

# "SIGN OR GET OUT": ACADEMIC FREEDOM AT THE UNIVERSITY OF CALIFORNIA AND CAL POLY IN THE MCCARTHY ERA

CAMERON COYNE

## AUTHOR BIOGRAPHY

CAMERON COYNE

Cameron is an undergraduate history major at Cal Poly, and recently transferred from Santa Barbara City College in the Fall of this year. His research interests include: Latin American history, political history, and the Cold War. He plans on graduating in June 2018, and would like to pursue either the single subject teaching credential in social science or graduate school to teach history at the secondary or postsecondary level.

In the late spring and summer of 1949 tensions were high, and a paranoid hysteria swept across the United States. The second Red Scare of the late 1940s and '50s became the focal point of American politics, culture, and society. Its domestic significance came about with the dawn of a Cold War with the Soviet Union.<sup>115</sup> The Cold War would last for much of the latter 20th century, and instill common feelings of fear and anxiety in most Americans. American politicians and general public opinion began to categorize the Soviet Union, more specifically, members of the Communist Party, as the enemy and a critical threat to American ideals and values.

The most notable leader of this shift in American perception was the vexatious senator from Wisconsin, Joseph McCarthy. In early 1950, McCarthy openly declared before a dismayed crowd in Wheeling, West Virginia that he had obtained a list of 205 subversive communists working within and shaping policy of the U.S. State Department.<sup>116</sup> With the help of the House Un-American Activities Committee (HUAC), McCarthy waged an unscrupulous war of defamation on many Americans with supposed communist ties. Many refer to this period in American history as the

---

115 Landon R. Y. Storrs, "McCarthyism and the Second Red Scare," *Oxford Research Encyclopedia of American History* (July 2015).

116 Stuart J. Foster, "Chapter I: The Red Scare: Origins and Impact," *Counterpoints* 87 (2000): 1.

“McCarthy era,” specifically for the politics of McCarthy and his overly suspicious attacks and investigations of prominent celebrities, politicians, and educators. The collective anxiety and paranoia of the McCarthy era led to a demand for the immediate purging of all federal and state institutions. Employees with suspected communist ties, whether legitimate or fabricated, were often removed in an effort to contain the supposedly dangerous ideas associated with Communism.

The McCarthy era brought about a return to administering loyalty oaths to those who worked for the state or federal government as a means of control. The loyalty oaths, or oaths of allegiance, held their roots in the beginnings of WWII, as fascism and totalitarianism engulfed much of the world. These oaths of allegiance were used by the U.S. government to ensure control of any potentially dissident employees. American political power shifted to the right in the late 1940’s, and President Truman was increasingly forced to embolden loyalty oath programs. We see this particularly between 1947 and 1956, as “more than five million federal workers underwent loyalty screening, resulting in an estimated 2,700 dismissals and 12,000 resignations.”<sup>117</sup> The administering of loyalty oaths in America led to controversy in late 1949 and into 1950 when the state of California and the University of California Board of Regents implemented loyalty oaths that explicitly demanded that all employees declare that they were not a member of the Communist Party. Many academics, faculty, and state employees were given the choice between the constitutional right to free speech and job security. A great many of these individuals chose integrity in the face of losing their job, their reputation, and their livelihood.

This paper will examine the consequences of implementing anti-communist loyalty oaths in California and the reactions to them in 1949 and 1950 by students, faculty, and those who initiated loyalty oath policies, specifically the UC Board of Regents. I will focus on California Polytechnic State University and compare campus reactions to the loyalty oath crisis of several universities within the UC System. Secondary interpretations of the McCarthy era and loyalty oath crisis in California, including previous student research, have greatly supplemented my own work. These include: Bob Blauner’s *Resisting McCarthyism: To Sign or Not to Sign California’s Loyalty Oath*, scholarly articles by Nancy Innis and Stuart Foster, and previous student research done by Courtney Thompson and Emily Scates.

117 Storrs, “McCarthyism and the Second Red Scare.”

I argue that the practice of administering loyalty oaths to those on California college campuses in the McCarthy era was more an academic control mechanism than a communist purge. Analysis of the UC Board of Regents oath debate in 1949-1950, and subsequent faculty and student protest will be crucial in comparing the reactions of the UC and Cal Poly. I will expand on previous research, but particularly emphasize the implementation of the anti-communist loyalty oath in 1949 and 1950. While Cal Poly never witnessed protests to the loyalty oath like ones seen at UC Berkeley and UCLA, its administration, under President McPhee, still sought to control its faculty, especially within the Liberal Arts Department. Additionally, the students at Cal Poly reacted quite differently than their UC counterparts to the loyalty oath. Cal Poly students often displayed conservative and even apathetic views in the student newspaper, as compared to their dissenting UC peers. A comparison of Cal Poly and the UC during the loyalty oath crisis will reveal a stark difference of opinion on academic freedom, free speech, and defiance in the McCarthy era.

