds. And I do not believe in the principle that because there is a new governor there needs to be a new president of the University.

EVENTS REPORTED IN THE ORAL HISTORY OF E. T. GREther

One of the members of the Berkeley faculty closest to Clark Kerr was Ewald T. Grether, who, as dean of the School of Business Administration, had recruited Kerr to the university as an associate

45 The complete text of this letter from Kerr is reproduced in the Minutes of the Berkeley Division, Academic Senate, January 24, 1967.
professor in 1945. In his oral history, Grether gave an important and insightful account of some revealing events that took place during the tension-filled period that followed the election of Ronald Reagan as governor and preceded the regents’ meeting at which Kerr was fired.47

Because Reagan, in his campaign for the governorship, had made a big issue of the need to “clean up the mess at Berkeley” and had been very critical of Kerr as president, Kerr was receiving a number of offers of important positions elsewhere. This was not surprising, because Kerr was a nationally known figure who appeared destined to be targeted by Reagan and his ardent supporters. Kerr turned to Grether to discuss the situation he faced. He realized he had lost favor with some of the regents who were hinting that he should resign. In order to make up his mind what to do, he needed to know how effective he could be as president.

Nearly all of the chancellors had urged him strongly not to leave the university, but he was not sure where he stood with the faculty. Grether thought of a way to help Kerr on this question. In the academic year 1965-66 Grether, as chair of the Academic Council, had worked closely with William S. Adams, professor of medicine at UCLA, who succeeded Grether as chair. Adams and Grether decided there would be a special meeting of the Academic Council in the evening before the regularly scheduled meeting on Wednesday, December 14, 1966, in San Diego. At the special meeting, which Grether attended by invitation, there was no formal agenda and no formal action was taken. There was general and frank discussion of the following question: In view of the current situation—the prospect of a big squeeze on the budget of the university, the known attitude of the governor, and the fact that some regents had suggested that President Kerr should resign, what

was best for the welfare of the university? Should Kerr resign or stay on as president?

In the oral history Grether said:

[T]he whole issue was brought out clearly that evening. They all agreed, and this was a unanimous view, that if the president quit under these conditions it would set a very bad precedent in the state—that a governor comes in and the president is expected to resign then, you see. They agreed that this would be a very bad precedent. But they all agreed that Kerr would have strong and full faculty support. I have it underscored here [reading from notes]: “This was written that evening during the meeting. So their advice to Kerr was that it would be a mistake for him to resign and take the easy way out.”

Prior to the session of the regents at which they fired President Kerr, Professor Adams assured the regents on behalf of the Academic Council that there was firm and wholehearted support in the faculty for Kerr’s leadership of the university. After the vote to fire Kerr the regents elected Harry R. Wellman as acting president of the university. Under an existing rule, Wellman automatically became a voting regent.

There were at least three elements in the faculty reaction to the regents’ firing of President Kerr: (1) Expressions of appreciation of Kerr’s service and accomplishments as faculty member, chancellor, president, and leading figure nationally in higher education. (2) Serious concerns expressed about the hazards threatening the future of the university, primarily (a) the threat to autonomy and academic freedom posed by political intrusiveness into the operation of the university, (b) the threat to the quality of the university by inadequate financial support from the state

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49Wellman’s long academic career in the university had been in agricultural economics until he became vice president—agricultural sciences under President Sproul in 1952. When Kerr became president he chose Wellman as the vice president of the university, a position that made him virtually the deputy president.
government, and (c) the threat to open access to the university by qualified California students implicit in the governor’s announced plan to persuade the regents to impose an annual tuition on students attending the university. (3) Strong expressions of anger at the governor and the regents.

An emergency meeting of the Academic Council was held in University Hall at Berkeley on Monday, January 23. It was attended by Acting President Harry R. Wellman, Vice President Angus Taylor, and by Chairman of the Regents Meyer after lunch. Wellman expressed to the council his dismay over the loss of Kerr’s leadership. What follows is an extensive, almost verbatim presentation of the minutes of the emergency meeting of the Academic Council on January 23:

Acting President Wellman gave a brief report on his evaluation of the situation as it now stood—the impact of President Kerr’s dismissal and related matters. He called attention to the Regents’ resolutions (adopted January 19th, 1967) set forth below:

1. It is the intention of The Regents to maintain the present educational standards of the University for all students who are admitted.

2. The Regents hereby reaffirm the general policies of student admissions to the University which have been followed under the broad outline of the California Master Plan for Higher Education, in so far as admission of California residents is concerned.

3. That it be the sense of this Board that, in recognition of the serious fiscal problems of the State of California, the University, operating through its administrative officers, shall continue to explore assiduously, seriously and with complete honesty, all areas in which economies may be effected by virtue of cutbacks, postponements, where necessary, and any other devices that do not result in serious compromise of quality of education and efficiency of operation, as the University’s contribution to the solution of the State’s problems.

President Wellman reported that the regents also had agreed to vote on the question of tuition prior to March 1, 1967. The council
was reminded that the state legislature is empowered to impose tuition fees on state colleges, whereas only the regents have this authority over the university.

The council met with the chairman of the Board of Regents, Theodore R. Meyer, after lunch. Chairman Adams reported that the council’s resolution supporting Dr. Kerr was given to Regent Meyer who confirmed that it was read to the regents during the executive session on Friday afternoon. The following questions of faculty concern were discussed with Mr. Meyer:

1. Faculty apprehension that Friday’s action resulted from political interference.
2. Faculty apprehension that academic freedom is in danger of being impaired.
3. Faculty apprehension that the Board of Regents is in danger of diminution of its autonomy.
4. Faculty apprehension about the future of participation of the faculty in decision-making processes.
5. Faculty apprehension about the conflict between one regental resolution stating that standards will be maintained and another resolution stating that no “serious” compromise in quality should result.
6. Faculty apprehension about the abruptness of Friday’s action, and worry about the future implications of actions taken in this manner.
7. Faculty apprehension about the budget cut.
8. Faculty apprehension about tuition fees.

During the discussion that followed, the importance of the regents as a buffer against political pressure from the legislature or the governor was brought out. Regent Meyer indicated that he does not have the authority to speak for the full board, but that he had consulted with other regents about the invitation to “arrange for the appointment of a faculty committee to advise with the Regents on the appointment of a new President.” Chairman Meyer discussed in some detail the background of Kerr’s dismissal, reading to the council his press release of January 23 and elaborating on several aspects. He appealed for cooperation with the board and for patience until the regents can demonstrate their continued inde-
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pendence from political influence. He pointed out that the regents realize they are likely to be severely criticized for their action on Friday. It was his opinion that resolutions condemning the regents will not help the university in the present political climate. He stressed that the Board of Regents does not contemplate any changes in its policies with respect to the faculty and invited the council’s cooperation in drafting a resolution to this effect. The following statement was subsequently presented to the council members after Regent Meyer had cleared it with a number of other regents:

Chairman of the Board Meyer and Acting President Wellman met on January 23 with the Academic Council of the Academic Senate and assured the Council of their complete confidence that the traditional policies of the Regents will be maintained with respect to the political independence of the Board, faculty tenure, protection of academic freedom, and the long-standing policies by which the University of California is administered. They also assured the Council no change is contemplated in faculty consultation with the Chancellors and the President regarding the educational policies of the University.

The council then prepared and adopted the following resolution:

I. The Council of the Academic Senate directs Chairman Adams to convey to President Kerr its deep appreciation for his years of dedicated service to the University, for his contributions to academic freedom, and for his achievements in establishing quality education for ever larger number of students.

II. The Council of the Academic Senate calls upon students, faculty, and other members of the University community to observe orderly, democratic, and non-coercive procedures in expressing their legitimate concerns over problems facing the University.

III. The Council of the Academic Senate calls upon the nine Chancellors to continue their efforts to protect academic freedom, campus autonomy, quality education, and academic order on the several campuses.

IV. The Council of the Academic Senate resolves that
WHEREAS the dismissal of President Kerr by the Board of Regents at its first regular meeting after the installation of a new Governor appears to have occurred in a climate of political pressure on the University, and WHEREAS the students, faculty, alumni, and friends of the University are fearful that this action portends continuous political interference with the University, a contraction of financial support from the state, restrictions upon academic freedom, and a resulting decline in the University’s distinction as a leading institution of higher learning,

BE IT RESOLVED THAT the Council of the Academic Senate respectfully urges the Board of Regents to demonstrate that:

1. They intend to do their utmost to see that all decisions are made without undue concern for the political opinions or interests of either public officials or members of the University community;
2. They will continue to support the students and faculty in their efforts to preserve and extend the freedoms appropriate to, and necessary for the search for truth; and
3. In the same spirit of mutual respect and confidence evidenced by Chairman Meyer’s invitation to the Academic Senate to advise on the selection of a President, they will continue to consult with the Faculty on other matters of common concern;
4. They are determined to continue doing everything in their power to obtain the public support which the University needs to uphold its standards of excellence without decreasing its service to the people of California.

