1-30-'26

Thereupon, the Board adjourned to meet February 8, 1926, 9:30 a.m. at the University.

Attest:
(Signed) CARL E. STEBB
Secretary.
(Signed) L. E. LAYBOURNE
Chairman.

OFFICE OF THE BOARD OF TRUSTEES
THE OHIO STATE UNIVERSITY
Columbus, Ohio, January 30, 1926.

The Board of Trustees met pursuant to call of the Chairman.

The Acting President presented the following report from the Special Committee appointed by the Board of Trustees (meeting of December 14, 1925) to investigate charges of violations of the liquor laws by students and Faculty of the Ohio State University, and communistic teaching or activities by the Faculty of the Ohio State University:

Honorable Vic Donahue, Governor of Ohio,
State House, Columbus, Ohio.

February 1, 1926.

Dear Governor Donahue—I have the honor to transmit herewith the report of the committee appointed by the Board of Trustees, in accordance with your letter of December 9, 1925, to investigate charges of violation of the prohibition laws and alleged sympathy with communism on the campus of the Ohio State University. In addition, I am sending you the complete transcript of the testimony taken by the committee; this testimony constitutes a volume of 482 pages.

The report of the committee and the volume of the testimony upon which it is based, must speak for themselves but in addition, this seems to be a proper occasion to direct attention to certain facts concerning the administration of the University which are worthy of reiteration and renewed emphasis.

The University has always insisted upon the moral integrity and good citizenship of the members of its Faculty, as well as upon their high professional qualifications. Similarly, it has always sought to foster and maintain an equally high moral tone in its student body, and has prescribed such rules and regulations as were deemed adequate to accomplish these purposes.

The Board of Trustees has constantly had and still has under discussion and consideration ways and means of safeguarding the welfare of the students entrusted to the care of the University. For instance, during a period of more than a year before an inquiry was made, the Trustees had under consideration the appointment of a Dean of Men to make more effective the provisions for promoting the social and moral welfare of the men students, but lack of funds has prevented the establishment of that position. The Board also had directed the Dean of Women to prepare a revised set of rules looking to even higher standards of conduct on the part of the women students. When occasion has demanded, the President of the University has never hesitated to dismiss a student or instructor for flagrant misconduct, or to administer each other prompt and adequate discipline as the circumstances required. The record of the University, in other words, shows an unremitting effort to promote and maintain decency and uprightness. The responsible authorities of the University will continue to maintain that attitude.

The idea held by the Board of Trustees as to the quality of character and service that should be manifested by a University teacher and other employees is strikingly shown in the rule contained in Chapter XVIII, Section 3, of the By-laws of the Board of Trustees, which reads:

"Service in the University assumes high character, personal life above reproach, and free from just criticism. A failure to observe these particulars will be construed as strictly as insufficiency in academic requirements."

This rule makes the attitude of the University towards those who serve it perfectly plain. It was in accordance therewith that the University authorities, when they learned of the violation of the liquor laws by a Graduate Assistant—Declay G.
Horton—on December 8, 1925, at once suspended Horton from teaching, pending the outcome of the hearing on charges against him, and immediately upon his conviction he was dismissed from the teaching staff.

All these matters are mentioned simply to make it clear that the University has always appreciated its manifest duty in these particulars, and that it is constantly alert to the demands of the situation. It will seek to maintain always those high standards.

Very sincerely,

George W. Rightmire,
Acting President.

On the 9th day of December, 1925, the Honorable Vie Donahue, Governor of Ohio, transmitted to the Board of Trustees of the Ohio State University a report made to the Prohibition Commissioner of Ohio, the Honorable D. E. McDonald, by S. A. Preston, the Deputy Prohibition Commissioner. This report dealt with the discovery of a still and liquor and mash, in the residence of Daniel G. Horton, a Graduate Assistant in the Ohio State University. The report also dealt with communistic or bolshevistic views entertained by Mr. Horton, and in some detail described the evidences of his leaning toward communistic principles.