## HISTORIOGRAPHY

Due to the impact of the McCarthy era on almost every aspect of American life in the late 1940s and 1950s, a significant amount of scholarship on the second Red Scare and its effect on academia exists. However, there is less information of the California loyalty oath crisis specifically. The preeminent history of the California loyalty oath crisis can be identified as Bob Blauner’s book on this subject. He thoroughly explains both the history of the UC regents’ loyalty oath and also the state of California’s own, mostly identical, loyalty oath that would follow as a result of the Levering Act of 1950. According to Blauner, the UC regents and the state of California used McCarthyism for their own purposes that had little to do with the issue of a communist threat. The regents sought to gain power to shape UC policy; California’s politicians, and specifically Governor Earl Warren, sought to attain political capital before the upcoming 1952 election.<sup>118</sup> By implementing an anti-communist oath, both the UC regents and California politicians could appear “tough on communism” while also maintaining, if not expanding, their power over academic faculty.

118 Bob, Blauner, *Resisting McCarthyism: To Sign or Not to Sign California’s Loyalty Oath* (Stanford, CA: Stanford University Press, 2009), 193.

In her article on the California loyalty oath, Nancy Innis conveys that the defiance of some of the professors who refused to sign the oath did so in order to retain the power of appointment and dismissal.<sup>119</sup> She cites further that as the regents were deciding whether to fire the non-signers an argument between two opposing regents arose. Regent Arthur McFadden claimed that no member of the Regents had openly declared any member of the faculty to be a communist. He continued to say that the loyalty oath debate had become “a matter of demanding obedience to law of the regents.”<sup>120</sup> His reflection represented a growing suspicion towards the loyalty oath; however, there would be little opposition to President Sproul’s anti-communist oath. In his article on McCarthyism and education, Stuart Foster asserts that during the McCarthy era educational institutions across the country came under investigation by an “intensive red scare microscope.” Foster explains additionally that censorship of textbooks and the dismissal of educators was commonplace.<sup>121</sup>

This conflict of control also existed at Cal Poly. Emily Scates’s research on the role of academic curricula in the Cold War period is particularly insightful in understanding how Cal Poly students and administrators responded to the “communist threat.” According to her, Cal Poly administration and student body avoided dissent in order to comply with political and cultural norms.<sup>122</sup> Additionally, Courtney Thompson asserts that Cal Poly’s administration responded to the second Red Scare in a conservative and intolerant manner. She implicates the strong role of President Julian McPhee during the controversy as well. Thompson explains the degree of varying opinion at Cal Poly about communism, and alleges that students were not entirely unified in opinion.<sup>123</sup> She highlights the California loyalty oath crisis at Cal Poly by mentioning an effort by

119 Nancy K. Innis, “Lessons from the Controversy over the Loyalty Oath at the University of California,” *Minerva* 30 no. 3 (1992): 347.

120 Innis, “Lessons from the Controversy over the Loyalty Oath at the University of California,” 352.

121 Stuart J. Foster, “The Red Scare: Origins and Impact,” *Counterpoints* 87 (2000): 10.

122 Emily Scates, “Politics, Paranoia, and Poly: The McCarthy-Era Red Scare and Its Impact on California State Polytechnic School, San Luis Obispo,” *HIST 303 Research and Writing Seminar in History: Cal Poly History Project* (March 2016): 12.

123 Courtney Thompson, “A Contemporary Witch Hunt: The McCarthy Era at Cal Poly,” *HIST* 303

*Research and Writing Seminar in History: Cal Poly History Project* (March 2016): 4.

some subordinates of President Julian McPhee to make the loyalty oath voluntary.<sup>124</sup> Regardless of this minority opinion, the oath would remain mandatory. She portrays McPhee as an administrator who sought to control his subordinates, and even goes so far as to reason the lack of documented faculty reaction to the oath as an apparent effort to “dodge future lawsuits or potential uproar from faculty and students.”<sup>125</sup>

McPhee’s relationship with his faculty in many ways mirrors the relationship UC President Robert Sproul had with his fellow Regents and faculty. Both of these men would exert authoritarian control over their respective staffs during the McCarthy era. Scholars have largely condemned Sproul and the UC Regents as unethical McCarthyists, but I deem them rather as opportunistic figures who sought to shape the future of UC governance. Moreover, I find President McPhee less than culpable in repressing academic freedom. McPhee did actively seek to bridge the gap with a disenchanting staff in latter part of 1950. The apparent malaise of the Cal Poly academic faculty must, at least in part, be attributed to the forced submission to a state-wide anti-communist oath. While faculty at both Cal Poly and the UC were, to some degree, upset with the anti-communist oath, the major difference of opinion was held by the students, as seen upon examination of student opinions in newspapers like the *Daily Californian*, *Daily Bruin*, and *El Mustang*.