V. The Council directs Chairman Adams to take appropriate steps to see that the sense of the above motion is conveyed to Chairman Meyer of the Board of Regents.

VI. The Council directs the Chairmen of the nine Divisions to report the Council’s actions to their respective Divisions, Chancellors and students.

[Subsequently, Chairman Adams complied with item I, V.]

In addition to the meeting on January 23 at which the Academic Council reacted to the dismissal of President Kerr, there were meetings of a similar nature held by the several divisions of the senate. Some of the resolutions adopted at those meetings
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condemned what the regents had done in tones of anger and resentment. Some sense of the anger and frustration of one faculty member is exhibited by his introduction, at a meeting of the Berkeley Division, of a two-part proposal that he wished to have conveyed to news media. The motion was to address an open letter to the citizens of the state of California, beginning as follows:

You have entrusted the care of your University to the Board of Regents. The majority of the Board has betrayed your trust. As of today, no reputable educator would assume the presidency of that University which yesterday was the envy of every other state.

Then followed two statements, the first of which was:

We, the faculty of the University of California at Berkeley, condemn utterly the dismissal of President Kerr by the Board of Regents. We ask you to help us to re-establish the political independence of your University and to keep it great.

This statement was approved by over 60 percent of 675 members. The second statement opened with the following sentence:

It is the sense of the Senate, Berkeley Division, that no presidential appointment is possible until [after this were three conditions, a, b, c, the third of which was as follows]: (c) the Academic Senate is given a determining voice in the appointment and tenure of the President and the Chancellors.

The second statement was not voted on; instead, it was tabled. At the San Francisco campus, with over 300 members present, the division voted, with only one dissenter, to express “profound disapproval” of the Kerr dismissal, calling it “a breach of Regental

50 Brief reports on some of those meetings appeared in the University Bulletin, vol. 15, no. 24 (January 30, 1967).
principle, a basic purpose of which is to protect the University from direct political influence.”

In another action of the Berkeley Division on January 24, there was sharp language in an adopted motion that covered some of the same ground as the action of the Academic Council on the preceding day. Here is an excerpt from the final text of a motion that was modified to some extent after its introduction:

The reckless and precipitate dismissal of President Clark Kerr by the action of fourteen members of the Board of Regents has stunned the academic community, not only in California, but throughout the nation. Coming immediately after a period of intense political controversy over the University, coupled with demands for drastic budget cuts and for tuition charges, this action constitutes destructive political intervention in the affairs of the University. Such intervention, tolerated by a body upon whom we depend for protection from political intrusion, threatens the survival of the University of California as an institution of distinction.51

The Berkeley Division on January 24 also approved a motion to sponsor an extraordinary public convocation in the Greek Theatre at which there would be distinguished speakers invited to discuss “the needs and purposes of the modern great university, so that the students, the alumni, the public and the Regents may come to understand better the values required for the further growth and development of our institution.” (The cost of the convocation was to be defrayed by voluntary contributions from the Berkeley faculty.52)

The convocation was held on April 28, with Division Chair Arthur Kip presiding. There were three speakers: U.S. Chief Justice Earl Warren, Harvard economist John Kenneth Galbraith, and Columbia University historian Richard Hofstadter.

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51 Minutes of the Berkeley Division, Academic Senate, January 24, 1967.
52 This arrangement is mentioned in the University Bulletin, vol. 15, no. 34 (April 17, 1967), 1.
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speeches were timely and interesting. Galbraith’s message was characteristic for its display of his acerbic wit. ⁵³

An action of respect, honor, and lasting recognition for Clark Kerr was announced in the following story in the University Bulletin:

The Berkeley Division of the Academic Senate has established a Clark Kerr Award, with the first award to be presented to Dr. Kerr this year. A special committee is to be appointed to design a medal bearing Dr. Kerr’s profile and arrange for a presentation ceremony. The award will be presented “from time to time” to an individual “considered to have made an extraordinary and distinguished contribution to the advancement of higher education.” ⁵⁴

CONTROVERSY OVER AN EXPERIMENTAL COURSE

A second explicit expression of thanks to the Academic Council was forthcoming soon after the end of the academic year 1968-69. At that time it was the new president, Charles J. Hitch, who thanked the council on August 6, 1969. Hitch wrote to the chair of the Academic Council, Randolph T. Wedding, professor of biochemistry at the Riverside campus:

Dear Randy,

I want to thank you very much for your magnificent help as chairman of the Academic Council this past year. Professionally, you made an invaluable contribution to the University, and personally, a rich contribution to me.

As you know, I thought this past year was particularly difficult, and very often the advice which you and the Council gave me spelled the difference between hope and despair.

Cordially,

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⁵³Extended excerpts from their speeches were published in The Daily Californian (May 1, 1967).
The academic year 1968-69 was a troubled one for the university. A long drawn-out problem began in September when the public information office of the Berkeley campus issued a press release that announced:

A course entitled *Dehumanization and Regeneration in the American Social Order* will emphasize historical, sociological and psychological factors leading to current social disorder, with author black militant Eldridge Cleaver as principal lecturer.

A press release promptly followed making clear that the course was experimental, that Cleaver would serve without pay and would not receive a university appointment, and that four members of the Berkeley faculty would be in charge of the course. The news was issued soon after the course had been approved by the Berkeley Academic Senate’s Board of Educational Development (BED) during a meeting on September 9. The minutes of that meeting stated that the course, Social Analysis 139x, carrying five units of credit, was to be given by professors Jan Dizard, Troy Duster, Jonas Langer, and Edward Sampson, “with lectures by Eldridge Cleaver and other leading figures from the community and from the faculty who are knowledgeable in the field of race relations.” (Dizard and Duster were from the Department of Sociology, Langer and Sampson from Psychology.)

The BED had been established by the Berkeley Division of the Academic Senate as part of the attempt to respond constructively to student complaints about the alleged “lack of relevance” in the traditional curriculum. Plans for Social Analysis 139x had been developed in response to a proposal from a group of students in the center for Participant Education. The Center was sponsored by the student government, the Associated Students of the University of California (ASUC). A member of that group had gone to the chair of the BED with the idea of getting Eldridge Cleaver involved, declaring that he was very articulate.
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The final plan for the structure of the course, as worked out by the four faculty members in a process that involved reacting to criticism from the members of the BED, called for an enrollment limited to 100 students, and for lectures during one and one-half hour periods on Tuesdays and Thursdays each week during the 10-week fall quarter. In addition, each student would attend a third session each week. The entire class would be broken down into four sections of 25 students each. Section meetings would be for free discussion and each of the four sections would be presided over by one of the four professors in charge of the course. Cleaver would give 10 lectures, one on each Tuesday. The Thursday lecturers would be a diverse group, mostly professors, a few from other universities. One in particular was to be the Oakland Chief of Police Charles Gain.

Asked by a reporter for his comment on the inclusion of Gain as a lecturer, Cleaver responded,

Well, in the first half of the course we'll be studying dehumanization—all the forces that are negative. Chief Gain will be excellent to portray these forces. But he has to remember that it's my class.

In his newspaper story, the reporter wrote: “One is never quite sure in talking with Cleaver when one is getting a ‘put-on.’”

Responding to critics who asserted that Cleaver was not qualified to be a teacher in a University of California classroom, the BED said that Cleaver’s role was not that of a teacher. He was to be presented to the students for their observation; they were to try to understand him for what he was, for what he said and thought.

The reaction of the public to the news that Eldridge Cleaver was to be featured as a speaker in a university classroom was violently negative. Governor Reagan and Assembly Speaker Jesse Unruh demanded that the Black Panther Party’s Minister of Information be dropped from his role in the course. It was known that Cleaver had been convicted of crimes and that he and four other Black Panthers were soon to face trial on charges stemming from a gun-battle with Oakland police earlier in 1968, in which two
policemen were wounded. Urged to intercede, Chancellor Heyns explained that the Academic Senate, not the administration, held the power to authorize and supervise courses of instruction. That did not placate many of the critics.