Upon receipt of this report the Governor of Ohio transmitted the same to the Board of Trustees and in his letter recommended that "Professor Horton, if convicted, be dismissed and that you investigate the report that other professors made a practice of drinking at his home. Furthermore, investigate current reports about drinking parties at fraternity houses, University dances, and student social gatherings." The Governor's letter further stated that "it is alleged that Professor Horton is in sympathy with the principles of Communism and that should be looked into and every effort made to ascertain to what extent, if any, such persons are on the teaching force of the University". The Governor's letter further said "heavy law violators and 'perpetual robs' have no place on the faculties of our colleges and universities where they are entrusted with the teaching of our young men and women. Give the Ohio State University a thorough housecleaning in all quarters where it is found necessary".

Upon receipt of that communication the Board of Trustees gave the matter careful consideration, and at its regular meeting thereafter on the 14th day of December, 1925, appointed a committee to carry on the investigation requested by the Governor. This committee was composed of Lawrence E. Laybourne, chairman of the Board of Trustees; Julius F. Stone, and Herbert S. Atkinson, members of the Board of Trustees; and George W. Rightmire, Acting President of the University. This committee called upon the Governor and received from him a large package of letters from various parts of Ohio relating to the proposed investigation, and some newspaper clippings dealing with the same matter. At this conference the Governor presented to the committee a memorandum for its use, in which he suggested that the committee call six named persons from the Prohibition Enforcement Department of the State Government as witnesses, and he also directed the attention of the committee to Ohio Senate Joint Resolution No. 46 introduced by Senator Hopple on Wednesday, March 25, 1925, which resolution dealt with communistic teachings and activities by certain named professors of the Ohio State University. The committee carefully examined the data submitted by the Governor, and made a report thereon to the Board of Trustees at its next meeting on the 11th day of January, 1926, and on that date at 4:20 p.m., the committee went into session for the taking of testimony.

Two Matters to Be Investigated

The matters to be investigated fall into two groups, viz., violations of the liquor laws by students and faculty, and communistic teachings or activities by the members of the Faculty. Consequently, the investigation proceeded along these two lines and in this report these matters will receive separate treatment, although some witnesses gave evidence with reference to both lines of investigation.
(B) COMMUNISTIC TEACHING AND ACTIVITIES

The Governor in the memorandum which he gave this committee, suggested that the committee consider the Hopley Resolution presented to the Ohio State Legislature at its last session, in the spring of 1926. This resolution contains among other things, the names of some professors at the Ohio State University and charges them with teaching the principles of communism, or at least being associated with organizations whose purposes were communist.

The committee learned that this resolution was largely the work of Dr. Clarence Maria of Columbus, and accordingly invited Dr. Maria to appear and make such statements as he thought best about the connection with communist or socialist movements and meetings on the part of the University professors named in the resolution. Dr. Maria, with very slight interruption on the part of the committee, told his story of the development of communist ideas and practices in the United States and the rise and fall of various organizations interested therein and the changes of names due to certain exigencies appearing at different times and in that manner connected the names of professors at the University with one movement called that of the "48ers" and with one meeting held in Columbus.

Dr. Maria based all of his statements upon newspaper news items and upon the report of the Lusk Committee to the New York Legislature about 1920. He had no acquaintance with the professors of the Ohio State University whose names appear in the resolution nor did he have any personal knowledge of their teachings or of their activities in connection with communist or socialist movements or organizations or meetings. He stated a number of times that all that he was saying was found in the newspapers and he rolled upon a variety of clippings from newspapers and from a particular newspaper called "The Week" to which he himself is a large contributor. All of the statements made by Dr. Maria in his testimony would, if presented to a court in an ordinary judicial proceeding, have been rejected on the ground that they were hearsay and therefore wholly incompetent as evidence. Dr. Maria did not appear before the committee as a witness to anything which he himself knew or had seen or experienced, but was merely a channel through which various news items from the press of the country were brought to the attention of this committee; therefore, the committee finds nothing in Dr. Maria's alleged testimony which should be given any credence because he completely failed to present any foundation for it all other than the fact that he had gathered it from various newspapers over a period of years.