## UNIVERSITY OF CALIFORNIA AND THE BOARD OF REGENTS

On June 24th, 1949, the UC Regents met in Los Angeles, California after three months of deliberation and faculty opposition to President Robert Sproul’s anti-communist oath proposal made on March 25th. The controversy that had ensued was due to a new explicitly anti-communist clause that would amend the most recent loyalty oath administered in 1942. The new loyalty oath passed, and would read:

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; that I am not a member of the Communist Party or under any oath,

124 Thompson, “A Contemporary Witch Hunt: The McCarthy Era at Cal Poly,” 12.

125 *Ibid.*

or a party to any agreement, or under any commitment that is in conflict with my obligation under this oath.<sup>126</sup>

According to a front-page news article from Berkeley's *Daily Californian*, President Sproul stated at a meeting of the academic senate that "I interpret the oath as designed to make it impossible for a Communist to serve on the faculty of the University."<sup>127</sup> On the same day as the oaths passing, the Regents held a meeting to clarify their reasons for the oath. The following excerpt from the recorded meeting minutes indicates their supposed motivations.

[The Regents share in] the responsibility to keep the University free from those who would destroy [its] freedom...this freedom is menaced...by the Communist Party through its determination by fraud, or otherwise, to establish control by the State over the thoughts and expression of thoughts by the individual.

And furthermore, that, "membership in the Communist Party is incompatible with objective teaching and with search for the truth."<sup>128</sup> The logic that the Regents deployed in justifying an anti-communist oath must either be seen as extremely paranoid, or evidence of an ulterior motive. These strong anti-communist stances were common during the second Red Scare; however, the UC Regents would use the new loyalty oath to further their agenda of expanding academic control and governing power within the UC. The oath would also establish a precedent of deference to their leadership on issues facing the UC like tenure and free speech. The Regents' oath drew the ire of both faculty and students alike at the UC. By implementing a mandatory oath, the Regents did in fact infringe on the academic freedom that they claimed to be protecting.

126 University of California Regents, Excerpt from meeting minutes, June 24, 1949, *Report of Special Committee on Preparation of Resolution Pertaining to Communist Activities*, <https://goo.gl/d7H1Ld>, 2, accessed February 13, 2017.

127 Arnt Froshaug, "Regents will discuss loyalty oath today," *Daily Californian*, June 24, 1949, 1.

128 University of California Regents, Excerpt from meeting minutes, June 24, 1949, *Report of Special Committee on Preparation of Resolution Pertaining to Communist Activities*, <https://goo.gl/d7H1Ld>, 1, accessed February 13, 2017.

On June 27th, the first official meeting of "non-signers" was held in the Faculty Club at Berkeley. Sixty members of the faculty attended, and agreed that these new loyalty oaths were unacceptable; they were unsignable.<sup>129</sup> Many faculty uttered discontentedly the phrase "Sold down the river!"<sup>130</sup> They used this phrase to convey their sense of betrayal by the Regents. In collaboration with other non-signers and professors, George R. Stewart, himself a Berkeley professor, began work on a book entitled *The Year of the Oath: The Fight for Academic Freedom at the University of California*. Published in 1950, in the heat of the controversy, Stewart's book outlined many of the grievances held by the faculty and outlined why they so strongly held to their convictions. The book's contributors saw the Regents' loyalty oath as an ambiguous political test which had negative implications that would affect important issues like Academic Tenure, Academic Freedom, and University Welfare.<sup>131</sup> The issues of tenure and academic freedom were unsurprisingly paramount to the non-signers. According to Stewart, "the faculty had now come to believe, any admission that the regents could require a particular oath...opened the way for the imposition of any kind of tyrannical requirement upon the faculty, on penalty of being dismissed without even a hearing."<sup>132</sup> It is apparent that the non-signing faculty were less concerned in losing the freedom of individual political belief, and more so the overreaching power of President Sproul and the UC Regents now sought to attain.

Berkeley teaching assistant and poet Jack Spicer denounced the loyalty oath without reservation in his poem *Response to the Loyalty Oath*. To Spicer the loyalty oath test was a "stupid and insulting procedure." "If this oath is to have the effect of eliminating Communists from the faculty, we might as logically eliminate murderers from the faculty by forcing every faculty member to sign an oath saying that he has never committed murder."<sup>133</sup> He concludes in saying, "We...dislike the oath for the same reason we dislike Communism. Both breed stupidity and indignity; both threaten

129 Steve Finacom, "Expanded Timeline: Events of the Loyalty Oath Controversy and Historical Background," <https://goo.gl/eZhex6>, accessed February 20, 2017.

130 George R. Stewart, *The Year of the Oath: The Fight for Academic Freedom at the University of California*, (Garden City, NY: The Country Life Press, 1950), 30.

131 Stewart, *Year of the Oath*, 22-26.

132 *Ibid.*

133 Jack Spicer, "[Response to the Loyalty Oath]," *Poetry* 192, no. 4 (2008), 326.

our personal and intellectual freedom.”<sup>134</sup> Spicer’s poem is indicative of how the UC faculty actually felt about the oath. It was clear to most of them that communism wasn’t the real threat; the threat was rather the Regents and their egregious attempts to control the faculty using McCarthyism.