When the Academic Council met at UCLA on September 18, in advance of the meetings of the Board of Regents there on the 19th and 20th, there was an extended discussion of what, if anything, could be done by the council to give useful advice to President Hitch. He did not join the meeting of the council until after lunch, but Vice Presidents John Oswald and Angus Taylor were there both morning and afternoon. Everyone was aware of the extent of public displeasure with the university that was being expressed because Cleaver would be lecturing to students in a course at Berkeley. The criticism was aimed at Cleaver and at the faculty and the university administration for allowing such a thing to happen. The outcry was not addressed to the idea of a course on the study of racism.

The chair of the Berkeley Division of the Academic Senate, professor of chemistry R. E. Powell, reported that members of the BED and the Policy Committee of the Berkeley Division were unyielding in their determination not to give in to demands that Cleaver’s role in the course be eliminated. But Powell said it might be possible to reduce the number of Cleaver’s lectures to one or two instead of 10. This led to speculation about how faculty and students would react if such a change were to be administratively imposed.

When President Hitch arrived, he was quite critical of the extent of Cleaver’s participation in the course. Hitch drew a sharp distinction between two alternatives: (1) having an outside speaker brought in once or twice as an invited guest to present a certain point of view, based on his beliefs and experience, and (2) appointing a qualified outsider as a temporary visiting faculty member to make a substantial contribution to the subject and goal of the course. He was quite stern about this, emphasizing that the university ought to amend its personnel policy to ensure the observance of a distinction between these alternatives. He
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mentioned that a policy of this sort had recently been established at Harvard.

The council was favorably impressed by what President Hitch said and decided to formulate its own statement of principle about appropriate practice in the utilization of guest speakers in a course authorized by the senate. Professors Richard Powell, Francis Sooy, and Robley Williams (chair pro tem of the council) were asked to draft a statement of the council’s position. This statement was the basis for a presentation by Professor Williams at the appropriate time in the open meeting of the regents on September 20. Here are excerpts from Williams’ statement:

The Academic Council, in its role of advising the President, has unanimously endorsed the principle that any person who has substantial involvement in a course of instruction must have the appropriate instructional title. . . . [This principle] would allow the occasional appearance of anyone who has something to say, at the discretion of the professor, but . . . it would keep more serious involvement under the traditional, highly successful controls of the appointment process.55

At the meeting of the Board of Regents on September 20, President Hitch presented a four-part recommendation and moved that it be approved by the board and adopted for implementation:

1. Effective immediately for courses offered in the Fall Quarter, 1968-69, no one may lecture or lead a discussion for a total of more than two occasions during a given academic quarter on a campus in courses for University credit, unless he holds an appointment with the appropriate instructional title. This applies whether or not the speaker is paid by the University.

2. If Social Analysis 139x cannot be restructured to satisfy the policy stated in recommendation (1) prior to the commencement of instruction in the Fall Quarter, 1968-69, Course 139x

55The full statement made by Professor Williams bears the date September 19 and is filed with the minutes of the Academic Council’s meeting on September 18.
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shall not be offered for credit in the Fall Quarter, 1968-69. The Chairman of the Berkeley Division of the Academic Senate shall make the determination as to whether the restructuring of this course meets the conditions of the policy stated in recommendation (1) and shall report his findings to the Regents, the President and the Chancellor of the Berkeley campus.

3. Recognizing both the desirability and the problems of experimentation in courses and curriculum, the Regents direct the Academic Senate and each of its Divisions to formulate a set of explicit academic standards for the planning, staffing, conduct and evaluation of experimental courses. The Academic Senate is requested to transmit to the Regents a single report, or a separate report of each Division, describing and justifying such standards. The reports are to be available for consideration at the January 1969 meeting of the Regents.

4. While recognizing the primacy of the Academic Senate in approving courses and curricula, the Regents direct the President to initiate an exploration with the Academic Senate of the appropriate role of the administration in this area of joint concern.

Regent Grant (president of the State Board of Agriculture) moved, as a substitute for the motion of President Hitch, “That Eldridge Cleaver not be allowed to participate, teach, or lecture in any course on a campus of the University.”

After much discussion, this motion was lost on a tie vote 9-9. Governor Reagan then moved, as an amendment to Hitch’s original motion, that in part (1) the words “for a total of more than two occasions” be deleted, and that the following sentence be added at the end: “A waiver of this requirement may be granted by permission of the Board of Regents.”

President Hitch voiced his opposition to the amendment, pointing out that it would necessitate approval by the regents of all guest lecturers not holding instructional appointments, of which

there are hundreds, and would create a chaotic administrative situation. The governor’s motion lost 8-10. After further discussion of his motion, Hitch was asked if he would accept a change of the wording in part (1), replacing the words “for a total of more than two occasions” by the words “for more than one occasion.” The president expressed some reluctance at first, but then said he would accept the change when it became clear that this change would bring him the votes he needed. Regent Pauley switched to an aye, and Hitch’s modified motion was adopted 10-8.

On September 27, the University Bulletin published a special edition about the September 20 action of the regents including Hitch’s statement to the regents before he made his motion. With respect to the experimental course in question, the president said:

My concern in connection with this course . . . as an educator [is] for its academic integrity and soundness, as well as for the academic standards that we seek to maintain throughout the University. . . . As an educator, I doubt the advisability of having someone (in this instance, Mr. Cleaver) who does not have academic qualifications, carrying so large a part of the teaching responsibility in a course given for academic credit. . . . I would have no objection to one or two appearances by Mr. Cleaver before the course, but not in the presently proposed role of a major participant.

I now wish to comment on some questions of policy-making and control of academic activities, which in American universities is shared by their governing boards, academic administrators and the faculty. The Regents of the University of California have, most appropriately, designed the academic administration of the University as a joint responsibility of the Academic Senate and the officers of the University who deal with academic matters, principally the President and the Chancellors. The significant strides in academic planning for the entire University, as well as for each of the campuses, have, in my judgment, resulted largely from this joint participation. Similarly, the quality of the faculty that this University has achieved and maintained is due to the active participation of the Academic Senate with the Administration in faculty appointment, promotion, compensation and tenure matters. Proposed changes in
educational policy are clearly designated as matters involving both the President and the Academic Senate; in all matters relating to budget, The Regents’ policies clearly emphasize the essentiality of the Academic Senate in a consultative role.

Only in one major area of academic affairs, the authorization of courses and curricula, is the University administration not directly involved, because of the delegation by The Regents exclusively to the Senate, in the planning and implementation process. This is a time in which much concern is being expressed about the need for experimentation, and in which, also, the problems of academic priorities in relation to resources are very important. Indeed, it is difficult for those officers responsible for guiding the direction of the University to be effective without such a role in this most basic area of academic concern.

In speaking to these issues as an educator, I am well aware that what I have said raises significant questions to the attention of the faculty and students of the University—but to this my response is that I believe the concerns I have expressed relate to serious problems of academic standards and integrity. The question of authority to deal with courses and curricula is a matter of organization of the University which is also of great importance to the faculty as well as to the administration and The Regents.57

In a September 26 letter to the chair and vice-chair of the Assembly of the Academic Senate and the chairs of the divisions of the senate, about the action of the regents on September 20, President Hitch included the following comments about part (4) of his motion, which had remained intact in the motion as approved by the regents after the modification of part (1):

In matters of faculty appointment, the Academic Senate is in a strong consultative role vis-à-vis the Chancellors who in most cases have final authority. In the area of courses and curricula, the Senate has natural and proper primacy of responsibility. The

57 The excerpts from the statement to the regents by President Hitch are taken from the complete text of Hitch’s statement in the University Bulletin, vol. 17, special edition (September 27, 1968).
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question is how responsible administrative officers can play an appropriate and helpful role with the Senate in the various stages of planning and implementing courses and curricula. I want to emphasize that we intend to explore all aspects of this question with the Senate in a most deliberate fashion, in full awareness of the complexity of the Senate’s processes and the central professional responsibility that each member of the faculty has for his work as a teacher.

The decision by the regents to prevent giving course 139x for academic credit, in the format as planned with 10 lectures by Cleaver, produced violent reactions at Berkeley and expressions of dismay and disapproving concern on other campuses. Many faculty members saw the action of the regents as a violation of the Standing Order of the regents that delegated to the Academic Senate the power to authorize and supervise courses of instruction. It was also widely asserted to be a violation of the academic freedom of the faculty members who had planned the course and of the BED, which had approved the course. At Berkeley there were occupations of Sproul Hall and of Moses Hall, brought to an end by police pursuant to orders from Chancellor Roger Heyns. The chancellor approved meetings of the course on the campus, but not for credit. Listing the course on the study list of a student was not accepted.

