

TRUSTEES' DECISION OF DECEMBER 12, 1952

The Board of Trustees is appreciative of the conscientious and responsible study of these two cases by the Special Faculty Committee of Review. The burden of passing on a colleague's fitness to continue to teach is a heavy one. The faculty committee has presented carefully considered conclusions, which it deems fair both to the University and to Professors Heimlich and Finley.

Nevertheless, the Board of Trustees cannot agree with the Faculty Committee of Review that no further action should be taken, for the following reasons:

The Faculty Committee of Review has urged that to plead the protection of the Fifth Amendment is a recognized constitutional right, and that it carries with it no implication of guilt. However, there is here no question of the legal right of Professors Heimlich and Finley as citizens to refuse to answer on the grounds of the Fifth Amendment. The question here concerns their special obligations as members "of a learned profession, and as representatives of this University."

The refusal of a faculty member, on the grounds of possible self-incrimination, to answer questions as to his present or past membership in the Communist Party, put to him by a properly constituted investigatory body, impairs confidence in his fitness to teach. It is also incompatible with the standards required of him as a member of his profession. He has the privilege of freedom to search out and to teach the truth. This University will protect him in the exercise of that freedom but he has corresponding obligations.

It is therefore

RESOLVED, that this Board considers it is cause for the immediate dismissal of any member of the faculty or staff of the University that he refuse, on the ground of the Fifth Amendment to the Constitution of the United States, to answer questions propounded by any duly constituted investigatory body, or in any judicial proceeding, relating to whether he is, or has been, a member of the Communist Party; and further,

RESOLVED, that Professor Finley and Professor Heimlich, having refused, on the ground of the Fifth Amendment to the Constitution of the United States, to answer questions of this character asked them by the Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee on the Judiciary, United States Senate, Eighty-Second Congress, shall, effective December 31, 1952, be dismissed from the faculty of this University, unless, in the case of either of

them, he shall, prior to that time have tendered himself ready to answer the questions of the Senate Committee and otherwise, to the satisfaction of the President of the University and the Vice Chairmen of the Board, shall have conformed to the policy expressed in these resolutions.

On motion the following resolution was also unanimously adopted:

RESOLVED, that the Board approves the manner in which Dr. Jones has conducted this matter, and specifically, the Board endorses and affirms the policy stated by President Jones on September 26, 1952, that there is no place on the faculty of Rutgers University for a member of the Communist Party, or for anyone who is under its discipline.