Students of the UC rallied with their non-signing professors in their struggle against the Regents, as seen in the many positions taken in student newspapers. A *Daily Californian* editorial offered by Richard Golden symbolized student opposition to the oath and support of the non-signers. He implored that,

The responsibility of students in this situation is tremendous. A faculty strengthened by the support of 20,000 students will mean victory for democratic education...It will mean that the University of California is setting a precedent for the country’s thousands of other colleges and universities which will in all probability fall prey to the loyalty oath if we fail to stem the tide here.<sup>135</sup>

He further argued that the actual purpose of the loyalty oath “[is] to enforce political conformity among liberal and progressive professors. Its purpose is dangerous.”<sup>136</sup> An additional editorial cartoon (Figure 1) found in the same publication on July 7th,



Figure 1. UC Regent crafts a shackle labeled “Faculty Loyalty Oath” in this editorial cartoon. *Daily Californian* (Berkeley, CA), July 7, 1949, 9.

satirically depicted the UC Regents as armorers who are crafting shackles labeled “Faculty Loyalty Oath.”<sup>137</sup> The cartoon clearly displays the opposition of writers at the *Daily Californian*, and is representative of feelings held by the intended audience, the larger student body. This image’s interpretation will contrast in a noticeable way with the opinion of a Cal Poly cartoonist as we will see in the next section of this paper (Figure 3).

134 *Ibid.*

135 Richard Golden, “Faculty stand on oath” *Daily Californian*, September 13, 1949, 8.

136 *Ibid.*

137 Editorial Cartoon, *Daily Californian*, July 7, 1949, 9.



Figure 2. Nearly 8,000 Students Gather During the Loyalty Oath Crisis. “Students Gather at UC Greek Theatre at Berkeley for Faculty Presentation on Loyalty Oath,” Photograph, March 6, 1950, The *San Francisco News-Call Bulletin* newspaper photograph archive.

At UCLA, the loyalty oath crisis was also front page news. Bob Lupo, a *Daily Bruin* writer, commented that the Regents had overstepped in implementing a loyalty oath, and fervently stated “the University of California is not a democracy, nor is it a republic! It is an oligarchy of 24 somewhat pontifical officials of public trust—an oligarchy that is blatantly ignoring the clearly expressed and virtually unanimous desire of some eleven hundred faculty members.”<sup>138</sup> The view that Lupo identified was an opposition to the anti-communist stance held by the Board of Regents. He further offered that if the course of action is not changed “liberalism and honest education will be buried forever.”<sup>139</sup> This widely held opposition to the loyalty oath would support a struggling group of non-signing UC faculty and eventually force action on the part of the Regents.

On August 25th, the regents met and voted 12 to 10 in favor of dismissing the non-signing faculty, and implemented a sign or get out policy. The faculty were

given 10 days to change their mind, otherwise they would be terminated from their positions. This discouraging defeat would lead to a hard-fought legal victory and a reappointment of the faculty in the *Tolman v. Underhill* case, in which the non-signing faculty appealed the oath and won.<sup>140</sup> While the loyalty oath crisis ultimately yielded a positive outcome for the UC faculty, it became a prominent example of how McCarthyism threatened academic freedom.

## CALIFORNIA POLYTECHNIC REACTS

Nestled among the rolling hills of San Luis Obispo, California State Polytechnic College, as it was called in the 1950s, was a school of technocrats. Cal Poly emphasized “upside-down” education, or studying major courses in a student’s first year, and the “Learn by Doing” philosophy, aiming to build and educate men in fields such as agriculture, engineering, and manufacturing. Cal Poly has been often noted as a conservative campus, which makes for an excellent comparison with the universities examined prior such as UC Berkeley and UCLA, as they were ardently defiant in the McCarthy era. However, like the University of California, Cal Poly was not immune to the effects of McCarthyism. During the McCarthy era and the second Red Scare, Cal Poly students often embraced views that could be construed as right-wing and conservative, as seen in various *El Mustang* articles. The reaction of Cal Poly faculty to the loyalty oath crisis can be interpreted as somewhat similar to the UC faculty reaction. The faculty voiced their discontent and concerns, in the months of the loyalty oath crisis, inward to superiors and deans, who in turn voiced their concerns in meetings of the president’s council. They also became wary of the administration’s leadership, specifically that of President Julian McPhee, during the period following the announcement of the state loyalty oath.

Thompson argues that, “the loyalty oath at Cal Poly was not as controversial as elsewhere.”<sup>141</sup> The fact is that it was not permitted to be as controversial because of President McPhee’s strong, sometimes authoritarian, control over his faculty. McPhee sought to maintain absolute authority over his subordinates, and especially those who taught Liberal Arts courses. Cal Poly’s faculty submitted to the oath in

138 Bob Lupo, “Now or never,” *Daily Bruin*, October 5, 1949, 2.

139 *Ibid.*

140 Finacom, “Expanded Timeline: Events of the Loyalty Oath Controversy and Historical Background,” <https://goo.gl/eZhex6>, accessed February 20, 2017.

141 Thompson, “A Contemporary Witch Hunt: The McCarthy Era at Cal Poly,” 12.

fear of repercussions that the UC non-signers faced and fought tenaciously. These repercussions would have almost definitely meant dismissal and academic black listing. However, the major difference in reaction to loyalty oath crisis of 1949 and 1950 was held between the students of the Cal Poly and the University of California.