Hitch’s position, which was supported by the chancellors and the Academic Council, was that the action taken with respect to course 139x was justified on the basis of principle in the personnel matter of who is authorized to play a substantial role as an instructor in a university course for academic credit. The assignment of responsibility to teach, said Hitch, is an administrative responsibility, separate and distinct from the senate’s control over the plan and subject matter of a course. The president spoke directly to this point at a meeting of the assembly of the Academic Senate at Davis on November 18, 1968. Here are excerpts from his statement:

... [A]s President, I have a special responsibility to act in the long-run best interests of the University as a whole. I can assure you that I have been trying very hard to carry out this
latter responsibility without prejudicing in any way the interests of the faculty. Let me begin by stating categorically that as one Regent who voted for the Regents’ September 20th resolution, I intended no violation of academic freedom, and in my opinion the Regents were guilty of none.

I regret that more of you were not present at the Regents’ meeting on September 20. There were resolutions introduced at the September 20th Regents’ meeting which would have violated the academic freedom of the members of the Senate and indeed principles of free speech to which the members of this University are dedicated. But these were the resolutions that were defeated—and by the narrowest of margins. I shall explain why I believe that the 4-point resolution that passed, by a vote of 10-8, was a responsible answer to a very difficult problem and an answer which does not violate academic freedom.

I have stated before, and want to state again as emphatically as I can, that Point 1 of The Regents’ resolution and its corollary, Point 2, is a personnel rule and does not infringe upon the delegation to the faculty to authorize and supervise courses and curricula. The Regents took no action questioning the subject matter or content of Social Analysis 139x or any other course, and there is no reason why 139x could not have been offered for credit if the four instructors who were responsible had been willing to give most of the lectures themselves instead of leaving substantial responsibility for the lecturing to a person who has not been through our review and appointment procedures.

In many contexts, the faculty member who teaches a course may want to bring into it scholarly competence to supplement his own—and therefore invites professionally qualified guest lecturers. In other instances the faculty member may want to bring to his students not a scholar but a living example of the phenomenon under study. The criminologist may want to bring in a criminal or a narcotics addict; the abnormal psychologist, a mental patient, etc.

In this course, which was Mr. Cleaver to be: teacher or case material? I have carefully studied the course outline for 139x, dated September 17, 1968. I believe that any of you that do so will come to the same conclusion that I did—namely, that his role was that of principal lecturer and teacher.

The issues raised here are very complex and require our earnest study. My view is that for the case of guest lecturers
who are relied on for scholarly contribution, the standards of academic qualification and the procedures of academic appointment should be applied to anyone for whom substantial teaching responsibility is planned.

When “live cases” or people as course material are to be brought into the academic setting, this kind of review procedure is not appropriate, but there remains a need for several clarifying distinctions. First, the University must be able to make clear to the academic community and the public, when necessary, what the circumstances are in each such case. Second, the distinction between teacher and live course material must be made clear to the students.58

In making his four-point motion at the September meeting of the regents, the president included the third point because he hoped that when the senate and its divisions had made satisfactory responses to the regents’ request to formulate a set of explicit academic standards for the planning, staffing, conduct, and evaluation of experimental courses, the restriction in point one (to a single appearance of a guest lecturer in a course) would no longer be needed. He hoped that the regents would then agree to make the president, the chancellors, and the senate responsible for maintaining appropriate standards, and that there would be competent monitoring on the campuses to assure adherence to sound principles in the use of guest lecturers.

At their November meeting on the San Diego campus, the regents relaxed slightly the personnel rule in point one of their resolution of September 20. They authorized the president to make exceptions that he felt justifiable in permitting a guest lecturer more than a single appearance in a course of instruction, even without appointment to an academic title, provided that the contribution

58 At the meeting of the assembly on November 18, 1968, the remarks by President Hitch were delivered during a debate on a report to the assembly by the universitywide Committee on Academic Freedom. The full text of the remarks is preserved in the papers of the senate’s secretary, vi.
made to the course was brief and not of major substance in comparison to the principal goals of the course.

There remained the major task of complying with point three of the regents’ resolution of September 20, which called for the senate to formulate explicit academic standards for experimental courses. The original deadline for compliance had to be deferred for many months. In working toward the completion of this task, the efforts of the Academic Senate were effectively steered by senate leaders on the several campuses and brought into focus by the Academic Council under the leadership of R. T. Wedding. There were several conferences with a joint subcommittee of the senate and the administration and with a subcommittee of regents chaired by Regent Philip L. Boyd.

Meeting on May 19, 1969, at Berkeley, the Assembly of the Academic Senate approved a Report to the Regents Concerning Experimental Courses and Guest Lecturers. This report became the basis for agreement reached in July 1, 1969, by the regents for rescinding the action the regents had taken on September 20, 1968. The Report contained the text of a new regulation of the Academic Senate:

Regulation 750.(A) Only regularly appointed officers of instruction holding appropriate instructional titles may have substantial responsibility for the content and conduct of courses which are approved by the Academic Senate.

A person who can make a useful but limited contribution to a course by lecturing or making a presentation, but without having substantial responsibility for the content and conduct of the course, is here referred to as a guest lecturer. The Report to the Regents stated the following about regulations to govern the use of guest lecturers:

The Divisions of the Academic Senate, in consultation with their Chancellors, should establish procedures to insure that the use of guest lecturers is in proper accord with (i.e., does not violate) Regulation 750.(A). The responsibility for the decision as to when the participation of an individual is of a nature which
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requires appointment to an appropriate instructional title should be delegated to department chairmen or equivalent officers. When every campus has established its proposal of procedures the Divisions and the Chancellors are to make joint reports to the President about the proposed procedures. When the President is satisfied with these procedures, he will inform the Regents and recommend that they rescind the present rules concerning guest lecturers.

A further important part of the Report to the Regents dealt with the regents’ request for a formulation of explicit academic standards for the planning, conduct, and staffing of experimental courses. The report formulated an operational definition of an experimental course:

A course is called experimental if and only if it is offered for credit for a limited period of time, is authorized by and is under the direct supervision of a special body created to foster curricular innovation, which in an appropriate form is approved as an academic agency by the Regents.

This definition was not intended to confine innovation to experimental courses. Courses planned and conducted by departments or interdisciplinary committees and approved through the usual senate channels were regular courses, and might well be highly original and innovative. But the courses that had come into existence under the aegis of the BED were not of this type, for they had not been approved under the usual senate channels. In the consideration that led up to the Report to the Regents it was decided that the BED, as it existed at the time, did not have the sort of structure and mode of operation that was satisfactory for the “special body” referred to in the definition of an experimental course. The Report to the Regents laid down specifications as follows for the structure and operation of a special body for experimental courses:

Only one special body for this purpose should be established on a campus and approved by the Regents. As a general policy throughout the University, these special bodies should:
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1. Have a general responsibility to the Division similar to that of other standing committees, with the committee membership determined according to the usual Division procedures.
2. Have a responsibility to the campus administration similar to that of an academic department with an administrative head appointed by the Chancellor.
3. Have the charge to encourage and sponsor educational experimentation, in the process of which it could solicit and generate proposals for experimental courses and programs.
4. Perform a function like that of a regular department in recommending faculty to teach experimental courses. When such recommendations require the appointment of new faculty members, these appointments will be only temporary in nature and will be subject to review by the appropriate Divisional committees and to approval by administrative officers.
5. Perform a function for experimental courses similar to that of Divisional committees having responsibility for courses of instruction. Divisions may choose to have the recommendations of this body reviewed by other committees.
6. Perform a function like that of a regular department in the supervision and evaluation of its courses.
7. Have an annual appropriation for academic salaries and other budgetary support.

By July 2, six weeks after the meeting of the assembly on May 19, President Hitch was able to prepare a written report for transmittal to the regents, informing them that each campus had formulated a policy proposal concerning the use of guest lecturers and that, after his review of the campus policies and his receipt of assurances from the chancellors, he was satisfied that each campus was prepared to regulate the use of guest lecturers in a manner that he considered essential and effective.

On Friday, July 11, at its meeting in San Francisco, the Board of Regents adopted a resolution that requested the president to tell the chancellors to put into effect immediately the policies that the president had approved. This resolution superseded the earlier

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59Hitch’s report on July 2, 1969, was a document in support of his recommendation that led to the board’s action on July 11.
actions of the regents with respect to the use of guest lecturers. The resolution of July 11 also contained the following statement:

The Regents reaffirm that within the University the power to authorize and supervise courses and curricula, delegated by The Regents to the Academic Senate, is separate and distinct from and does not encompass the power to appoint personnel, which is reserved to The Regents or delegated to the University administration.