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On page 92 of the transcript of the testimony he says "Most of it is in the newspaper forms, meaning the newspaper forms which were furnished. On page 94 he is speaking of a meeting at the Ohio State University Church and says, "I am quoting now a story of a meeting that was told by the Columbus Dispatch at that time."

Dr. Mari's testimony gives much information from the report of the Laskin Committee of New York and in describing this organization, he says, "I am using here the effort that this organization can be found in this report."

He further, except for the tabula of the socialistic speech delivered on Sunday in St. Paul's Episcopal Church of Columbus, an account of which speech was written by an observer which had been with him. The Ohio Civil Liberties Union, he says on page 98, "I am saying nothing that has not been published in the newspapers, as he says on page 98, "I am saying nothing that has not been published in the newspapers那一天."

On page 100 he gives the names of professors of the Ohio State University, who, in his judgment, are the most radical. There is quite a list of them and he says, "These are names are copied from the report, and it is not printed in the dispatch and other Columbus papers at least as far as I know, and that would be any errors in these names are from theDispatch, not in the Laskin report."

On page 101 he says further, "I am reciting what was said of it in the local newspapers at the time, and his report on page 101, "I have said nothing that has not been printed in local papers."

What I have here is entirely from The Week, which has been making war on the communists and socialists for a number of years. I shall have some copies of these, excerpts from The Week."

In answer to a question by Mr. Atkinson, a member of the committee, Dr. Mari said that he is one of the editors of The Week. A little later, on page 106, he says, "And as I say, there is not anything that I have said that I cannot point to in the Laskin report; and I cannot be found in the dispatch and other Columbus newspapers."

Further, on page 108, Dr. Mari said that he was the author of the Hopley Resolution. Again, on page 109, he says that the names that are mentioned in that resolution are all of them from Columbus publications from reports of organization meetings or conventions. He says further, "I know only one of them and that only by sight, and he says further, "I haven't any first-hand evidence of their teaching at all," and he repeats, on page 110, that the whole matter which he has given is from reports in the dispatch of the Columbus newspapers.

Nothing is needed to show the lack of quality in Dr. Mari's testimony beyond the quotations which appear just above.

Senator James R. Hopley, of Bucyrus, Ohio, said that he had introduced the so-called Hopley Resolution into the Legislature in the spring of 1925 and that he had sought to prevent the organization from being a political organization and further he says that he has no knowledge of the communist activities of the members of the resolution. He then said, "I quote from common talk, which is not only from common talk, but from the newspapers."

In page 117 he says that "My purpose was to have an investigation made which would show to the public whether it was true or not," meaning whether the communists were giving the information about the professors. The gist of Mr. Hopley's testimony was that he had no knowledge of the communists or their teaching at all.

He states that the parents of some students who attended the Ohio State University had told him that communism was being taught by the professors, but when pressed for names of the students he declined to tell them. It is a later date, when the committee made a report that Dr. Mari, Mr. Hopley asking for such names, but he replied by telegram, dated January 20, 1926, "For the report of the record, I have been unable to obtain consent of persons reporting teaching of communism."

The inevitable conclusion from Mr. Hopley's statements to the committee and his testimony is that he has no knowledge of whatever all persons were named in his resolution nor their teachings and it is further very clear that he had no knowledge of the drafting of the resolution, but that was entirely the work of Dr. Mari.

The professors named in the resolution appeared before the committee and uniformed the fact that they had been engaged in advocating the principles of communist social order and also denied affiliation with any of the organizations Dr. Mari had named in the Hopley Resolution. The professors appeared from their statements that they had received no circular literature from the organization mentioned, which requested that the professors receiving the same should send the literature to the committee. It is their desire to see more and more of the organization. The professors generally replied that they would be pleased to see what the organization proposed but did not become members after looking into the literature. It was understood that the organization was not desired to be connected. The professors appearing before the committee were: Professor M. J. Laskin, Charles M. Hoth, James H. Mosley, and Dr. Mari from their testimony that the statements in the resolution and in Dr. Mari's testimony were all false.