President Julian McPhee served as Cal Poly's president from 1933 to 1966, and oversaw the small school grow into a successful college. As a Cal Poly professor and assistant to the president, future president Robert Kennedy would observe McPhee as a man "[almost] obsessed with a fear of delegating too much authority and thereby losing control."<sup>142</sup> The authoritarian tendencies displayed by McPhee came to a high point during the period in which the anti-communist California Loyalty oath was implemented.

On Friday October 13th, 1950, the Cal Poly student newspaper *El Mustang* documented the implementation of the new statewide loyalty oath, as a result of the Levering Act. According to the author, "Approximately 800 to 1000 persons at Cal Poly will have to take the oath in the presence of a notary public."<sup>143</sup> The Cal Poly faculty would have 30 days to sign the anti-communist loyalty oath. Review and interpretation of the president's council meeting minutes during this period reveal McPhee's role in the control of his faculty, and how they responded. On the same day as the *El Mustang* article's publication, President McPhee held a meeting at ten a.m. in the president's conference room. McPhee called the meeting, among other reasons to, outline a plan for the faculty signing of the oath. The presumably controversial topic was the last item addressed and reduced to one small paragraph in the recorded notes. The discussion of this "plan" was basically a statement of explanation that "all employees on the state payroll must sign this oath before their checks can be issued for payment of work."<sup>144</sup> The lack of discussion documented indicates that there may have been an effort to censor what was recorded. The college deans and administrators that joined McPhee in the meeting would have almost certainly had question at least

to the logistics of the plan of action in acquiring faculty signatures. No such inquiry is documented.

The next time the president's council met was on October 19th. The major item on the agenda of this meeting was to outline the stringent responsibilities associated with faculty positions as dictated by President McPhee. The first faculty position outlined was the Dean of the Liberal Arts Department. These responsibilities, most probably dictated by McPhee, include: approving the content of liberal arts courses, ensuring that courses comply with the occupational objectives of the college, and observing instruction for the purposes of evaluating their effectiveness.<sup>145</sup> These outlining of Liberal Arts responsibilities and objectives cannot simply be coincident. It is arguable that the paranoia of McCarthyism and the tensions associated with and seen from the loyalty oath crisis at the UC may have influenced McPhee in his strict emphasis on controlling the Liberal Arts department. Furthermore, the notes from the meeting reflect McPhee's belief for the limited role of Liberal Arts at Cal Poly. "Liberal Arts curricula and courses, [will emphasize] the service aspects...to the Agriculture and Engineering Divisions."<sup>146</sup> McPhee would also receive all recommendations for Liberal Arts teacher selection; any change in faculty rank, class, or range (probably meant as promotions); and faculty dismissal.<sup>147</sup> This curiously detailed outline of the role of Liberal Arts at Cal Poly in the middle of the growing loyalty oath controversy only reflects McPhee's perpetual disdain towards the Liberal Arts. McPhee's strong outline on the future of Liberal Arts at Cal Poly in combination with the forced signing of an anti-communist loyalty oath would almost definitely have frustrated some faculty. To my knowledge, no such individually attributable complaints exist, or at least still exist.

In the following president's council meeting on October 26th, President McPhee reflected on the current morale of the administration, directly addressing his subordinates at the meeting. The record shows that, "President McPhee stated that he evaluated the administration and it seemed to him each division could accomplish a great deal more in carrying out their responsibilities if... [they did so] ...on a positive

<sup>142</sup> Robert E. Kennedy, *Learn By Doing: Memoirs of a University President: A Personal Journey with the Seventh President of California Polytechnic State University*, (San Luis Obispo: California Polytechnic State University, 2001), 145.

<sup>143</sup> "No Sign, No Pay: State Loyalty Oath Hits Local Campus," *El Mustang*, October 13, 1950, 1.

<sup>144</sup> Julian A. McPhee, President's Council Minutes and Agenda. *S.L.O. President's Council Minutes and Agenda: 1950 Sept.-Dec.: Meeting no. 6*, 39.

<sup>145</sup> Julian A. McPhee, President's Council Minutes and Agenda. *S.L.O. President's Council Minutes and Agenda: 1950 Sept.-Dec.: Meeting no. 7*, 54.

<sup>146</sup> *Ibid.*

<sup>147</sup> McPhee, President's Council Minutes and Agenda, *Meeting no. 7*, 53.