At the same meeting the regents, on President Hitch’s recommendation, approved the establishment of an academic agency at Berkeley called the Division of Experimental Courses, and of an academic agency at Los Angeles called the Council on Educational Development. These agencies were designed to foster curricular innovation and were so structured and administered as to meet the list of criteria contained in the Report to the Regents approved by the Assembly of the Academic Senate on May 19. The agency at Berkeley superseded the BED.

The action described in the foregoing paragraph brought to completion the purpose of point three in the motion made by President Hitch at the meeting of the regents on September 20, 1968, but action had not yet been taken on point four in that motion, in which the regents directed the president to explore with the Academic Senate an appropriate role for the administration in conjunction with the senate’s primacy in approving courses and curricula.

The president’s thinking on point four is evident in the report of his statements on September 20, and reproduced earlier in this narrative (also published in the University Bulletin of September 27, 1968).

At the meeting of the Academic Council on April 16, 1969, the exploration called for in point four was begun. During part of that meeting there was a joint session of the council with President Hitch and all of the chancellors. Here are excerpts from the minutes of the April 16 council meeting:
The President explained the background of the motion made by Regent Canaday at the March meeting of the Regents, which requested action on the delegation of responsibility to Chancellors for approval of courses and curricula. [The motion was not acted on.] . . .

The Chancellors indicated the difficulties which they have encountered in dealing with crises without being able to accept responsibility for the entire structure of the educational process. . . .

It was agreed that an attempt will be made to find an appropriate way in which the regulations of the Academic Senate could be amended so as to provide for consultation with administrative offices during . . . consideration of courses and curricula for approval by the Academic Senate.

Further consideration was given to the matter at the meeting of the Academic Council on May 14, which was attended by several of the chancellors. The council reached a tentative agreement on a proposed amendment to part (A) of the senate’s Bylaw 18, which at that time was worded as follows:

18. Each Division is authorized to (A) approve and supervise all courses of instruction and curricula in the colleges and schools in the Division, except as otherwise provided in these By-Laws or the Standing Orders of The Regents.

The proposed amendment was to add the following sentence:

In the discharge of this duty the Division shall provide for appropriate consultation with the Chancellor or his designated representative.

This was acceptable to the chancellors, but to become official, the amendment had to be approved by the assembly of the Academic Senate. The council asked the divisional chairs to have their divisions discuss the amendment on an agenda for assembly action. At a meeting of the council on September 17, 1969, the council, without dissent, endorsed the amendment and put it on the agenda for a meeting of the assembly on November 3. The following
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statement appeared as explanatory information on the advanced notice of the assembly’s meeting:

As a response to part IV of the Regents’ Resolution of September 20, 1968, and Regent Canaday’s motion of March 21, 1969, it is suggested that a change in the By-Laws of the Academic Senate of the type outlined below might avert the otherwise probable change in the Standing Orders of the Regents which would alter the present exclusive delegation to the Academic Senate of responsibility for courses and curricula.

There was also this Comment in the notice:

The intent of this addition to the By-Laws of the Academic Senate is to regularize a practice which already exists on some campuses. Each Division under this By-Law would need to establish its own procedure for consultation. It would seem most efficient for the Chancellor to designate Deans of Schools and Colleges as his representatives for this purpose.

The amendment of part (A) of Bylaw 18 was approved by the assembly on November 3, 1969.60

THE ACADEMIC SENATE DISAVOWS ITS 1950 POSITION ON COMMUNISTS AS FACULTY

To describe how it came about that the Academic Senate formally disavowed its action in March 1950, stating that members of the Communist Party were not acceptable as members of the faculty of the university, it is necessary to begin with the action taken by the Board of Regents at its meeting on September 19, 1969, calling for the dismissal of Angela Davis from the faculty at UCLA.

It had been brought to the attention of the regents that Acting Assistant Professor of Philosophy Angela Y. Davis had been

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60In the latest reorganization of the bylaws of the senate (revision of 1986) Bylaw 18 has become Bylaw 312.
appointed for the year 1969-70 to teach in the Department of Philosophy at the Los Angeles campus, and that she had stated in writing to the university that she was a member of the Communist Party. She had been enrolled at the San Diego campus of the university, in the graduate program leading to the Ph.D. in philosophy; at UCLA, in addition to her teaching duties, she was expected to work on her doctoral dissertation. Her appointment at Los Angeles was made in accordance with a campus plan to increase the number of female and minority members of the faculty. She is African-American.

On September 19 the regents adopted a resolution asking the administration to dismiss Davis, citing as the reason for this action the fact that the employment of a member of the Communist Party was contrary to Board of Regents policy (originated in 1940 and reaffirmed in 1949 and 1950). Part of the resolution adopted on September 19 was the following clause:

\[
\text{WHEREAS, in an action reported March 22, 1950, the Academic Senate, Northern and Southern Sections, concurred in the foregoing policy by adopting a resolution that proved members of the Communist Party are not acceptable as members of the faculty,}
\]

The resolution of September 19 concluded:

\[
\text{NOW, THEREFORE, The Regents direct the President to take steps to terminate Miss Davis' University appointment in accordance with regular procedures as prescribed in the Standing Orders of The Regents.}
\]

In the letter of official notification to Ms. Davis, she was informed that her dismissal would be effective on September 29 unless she applied for a hearing before the Committee on Privilege and Tenure of the Los Angeles Division of the Academic Senate. She did apply, but the intent of the regents to dismiss her was blocked by a court summary judgment that enjoined the university from taking an action to terminate her appointment based solely upon her membership in the Communist Party. Details of the
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Angela Davis case are not a part of this narrative, which now turns to the story of the senate’s disavowal of its 1950 support of the regents’ anti-Communist policy.

It was the “whereas” clause in the regents’ September 19, 1969, resolution, referring to the position taken by the senate in March 1950, that caused the Academic Council to hold a special meeting on September 29, 1969. Here are quotations from a resolution approved by unanimous vote of the council:

The University simply cannot be placed in the position of screening present and prospective members of its faculty to eliminate persons who belong to a party whose positions are unpopular. . . .

The recent unexpected action of the Regents, however, has now made it imperative that the Senate unambiguously state its present position in this vital question. To this end, therefore, the Academic Council will convene the Assembly of the Academic Senate in emergency session and the Council hereby resolves

(a) That lawful political affiliation, including membership in the Communist Party, cannot legitimately be made the basis for disqualification for membership in the University faculty; and

(b) That the Council calls upon the Assembly and each of the Divisions of the Senate to honor the University’s commitment to academic freedom by taking prompt and explicit action to endorse the position set forth in (a) above; and

(c) That the Council urges the Assembly of the Academic Senate to take all steps necessary to formalize that position and notify the Regents thereof.

The assembly met twice—an emergency meeting on October 11, followed by a regularly scheduled meeting on November 3. The result was a memorial to the regents, which was sent to Academic Senate members for approval in a mail ballot in early December.61 The memorial read:

61A report on the action at the meeting on October 11 was printed in the University Bulletin, vol. 18, no. 10 (October 20, 1969), 43. It contained a tentative formulation of a memorial to the regents, subject to
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To the Regents of the University of California: The Academic Senate respectfully requests The Regents of the University of California to consider the viewpoint of the Faculty as expressed in its vote on the following two-part resolution as a guide in the establishment of principles governing the appointment, promotion and dismissal of faculty and officers of instruction.

RESOLUTION

I. RESOLVED: The Academic Senate recognizes that a faculty member, in the discharge of his University responsibilities, must adhere to accepted standards of professional conduct, as judged by competent peers. It supports the following statement of the American Association of University Professors:

[F]ree enquiry and free expression are essential attributes of the Community of scholars. As members of that Community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

The Senate affirms that a faculty member has a corollary obligation to allow and encourage free expression of viewpoints other than his own, and that an individual whose academic performance is demonstrably not consistent with these standards or whose commitments or obligations demonstrably prevent independent scholarship and the free pursuit of truth should not be employed by the University. But the fitness of a faculty member to teach is to be judged on the basis of his own professional qualifications and his own professional conduct, not the conduct of his associates in any political, social or sectarian organization; no political test shall be employed nor shall mere

further consideration at the regularly scheduled meeting of the assembly on November 3. At this meeting a final formulation was approved and sent out for a mail ballot, which was concluded on December 15. The text of the memorial and the result of the vote were printed in the University Bulletin, vol. 18, no. 19 (January 19, 1970), 98.
membership in any organization be a factor in the appointment, promotion, or dismissal of any faculty member or academic employee.

