

Loyalty Oaths and the March of Events

DURING THE PAST YEAR—as is probably well known throughout the land—the regents of the University of California have made the signing of a loyalty oath a condition of further employment. This provision was enacted by close vote after long-drawn controversy involving not only the faculty but also a strongly divided press and an aroused public opinion on both sides. Thousands of people—from the profession and the laity alike—were deeply involved in the controversy. For many weeks the outcome was in doubt.

To one who, from fairly nearby, watched that struggle of giants, what has happened since is a commentary on the natural progression of events. By legislative action effective October 3, a somewhat more inclusive oath than the one prescribed for University employees is now required of all public employees, whether state, county or municipal—numbering some 300,000—and of civilian defense workers who will ultimately number over 1,000,000.

The bill was passed by a special session in less than a week's time. The favoring vote was overwhelming, with only a handful of dissenters. A few newspapers remained opposed in principle, but no real battle was waged in the press. And apparently public opinion, generally favoring the provision, is not vividly aroused even where it is opposed.

Among educators also there has been little organized protest, and one gets the impression that comparatively few

schoolmen have really strong feelings on the subject. For instance, the California Association of School Administrators and the California School Supervisors Association, both recently in state conventions, took no direct action in this regard. And the powerful California Teachers Association has so far announced no opposition.

It is interesting to speculate upon this comparatively easy acquiescence in a type of action which, judging by tradition, one might have expected to be distasteful to educators. For the Act itself is by no means a mild one.

The oath to be signed reads:

"I, ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that

within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows: _____ (If no affiliations write the words 'No Exceptions') and that during such time as I am a member or employee of the (STATE OF CALIFORNIA) I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means."

Penalties for perjury or felony are provided.

Perhaps much of the reason for the fairly free acceptance by educators of this requirement lies simply in the times. Schoolmen, along with other citizens—far more than most—recognize the dangers of our day. Even if they feel a loyalty oath will do little, if any, good they sympathize with a people seaching for security, and submerge their private feelings more readily on that account.

Certainly, too, the fact that this bill does not single out teachers for discriminative treatment is important. (What the law really does is to set up, as an emergency measure, a screening device for *civilian defense* workers—and then make all public employees, including teachers, defense workers.)

Undoubtedly another major factor was the speed with which the law was passed by the special session, since in barely a week's time the requirement was a *fait accompli*, in a sense futile to argue about. And, finally, there is a

fairly general feeling that the present State government under Governor Warren, who initiated this bill after fighting the University oath, can be depended upon for a sane, careful administration.

However, it would be misleading to imply that all educators are happy with the law. In college faculty ranks, especially, there is a considerable desire to use whatever influence may be available toward speedy modification or repeal. (One wonders why academic freedom should be so much more a felt concern at the college level.) Yet even here, there is little disposition left to make the traditional case for academic freedom. One senses a weary feeling that the public would not understand or care about that issue anyway. Discussion hovers around practical questions, such as how to make sure that genuinely loyal citizens will not be smeared or persecuted.

Finally, a much-mooted question is that of the constitutionality of the law. Able lawyers have been quoted as saying they could argue either side of that question with a clear conscience. It is probable that ample opportunity for judicial decision will be speedily available.

All the above should be taken simply as one observer's reasonably objective size-up of a situation and of the feelings people have about it. Value judgments have purposely been left out. But the observer cannot help reflecting on the march of events. Suppose the one deciding vote which swung the prior University of California struggle had been on the other side and that oath had been defeated: Would the State legislature then have taken this subsequent action as readily, and would the public and the profession have struggled so little? Is this the way we get used to a new idea?

Copyright © 1950 by the Association for Supervision and Curriculum Development. All rights reserved.