basis rather than a negative basis.” “The President stated further that he was aware of the frustrations that the administrators are experiencing, as he is not immune from frustrations, but we must continue to do our best in attempting to overcome such frustrations.”<sup>148</sup> McPhee outlined suggestions for improving morale, implored administrators to “express [their] honest feelings and concern[s] for the problems... faced,” and even excused himself from the meeting so that the faculty could speak freely about their problems without fear of his reaction.<sup>149</sup> The feelings addressed by McPhee implicate the overt frustration held by the administration and faculty at the time. The source of this stress must be attributed, in some way, to McPhee’s controlling authoritative leadership and also the loyalty oath crisis. To McPhee’s defense, he did acknowledge these issues and, to the best of his ability, allowed the administrators to try and work out their discontent in a time of high tension. McPhee’s role in changing and expanding Cal Poly cannot be understated. His term as president would see an extremely positive turn from a school on the brink of closure to one emboldened to prepare generations of learn-by-doers for success. Cal Poly historian Morris Eugene Smith notes that “President McPhee must have felt deep satisfaction. During the period of his administration the institution expanded and improved in every way; its future was assured. Clearly, Julian A. McPhee was most responsible for the California State Polytechnic College of 1950.”<sup>150</sup> However, in his comprehensive history of the first fifty years of Cal Poly’s history, Smith makes no mentioning of the loyalty oath controversy of 1949 and 1950. This may be attributed to the severe lack of primary student and faculty responses, and potentially to Smith’s clearly eulogizing portrayal of McPhee.

Students at Cal Poly in the McCarthy era often voiced their opinions in the student newspaper *El Mustang*. As a much smaller paper than the *Daily Californian* or *Daily Bruin*, *El Mustang* editorials on the loyalty oath crisis at Cal Poly are mostly limited to a reporting of events like the article seen previously. This indicates that student opinion of the loyalty oath was strongly influenced by anti-communism

148 Julian A. McPhee, President’s Council Minutes and Agenda. *S.L.O. President’s Council Minutes and Agenda*

*Agenda: 1950 Sept.-Dec.: Meeting no. 8, 3.*

149 McPhee, President’s Council Minutes and Agenda, *Meeting no. 8, 4.*

150 Morris Eugene Smith, “A History of California State Polytechnic College, the First Fifty Years, 1901-1951,” (Ed.D. thesis, University of Oregon, 1957), 283-285.

and a right-wing newspaper agenda, or perhaps, more likely, an apathetic view of the controversy. Campus critic and *El Mustang* cartoonist Dick Tice, editorialized his opinions on the loyalty oath controversy in his recurring 1950-51 cartoon series “Spurious Oscillations.” In apparent disagreement with the *Daily Californian* cartoon examined previously, Tice depicts several men, presumably soldiers, entering a large vertically oriented military aircraft. A man is frantically approaching them holding a piece of paper, with the underscoring caption “Wait! Sign this Loyalty oath!”<sup>151</sup> Clearly, Tice’s opinion was that the loyalty oath was redundant if not unnecessary, especially for men willing to put their life on the line against the enemy. The two cartoons depict two largely different opinions. Berkeley’s cartoonist exudes that academic freedom is being repressed by a forceful group of autocratic Regents. Tice’s cartoon conveys a contemptuous and dismissive attitude towards the oath. Like Jack Spicer’s opinion, as seen in his poem above, Tice seems to have had a certain disdain for the loyalty oath. However, where Spicer saw the oath as being “destructive to the free working of man’s intellect,” Tice did not agree.<sup>152</sup> Tice clearly did not see the loyalty oath as any sort of threat to academic freedom, where students and faculty assistants, like Spicer, at the UC emphatically condemned it to be so.

The difference is symbolic of how the institutions differed in reaction to the loyalty oath crisis. While editorials and commentary on the loyalty oath crisis at Cal Poly are slim, if not nonexistent, there is a significant amount to represent larger feelings of the student body towards communism and McCarthyism. In late 1948, about two years before the controversy of the loyalty oath would occur, *El Mustang* student writer G. Hall Landry projects a certain paranoia in claiming a “Red purge” could occur at Cal Poly just as it did at the University of Washington. “Yes, it could happen here...[if] the liberals on campus...believe their right to free speech [is] above the monetary value of being a teacher, [they] will find that they too may be put under the klieg-lights.”<sup>153</sup> Landry’s point, combined with seemingly paranoid feelings towards the second Red Scare, was that even Cal Poly’s faculty could be the target of anti-communism. He overtly threatens that if a “Red purge” were to come to Cal Poly, they would most likely be labeled as communists and probably fired.

151 Dick Tice, “Spurious Oscillations.” Political Cartoon, *El Mustang*, November 10, 1950, 4.

152 Jack Spicer, “[Response to the Loyalty Oath],” 326.

153 G. Hall Landry, “It Could Happen Here,” *El Mustang*, August 27, 1948, 2.

Landry's opinionated prediction would come to pass at the UC in 1949 and 1950, but there is no similar example of defiant or released faculty at Cal Poly in the same period, at least not one found in the Cal Poly's University Archives. Another *El Mustang* article from 1950 documented the role Cal Poly took in the so-called "Crusade for Freedom," an anti-communist propaganda organization. The goal of the campaign was to "open the Soviet world to Western ideas of freedom." Cal Poly students and faculty erected posters and collected money and signatures for the cause.<sup>154</sup> Cal Poly's proactive role in this anti-communist propaganda organization helps to further contextualize the prevalence of right-wing campus political attitudes in the McCarthy era. It may serve as some evidence for why Cal Poly reacted to the loyalty oath crisis the way that they did.