II. FURTHER RESOLVED: Because the language of the following resolution adopted by the Academic Senate in 1950:

No person whose commitments or obligations to any organization, Communist or other prejudice [Southern Section: “demonstrably prevent”] impartial scholarship and the free pursuit of truth will be employed by the University. Proved members of the Communist Party, by reason of such commitments to that Party, are not acceptable as members of the Faculty.

has been pointed to as indicative of the Academic Senate’s support for a political test as a basis for employment, the Academic Senate hereby disavows that resolution.

The vote on this two-part resolution, out of a total Academic Senate membership of 6,835, was:

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The memorial to the Board of Regents, the two-part resolution, and the results of the mail ballot were reported to the board’s Committee on Educational Policy on January 15, 1970. This was an item for information only and elicited no action by the board. In a series of court hearings during the period 1969-1972 the final result was that the policy of the regents barring the employment of members of the Communist Party was unconstitutional and therefore invalid. Details are set forth in the following report, dated October 11, 1972, to the regents Committee on Finance by General Counsel Thomas J. Cunningham:

As I previously reported to you, on January 26, 1972, the California Court of Appeal, Second Appellate District issued its decision in the case of *Karst, et al., v. The Regents*. By a two to
one decision, the Court of Appeal affirmed the summary judgments issued in October 1969 by Judge Pacht of the Los Angeles Superior Court holding unconstitutional The Regents’ policy excluding members of the Communist Party from the University’s faculty. Thereafter, my office petitioned for a hearing of the case before the California Supreme Court. That petition was denied without opinion on March 22, 1972. We then submitted a petition for a writ of certiorari to the United States Supreme Court requesting that it grant a hearing in the case. On October 10, 1972, the United States Supreme, without opinion, denied the Petition.

This represents the final step in this litigation. The net effect of this case is to hold invalid The Regents’ policy excluding members of the Communist Party from University faculty or other employment.

FASHIONING A FACULTY CODE OF CONDUCT

In the spring of 1970, there was widespread student unrest in American colleges and universities, brought about by President Nixon’s extension of the war in southeast Asia by the incursion into Cambodia. At the University of California student unrest led to what became known as “reconstitution of courses,” in which the normal conduct of a number of classes was either disrupted, substantially altered, or even abandoned. The normal subject matter of a course was in some cases put aside and replaced by discussion of the foreign policy of the United States or the immorality of war. Some professors struggled against disruptions of their classes by invading demonstrators. Others joined the trend of switching off “business as usual” in order to conduct bull sessions with their students.

A number of students, or their parents, complained publicly about the disruption or abandonment of regular classes. Some students aided and abetted some regents in public criticism of particular chancellors. There were reports in the media about what was happening; the result was a general state of public dismay and anger. All of this produced sharp concern and some anger among the regents. It was not easy for department heads and deans to know accurately which classes were being affected or which
professors were failing to meet their responsibilities. At several regular meetings of the Board of Regents, various chancellors, some vice chancellors, and President Hitch were grilled. It was an uneasy and unpleasant time.

The initial response to all of this was a report to the Board of Regents by President Hitch in which he sternly disapproved of the extent to which faculty members had failed to behave responsibly. Hitch said it was the duty of the Academic Senate to carry out in an exemplary manner the responsibilities that were assigned to it in the Standing Order of the Regents, and challenged the senate to formulate an effective code of conduct.62

The Academic Council, under the leadership of its chair, UCLA law professor Addison Mueller, responded to the challenge, enlisting help from every campus in the process. The first steps were taken at a meeting of the Academic Council on October 14, 1970. By January 1971, Professor Mueller established as a target the presentation of a draft code of conduct to the assembly of the Academic Senate at its March 16 meeting. In February the council agreed to use a report from the Committee on Academic Freedom as a framework for the wording of a draft code. At its meeting in March the assembly accepted as an interim statement of policy the Report on Faculty Responsibilities and Rights that was presented to it by the Academic Council. Here are brief excerpts from the report:

Responsibilities. Rights cannot be claimed unless responsibilities are met. Faculty members meet their professorial responsibilities primarily through conscientious self-discipline and adherence to standards developed by the faculty. . . .

I. Teaching. Teachers and students have the right to expect that conditions favorable to the educational process will be maintained. . . .

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62“Plans for Maintaining the Integrity of the University and Its Academic Programs,” report of President Charles J. Hitch to the Board of Regents, July 16-17, 1970.
II. The University. In the affairs of the academic community, the faculty should neither incite to the use of force nor tolerate the threat of force or coercion from any source. They should make every effort to protect orderly dissent.

III. Scholarship. The faculty have the responsibility and right, restricted only by compatibility with the character and purpose of the University, to engage in research and creative activity. The faculty have a primary obligation to integrity of scholarship.

IV. Colleagues. A faculty is a community of scholars. A faculty member should
1. respect the rights and dignity of his colleagues;
2. encourage and support the free expression of his colleagues’ professional viewpoints;
3. assist in the maintenance of standards of professional conduct;
4. protect his colleagues’ rights to due process.

V. The Community. Faculty members have the same rights and obligations as all citizens and are free as other citizens to express their views and to participate in the political processes of the community. When they speak or act as private persons, faculty members should avoid creating the impression that they represent the University.

Rights. The authority to discipline faculty members in appropriate cases derives from the mutual recognition by the faculty and the administration of the University’s obligations as an institution of higher learning. This includes a responsibility of the administration to protect and encourage the faculty in contributing to teaching, learning, research and public service and implies that the function of discipline is to preserve conditions hospitable to these pursuits.

The assembly also instructed Chair Mueller, in consultation with each divisional chair, to appoint a committee, drawn from each campus, to examine the report and submit its recommendation.

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63 This report is printed in the official call to the March 16 meeting of the assembly. These excerpts do not include anything from the sections of the report of the Academic Council on Enforcement and Sanctions.
to the assembly at its meeting on June 15. The special committee, chaired by Davis professor of political science Paul Zinner, in June recommended adoption of a Code of Professional Rights, Responsibilities and Conduct of University Faculty, and University Disciplinary Procedures. After a few minor amendments, the final vote to approve was 36 in favor, 0 opposed, and 3 abstentions.

The ideas of the March report of the Academic Council were recognizable in the code, but the code was clearly a different document, more detailed and specific. These brief excerpts from the code’s preamble display its essential ingredients.

It is the intent of this Code to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning.

Part I of this Code [on professional rights of faculty] sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty’s pursuit of the University’s central functions.

Part II of this Code [on professional responsibilities, ethical principles, and unacceptable faculty conduct] elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University.

Part III of this Code [on enforcement and sanctions] deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and must reflect significant faculty involvement.

While agencies of the Academic Senate were engaged in the considerations that led to the adoption by the assembly of the Code of Conduct in June 1971, Hitch and his staff, in concert with the chancellors and representatives of the senate, were working to

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64 The code as approved was printed in full in the University Bulletin, vol. 19 (June 28, 1971), 154-55.
establish policies and procedures designed to protect the integrity of the academic functioning of the university. On January 15, 1971, the president issued an interim statement, addressed to the university community, on *Policies and Procedures on Faculty Conduct and the Administration of Discipline*. The interim statement was developed jointly by a task group composed of members of the president’s staff, four chancellors, and four representatives of the Academic Senate. The statement provided that the chancellor of each campus was to develop procedures for the administration of discipline on that campus, within specified guidelines and in consultation with appropriate agencies of the Academic Senate and the Office of the President.

In the process of moving from the interim statement on *Policies and Procedures* to a final formulation, the president sought to incorporate into the official university policy a Code of Faculty Conduct that had the stamp of approval of the Academic Senate. To attain this goal, it was necessary to resolve some discrepancies between the president’s interim statement and the code as it was worded when adopted in June 1971. The Academic Council appointed an *ad hoc* committee, chaired initially by UCLA law professor Benjamin Aaron and later by Professor Allan Sindler from Berkeley’s School of Public Policy, to consult with the Office of the President about changes in the code as well as in the president’s interim statement of policy that would make the two documents compatible. This proved to be a lengthy process, extending into 1974.