In 1954, near the end of the McCarthy era, an unattributed article in *El Mustang* shows a unique and surprising turn in opinion from the paper. The article condemns a so-called cultural attack on intellectuals. "This country has always owed its greatness to those fearless in thought and courageous in action. Now, it would seem, these very qualities draw suspicion and distrust as a magnet draws steel filings." Furthermore, the author comments that "it sees in every professor a possible conspirator, a probable reader of Marx and dealer in dangerous thoughts." "But the growing distrust of the teacher, the artist, the natural scientist, and even at times the clergyman is not healthy. It is deliberately cultivated by sinister forces posing as the preservers of a red-blooded Americanism."<sup>155</sup>

154 "Elks Answer: 'Freedom Crusade' Gets Underway," *El Mustang*, September 29, 1950, 1.

155 "Liberal Values and Guns," *El Mustang*, February 5, 1954, 7.



Figure 3. Cartoon Referencing the California State Loyalty Oath of 1950. Dick Tice, "Spurious Oscillations." Political Cartoon, *El Mustang*, November 10, 1950, 4.

This example of opinionated, and even somewhat defiant, commentary at the end of the McCarthy era may be seen as potential change in thought of the collective campus. However, examples of right-wing political thought are still found in the newspaper, as seen published in the newspaper later that year. In an anecdotal article from late 1954, an *El Mustang* contributor compares "Isms" by humorously characterizing political ideologies and how they might address your owning of two cows. "SOCIALISM: You have two cows. You give one to your neighbor. COMMUNISM: You have two cows. The government takes both and gives you the milk... CAPITALISM: You have two cows. You sell one and buy a bull. CAL POLYISM: You now have a cow and a bull. You shoot the bull, sell the cow to the cafeteria, and buy meal tickets."<sup>156</sup> These characterizations as seen in *El Mustang* satirically convey how Cal Poly felt about alternative politics in the 1950s; they were not viable, and even something to be

156 "Isms-Local Style," *El Mustang*, October 8, 1954.

made fun of. Cal Poly's reaction to the loyalty oath controversy of 1949 and 1950 wasn't as significant as that of their UC counterparts, but we must consider the fact that during the McCarthy era these institutions were in a sense polar opposites. It is not to say that Cal Poly students, faculty, and administration did not value academic freedom and free speech; they did just as most colleges and universities did, even in the 1950s. The differences in reaction essentially amounted to a willingness to defy authority. The UC faculty and students rose up in direct defiance to the Regents. Cal Poly's mostly conservative student body and faculty, in majority, would not defy President McPhee, the law, or the status quo.

### CONCLUSION AND LEGACY OF THE LOYALTY OATH

Analysis of the reactions of both the University of California and Cal Poly's reaction to the anti-communist loyalty oath in the McCarthy era reveals a significant difference in campus culture and a general willingness to defy authority. The schools of the UC system, most notably UC Berkeley and UCLA, were ready to defend a faculty that had become the target of an arbitrary political test that infringed on basic academic freedom. When the Levering Act mandated state institutions comply with a similar anti-communist oath, Cal Poly's traditionally conservative and pro-right oriented campus did not protest, as the UC did. It would seem then that the faculty and the students of the UC fought the good fight for academic freedom and Cal Poly's did not. This is not my conclusion. I contend that as an academic control mechanism, the loyalty oath of 1949 and 1950 failed terribly at the UC, and went over relatively smoothly at Cal Poly.

I attribute the controversy seen at the UC mostly to the unscrupulous intentions of the UC Board of Regents, and in part by a defiantly idealist faculty. At Cal Poly, there was no board of regents to question, but instead the State of California. Through a combination of traditional conservatism, the strong and often authoritarian leadership of Julian McPhee, and a general disdain for defiance, Cal Poly would not undergo the extreme turbulence during the loyalty oath crisis as witnessed at the University of California. Because of the *Tolman v. Underhill* legal case made famous by a group of defiant non-signing UC faculty, the California loyalty oath of the McCarthy era underwent several changes and still exists today. It now reads:

*Cameron Coyne*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution 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 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.<sup>157</sup>

While there is no mentioning of a particular political party orientation, it is interesting to note that many new state employees sign a document with these very words every year. As one of the longest surviving tokens of McCarthyism, the California state oath of allegiance should still be seen as a barrier to free speech. It is in fact something to hold state employees accountable; to control them. The words "against all enemies, foreign and domestic" appear vague at first, but vague words can be interpreted in many perverse ways. What or who will be the next target of McCarthyism? Who will be audacious enough to stand up to that authority?

---

<sup>157</sup> The University Loyalty Oath: A 50<sup>th</sup> Anniversary Retrospective, document, <https://goo.gl/kk7rEX>, "State Oath of Allegiance (current)," accessed February 27, 2017.