The Assembly of the Academic Senate adopted the necessary amendments on May 30, 1974, and the revised statement of “University Policy on Faculty Conduct and the Administration of Discipline” was approved by the regents at their June 1974 meeting. The action of the regents recognized the Senate’s Code

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65It was printed in the *University Bulletin*, vol. 19, no. 14 (January 18, 1971), 73-77.
of Faculty Conduct as the official basis for imposition of discipline on faculty members for professional misconduct.\footnote{The statements of university policy, along with the code, are to be found among the appendices to the bylaws and regulations of the Academic Senate.}

THE ACADEMIC SENATE IN THE STRUCTURE AND OPERATION OF THE UNIVERSITY

In concluding this account of the role of the Academic Senate in the shared governance of the university—an account that is partly historical and partly descriptive—I shall write in the first person and express my personal perspective. My active experience with the senate, since becoming an instructor in the mathematics department at UCLA in the academic year 1938-39 and completing my active service to the university as chancellor at UC Santa Cruz on August 31, 1977, lasted 39 years. For 27 years I was on the faculty at UCLA and for 12 years I was a senior academic administrator, successively as vice president—academic affairs under President Kerr, Acting President Wellman, and President Hitch, then as university provost under President Saxon, and finally as chancellor at Santa Cruz.

My service to the Academic Senate as a faculty member began in the time of President Sproul. I was on the Budget Committee of the Southern Section of the Senate for 3-1/2 years, the final year (1951-52) as chair of the committee. I was also on the Committee on Educational Policy in the later part of Sproul’s presidency in the 1950s and on various other committees of the Southern Section after Kerr became president in 1958. When the senate was reorganized in 1963, I served for two years in the universitywide part of the senate, first in 1963-64 as vice chair of the assembly of the Academic Senate and also of the Academic Council along with Berkeley professor William R. Dennes as chair, and in 1964-65 as chair of the assembly and council along with Berkeley professor E. T. Grether (the distinguished former dean of the School of Business Administration) as vice chair.
In the long period from 1920-1995, the university has grown enormously and undergone many changes. There are now nine semi-autonomous campuses, but it is still one university with one Board of Regents, one president, and one Academic Senate. The traditions of the Academic Senate, derived from the Revolution of 1919-20, were solidified in the 1920s and 1930s and matured during the presidency of Robert Gordon Sproul. This history enabled the university, during its explosive expansion in the post-World War II period, to hold onto the academic values and the special concern for excellence that were well established at Berkeley.

The university has been held together as a single institution by the status conferred upon it in the state constitution and by several other factors. One of these factors lay in the aspiration and determination of President Sproul. Great credit must be assigned to President Kerr’s leadership in securing official approval by the state of The Master Plan for Higher Education in California, 1960-1975. That accomplishment did much to assure the practicality of the status of the university as a single institution. Credit must also be given to those who steered the Academic Senate through the reorganization that led to the way the senate has operated since 1963. The university could not function well as a unified institution if it were not for the unifying forces of the Office of the President and the universitywide Academic Senate.

A good many years ago a distinguished member of the faculty at Berkeley, Aaron Gordon, professor of economics, said to me during lunch at the Faculty Club: “The Faculty is the University.” We had been talking about some aspects of the relationship between the Academic Senate and the university administration. I’ve no doubt that Professor Gordon made that remark deliberately to emphasize to me that I, as the vice president for academic affairs, should not overlook the primary fact of life about what makes a university great. I also remember clearly that, on several occasions during the year 1964-65 when I had a very close relationship with Professor E. T. Grether (when we were together on the Academic Council), he expressed to me the view that the
The main purpose of the university is to educate students, both undergraduate and graduate. A major purpose in undergraduate education is to provide breadth of knowledge and understanding of the many aspects of the world—what has been called liberal education, education that liberates the mind—education worthy and essential for citizens in a free society. Another important part of the university’s program of education is to prepare young men and women for gainful and productive careers, whether in a learned profession, in technical or otherwise specialized occupations, or in public or entrepreneurial life. To carry out the university’s mission on a high level of excellence, members of the faculty must have superior abilities and skills and must engage continuously in adding to knowledge, in maintaining and improving their skills, and in deepening their understanding and appreciation of their responsibilities as teachers. In order to maintain and improve their excellence as educators and thereby to sustain the quality of the university, the pursuit of scholarly learning and the conduct of original research by members of the faculty is essential. This activity on the part of a faculty member is an integral part of his or her responsibility. What is sometimes referred to as “the productivity” of a faculty member, an instance of which is made visible, for example, by a published paper or a book, can enhance an individual’s reputation, but that effect is collateral to the main objective, which is to do a fine job for the university and the students.

The importance of this point of view about the appropriateness of a proper balance between the time spent by a faculty member in teaching and the time devoted to scholarship and research needs to be emphasized over and over again to those who are skeptical or critical about what they consider the unduly small amount of time and effort devoted by the faculty to classroom teaching. There are critics in the legislature, the student body, and the general public. The university administration (especially the president and the chancellors) and the Academic Senate need to be of the same mind about this point of view; spokespersons from the administration and the senate need to be convincing in explaining the university’s
position. Finally, of course, that position must be practically justifiable in terms of educational policy, and consonant with the obligation of the university to the state.

The quality of the university is largely determined by the qualities of its individual faculty members, the general level of quality of the student body, and the quality of academic leadership to be found in the administration and the Academic Senate. I think that the most important work performed by the Academic Senate in maintaining quality control in the university is done by the divisional senate committees that advise the campus administrations on appointments and advancements in salary and rank of faculty members. This work includes making recommendations that lead to decisions not to promote an individual to a tenure rank.

I regard my experience at UCLA as a member of the Budget Committee as the most rewarding to me during all my service on committees of the Southern Section. I felt a high moral responsibility to the university and also to the candidate who was being reviewed for appointment or advancement.

To some extent the Academic Senate regards its role as that of a watchman; it scrutinizes with a critical eye the performance of the university administration at the presidential level and also at the campus (chancellorial) level. Senate agencies are ready to challenge an act of the administration (at whatever level) that it regards as inimical to academic freedom, faculty prerogative, or to university and faculty welfare. Well and good. The senate is authorized by the regents to advise the administration on the budget and on educational policy. At times the senate has chafed and been moved to complain about administrative remissness by failing to consult adequately in advance with the senate about plans and decisions. Complaints in some of the instances that came to my attention were understandable, but in many cases adequate consultation was made well-nigh impossible by time constraints and the difficulties of providing the senate with copies of extensive documentation developed by the staff in the president’s office.

The role of the senate as a watchman and potential critic of the administration is important; it works best if the senate respects the administration and believes that it is sincerely motivated by
principles and academic aspirations that are consistent with those of the faculty. When that is the state of affairs the faculty need not, and generally should not, be overassertive in attempting to play a detailed role in shared micromanagement.

There are few, if any, other American universities in which the entire full-time faculty, including those faculty members in each of the academic and professional schools and colleges, and including those on all of the campuses in the case of a multicampus university, are members of a unified and comprehensive academic senate organization. The Academic Senate of the University of California may be unique in its scope and the extent of its powers and privileges, even when we admit for comparison those other academic senate organizations in which the membership is not comprehensive, but representative.

The regents of the University of California have delegated directly to the Academic Senate full power over courses of instruction and over curricular requirements, not subject to regular prior approval by administrative officers. It is true, of course, that the regents can withdraw that delegation. Aside from the incident that occurred in 1968-69 that is described in the foregoing pages, I know of no case in which there was a serious or important scuffle with the regents over a course of instruction; and the scuffle here referred to was not over the content of a course, but over the intention to use a nonfaculty outsider in an extensive teaching role.

In the University of California the regents have official rules that require the principal administrative officers to receive advice from the Academic Senate on certain matters and to keep the senate informed about certain types of things. In this respect, I believe the Academic Senate of the University of California is in a more favored and powerful position, through specific requirements imposed on the governing board, than is the case in most other universities.
GLOSSARY OF AGENCIES AND TERMS OF THE UNIVERSITY OF CALIFORNIA ACADEMIC SENATE

Academic Council:
Several different bodies of the Academic Senate have been called the “Academic Council.” From 1885 to 1932, the “Academic Council” was the major legislative body of the Academic Senate, and included all senate faculty—the vast majority of whom were from Berkeley. In 1932, the council was discontinued with the establishment of Northern and Southern Sections of the Academic Senate.

In 1950 the name “Academic Council” was given to a joint conference committee made up of five members each from the northern and southern sections. Its principal responsibility was to reconcile differences in legislation passed by both sections.

In 1963 the title “Academic Council” was adopted for the new “steering committee” of the universitywide Academic Senate. The council continues today and has the authority to advise the president, to establish task force committees and request reports from standing committees, to report to the assembly, and to act for the assembly regarding proposed changes in the bylaws and regulations, subject to final approval at the next meeting of the assembly. The Academic Council includes 17 members: the chair and the vice-chair of the Academic Council (nominated at large and elected by the assembly), nine divisional chairs, and six chairs of universitywide committees.

All-University Faculty Conferences:
The first “All-University Faculty Conference” was organized in 1944 by President Robert Gordon Sproul as a mechanism for the Academic Senate and select faculty to discuss the difficulties facing the university in the postwar period. The success of the first conference led President Sproul to make it an annual event focused on major issues confronting the university. Organized in cooperation with the Academic Senate, the conference was held annually until the 1980s.
Assembly of the Academic Senate:
The assembly is the universitywide legislative body of the Academic Senate, with the authority to consider any matters of concern to the senate, to advise the president, to establish universitywide committees, to approve all changes in the universitywide senate bylaws and regulations, and to approve new graduate degrees.

Established in 1963, the assembly originally was composed of 39 elected and appointed senate members and six ex officio members, including the president. With the addition of the Irvine and Santa Cruz campuses, membership increased to 59 members (40 divisional elected representatives, nine divisional chairs, seven universitywide senate committee chairs and vice-chairs, the chair and vice-chair of the Academic Council, and the president).

Bylaws and Regulations of the Academic Senate:
The Academic Senate operates under the formal policy and procedures set out by the bylaws and regulations of the Academic Senate. Under a federated system, the Academic Assembly may pass legislation changing universitywide bylaws and regulations; legislative bodies of each campus division may pass campus level bylaws and regulations, subject to compatibility with the universitywide bylaws and regulations.

Campus Divisions of the Academic Senate:
Campus divisions of the Academic Senate have existed in one form or another since the establishment of the Los Angeles campus in 1919, and were composed of faculty committees. Each division, however, had varying levels of authority.

As part of the senate’s 1963 reorganization to a federal model, each general campus of the university gained its own divisional structure with uniform powers over campus affairs, and equal or proportional representation on universitywide senate committees. Each division was also given authority to organize itself and create its own bylaws and regulations, as long as they conformed with the universitywide bylaws and regulations. Every division has its own
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legislative body, elects a divisional chair, and oversees a group of standing committees.

Chronicle of the University of California:
Published between 1893 and 1933, the Chronicle was devoted to publishing faculty research and chronicled events and formal reports of the Academic Senate and the Office of the President.

Legislation:
Only the universitywide Academic Assembly, and the individual legislative bodies of each campus division, may pass legislation. At the universitywide level, the Academic Assembly may change and modify the universitywide bylaws and regulations of the senate. At the campus division level, only the legislative body of the senate (representative bodies or meetings of the faculty as a whole at some campuses) may change or modify the campus’ bylaws and regulations, subject to the parameters of the universitywide bylaws and regulations.

1960 California Master Plan for Higher Education:
The 1960 Master Plan was the result of a nearly year-long negotiating process between the public and private sectors of California’s rapidly growing higher education system. Developed by a Master Plan Survey Team under the aegis of a committee composed of UC President Clark Kerr, State Superintendent of Public Instruction Roy Simpson, and select members of the Board of Regents and the State Board of Education, the Master Plan was subsequently approved by both boards, with important elements of the plan passed as the 1960 Donahoe Act by the California State Legislature.

The legislative act included revisions to the stated missions of each of the three public sectors (UC, what became the California State University, and the California Community Colleges), revisions to the governance structure of the CSU system, and the creation of a new state agency: the Coordinating Council for Higher Education (reorganized and renamed in 1974 as the California Postsecondary Education Commission). The creation of
The Academic Senate of the University of California

a new Board of Trustees for the CSU system ended State Board
purview of what was at the time a system of regional colleges, and
required the passage of a state constitutional amendment by the
people of California. Other elements of the plan, such as admis-
sions standards, became formal policy agreements among the
various governing bodies of the public higher education system.

Memorials:
The Academic Senate may present Memorials to the president,
or to the regents through the president, on matters of university-
wide concern. Memorials to the president may be forwarded by a
vote of the Academic Assembly, or by the faculty within a campus
division. Memorials to the regents involve a universitywide
process. These may be initiated by the assembly or by a campus
division of the senate and, ultimately, must be voted on and
approved by the faculty on all nine campuses as a whole (majority
vote) before submittal to the president or to the regents. The
rigorous process for the Memorial makes this method of communi-
cating with the president and the regents rare, but also tremen-
dously important if passed by a majority of the entire faculty.

Northern and Southern Sections of the Senate:
Between 1933 and 1963 the Academic Senate was composed
of a Northern Section and a Southern Section (approved November
23, 1931, effective as of April 3, 1932; the first meeting of the
Southern Section was held on April 13, 1933). The Northern
Section was located at Berkeley, and the Southern Section at Los
Angeles, and each met as a faculty of the whole and included a
series of policy committees with representatives from evolving
campuses such as Davis. Changes in senate bylaws and regulations
by one section that were universitywide in scope required the
approval of the other section.

Beginning in 1953, this organizational structure was modified
to include a representative assembly in the Northern Section
controlled by Berkeley campus faculty, and a legislative assembly
in the Southern Section and a committee structure dominated by
UCLA.
Organic Act:
The legislation creating the University of California, known as the Organic Act, was passed by the state assembly and senate on March 21, 1868, and signed by Governor Henry H. Haight on March 23, 1868. The act’s provisions were modified and incorporated into the California state political code in 1872. In the California constitution of 1879, the university was given status as a separate entity of the state in Article IX, Section 9. The Organic Act has never been repealed, but its details have been overridden by various constitutional provisions and revisions.

Resolutions:
The universitywide Academic Assembly and campus divisions of the senate may each pass resolutions that provide a recommendation or stated position of the senate intended for a variety of audiences, including chancellors and other administrators.

Standing Orders of the Regents:
The Standing Orders of the Regents set out formal policy and procedures of the regents that have been passed by the board. This includes Standing Order 105, which sets forth the delegated duties and responsibilities of the Academic Senate.

University Regulations:
University regulations are a set of policies and procedures established by the president of the university at the universitywide level, with similar regulations established at each individual campus. These regulations include procedures for hiring and promoting faculty, academic program reviews, policies on parking fees, and other administrative regulations required for operating the university.
APPENDIX

Memorial from the Academic Senate

TO THE REGENTS OF THE UNIVERSITY OF CALIFORNIA:

The Senate desires heartily to co-operate with the Regents and with the Administrative officers of the university in promoting the usefulness of the university in teaching and in scholarship. With this purpose in view, the Senate has considered certain matters affecting its own organization and its relations both with the Board of Regents and with the Administrative officers of the university, believing that this is an altogether opportune occasion to offer explicitly to the Board of Regents its fullest co-operation and assistance in those matters with which the Senate is competent to deal.

As an earnest of its seriousness of purpose, the Senate desires to present to the Board of Regents a proposal that certain changes be introduced in the organization and government of the university, with the plea that the Board of Regents should give to it its careful consideration. A statement of the changes proposed accompanies this memorial, and forms a part of it.

It is believed by the Senate that the matters which are here specifically presented constitute an important step in the movement toward a form of organization and government which shall make the fullest use of the desire and ability of the Senate to foster the welfare of the University.

The Senate, therefore, begs to inform the Board of Regents that it is ready to appoint a committee from its own members to confer with the Regents and the Administrative Board on the whole problem of the reconstitution and government of the University.

(1) a. The Dean of the Faculties should be elected by the Academic Senate and should be its presiding officer.

b. The Dean of the Graduate Division should be elected by the Academic Senate on nomination of the Graduate Council.
c. The deans of the several colleges should be elected by their respective college faculties, and should be the presiding officers of the faculties of these colleges.

d. The title Dean should be restricted to the elected presiding officer of the Academic Senate, or of a college or other designated faculty group.

(2) The privilege of a vote in the Academic Senate should be extended to all instructors after two years service.

(3) One or more representatives of the faculty, elected by the Academic Senate, should be authorized to sit in an advisory capacity with the Board of Regents.

(4) Departmental chairmen should be elected by the members of their respective departments, such members to include instructors who have a vote in the Academic Senate.

(5) Whenever the occasion arises for the selection of a new President, the Academic Senate should be consulted in reference thereto.

Respectfully submitted,

/s/ JAMES SUTTON

Secretary of the Academic Senate

Source: Minutes of the Board of Regents of the University of California, October 14, 1919.