**BIBLIOGRAPHY****PRIMARY SOURCES**

- Editorial Cartoon. *Daily Californian* (Berkeley, CA), July 7, 1949, 9. <https://goo.gl/dMdfS>. Accessed February 27, 2017.
- “Elks Answer: ‘Freedom Crusade’ Gets Underway.” *El Mustang* (San Luis Obispo, CA), September 29, 1950, 1.
- Froshaug, Arnt. “Regents will discuss loyalty oath today.” *Daily Californian* (Berkeley, CA), June 24, 1949, 1. <https://goo.gl/AJUBmH>. Accessed February 13, 2017.
- Golden, Richard. “Faculty stand on oath.” *Daily Californian* (Berkeley, CA), September 13, 1949, 8. <https://goo.gl/HSi891>. Accessed February 13, 2017.
- “Isms-Local Style.” *El Mustang* (San Luis Obispo, CA), October 8, 1954, 7.
- Landry, G. Hall. “It Could Happen Here.” *El Mustang* (San Luis Obispo, CA), August 27, 1948, 2.
- “Liberal Values and Guns.” *El Mustang* (San Luis Obispo, CA), February 5, 1954, 7.
- Lupo, Bob. “Now or never.” *Daily Bruin* (Los Angeles, CA), October 5, 1949, 2. <https://goo.gl/63b1Un>. Accessed February 13, 2017.
- McPhee, Julian A. President’s Council Minutes and Agenda. *S.L.O. President’s Council Minutes and Agenda: 1950 Sept.-Dec.: Meeting no. 6, 7, and 8*. Special Collections and Archives, California Polytechnic State University, San Luis Obispo, CA, 39-46, 52-56, n.d.
- “No Sign, No Pay: State Loyalty Oath Hits Local Campus.” *El Mustang* (San Luis Obispo, CA), October 13, 1950, 1.
- Tice, Dick. “Spurious Oscillations.” Political Cartoon. *El Mustang* (San Luis Obispo, CA), November 10, 1950, 4.

- Spicer, Jack. “[Response to the Loyalty Oath].” *Poetry* 192, no. 4 (2008): 326. <http://www.jstor.org.ezproxy.lib.calpoly.edu/stable/20608238>. Accessed February 27, 2017.
- Stewart, George R. *The Year of the Oath: The Fight for Academic Freedom at the University of California*. Garden City, NY: The Country Life Press, 1950.
- “Students Gather at UC Greek Theatre for Faculty Presentation on Loyalty Oath.” Photograph. March 6, 1950. The San Francisco News-Call Bulletin newspaper photograph archive. UC Berkeley, Bancroft Library. <https://goo.gl/Rky6p4>. Accessed February 13, 2017.
- The University Loyalty Oath: A 50<sup>th</sup> Anniversary Retrospective, <https://goo.gl/kk7rEX>, “State Oath of Allegiance (current).” Last Modified November 19, 1999. Accessed February 27, 2017.
- University of California Regents. Excerpt from meeting minutes, June 24, 1949. *Report of Special Committee on Preparation of Resolution Pertaining to Communist Activities*. University Archives, The Bancroft Library, University of California at Berkeley, Berkeley, CA. <https://goo.gl/d7H1Ld>. Accessed February 13, 2017.
- SECONDARY SOURCES**
- Blauner, Bob. *Resisting McCarthyism: To Sign or Not to Sign California’s Loyalty Oath*. Stanford, CA: Stanford University Press, 2009.
- Finacom, Steve. The Loyalty Oath Controversy University of California 1949-1951, <https://goo.gl/eZhex6>. “Expanded Timeline: Events of the Loyalty Oath Controversy and Historical Background.” Last Modified December 15, 2003. Accessed February 20, 2017.
- Foster, Stuart J. “Chapter I: The Red Scare: Origins and Impact.” *Counterpoints* 87 (2000): 1-10. <http://www.jstor.org.ezproxy.lib.calpoly.edu/stable/42976159>. Accessed February 13, 2017.

- Innis, Nancy K. "Lessons from the Controversy over the Loyalty Oath at the University of California." *Minerva* 30, no. 3 (1992): 337-365. <http://www.jstor.org/stable/41820882>. Accessed February 13, 2017.
- Kennedy, Robert E. *Learn By Doing: Memoirs of a University President: A Personal Journey with the Seventh President of California Polytechnic State University*. San Luis Obispo: California Polytechnic State University, 2001.
- Smith, Morris Eugene. "A History of California State Polytechnic College, the First Fifty Years, 1901-1951" Ed.D. thesis, University of Oregon, 1957.
- Scates, Emily. "Politics, Paranoia, and Poly: The McCarthy-Era Red Scare and Its Impact on California State Polytechnic School, San Luis Obispo." *HIST 303 Research and Writing Seminar in History: Cal Poly History Project* (March 2016). <http://digitalcommons.calpoly.edu/cphistory/>. Accessed February 13, 2017.
- Storrs, Landon R. Y. Article in the Oxford Research Encyclopedia of American History. Publication Date July 2015 <https://goo.gl/3PIhg2>. "McCarthyism and the Second Red Scare," accessed March 1, 2017.
- Thompson, Courtney. "A Contemporary Witch Hunt: The McCarthy Era at Cal Poly." *HIST 303 Research and Writing Seminar in History: Cal Poly History Project* (March 2016). <http://digitalcommons.calpoly.edu/cphistory/>. Accessed February 13, 2017.