In addition, Professors Hammond and Haynes of the Department of Economics came before the committee and explained the method of handling the course in socialism. The course made it very clear that courses in economics and social order should be discussed and studied by students, otherwise proper understanding of the economic order of the world is hardly possible. It was stated also that a student, despite the most earnest efforts on the part of the teacher, might get very little clear idea of his conceptions of the laws of economics but that he might be taught that the giving of such a course in the University would also be forced objective to be object to the communism of the School of such subjects as smoking and other health diseases.

Professor Knight appeared before the committee and said that, based on his 40 years' experience in this University, no advocacy by teachers of the organization of communism had ever been made, and that from his wide acquaintance with the Faculty, he felt that the general attitude of teachers was rather conservative than otherwise.

Dean William D. Henderson sketched for the committee the organization of the University into departments, the departments into colleges headed by a dean, the dean communicating with the President, and the President then with the Board of Trustees. With this organization it is wholly impossible for a professor to carry on unethical teaching without its coming to the attention of the University authorities. The Dean further stated that every course of study, according to the rules of the University, must have the careful consideration and approval of the department, the college, and the President before it can be offered, the University authorities having the right to demand that the Board of Trustees before it can be taught.

Senator Hopley, the professor named in the Hopley Resolution were the most outstanding members of the University Faculty, in fact, that they constituted a kind of hall of fame.

Mr. Dale W. Stump, the President of the Students' Liberal Club, came before the committee and testified to the nature of that club. He said that the purpose of the club was to discuss political and social issues, political and social issues of current importance for the purpose of developing in the student members an interest in such matters and an ability to discuss them appropriately.

New organization was discovered among the students or Faculty on the Campus which had as its purpose the teaching of principles of socialistic order of the government of the United States or of which were taught as they were taught in any other campus. The students and Faculty were found to make careful discussion of revolutionary or subversive activities and such study and discussion were intended for intellectual advancement.

When the committee had exhausted the fields of investigation which were at all promising, it issued a general invitation through the press to all persons having pertinent evidence to communicate with the office of the President of the University. All persons having evidence of communistic organizations or communistic organizations as having offered to present any further testimony, the committee brought its hearings to a close on the 22nd day of January, 1926.

The conclusions of the Investigating Committee, based upon the testimony before it were:

(a) There is some liquor drinking and intoxication among students, but such offenses have been decreasing in recent years. In comparison with the whole number of students, there are very few offenses of this kind.

(b) The student social organizations have strict rules regarding the use of liquor and, of course, this is a wise, progressive, and effective way of preventing the use of liquor by students. It is a necessary part of the policy of such organizations.

(c) Under the guiding influence of the Faculty and University administration, many student organizations are constantly carrying on a program for their social, moral, and religious improvement. Any deviated offenses is negligible.

(d) The University through various agencies is constantly exercising supervision over the educational and social, and student bodies a sense of personal control and proper group relationships.

(e) That the members of the Faculty of the University have not been engaged in advocating to students the communistic organization of the social order, nor
have they devoted themselves to the furtherance of such organizations outside of the University.

(e) That much of the criticism or charges carried by the press against students of the Ohio State University is based upon unfounded rumor, or gross exaggerations of the misconduct of a very small number.

(h) That the general tone of student life is wholesome and that the vast majority of students lead normal and very busy lives.

(i) The University is so organized that the teaching of principles destructive of government or the social order would quickly come to the attention of responsible University authorities.

In addition to the foregoing conclusions based on the testimony herewith submitted, the Board of Trustees assures the people of Ohio through the Governor that all cases of dereliction requiring discipline will be promptly and adequately dealt with hereafter as heretofore.

There has not been, and there is not now, any place on the University Campus for sedulous teaching or personal conduct not in conformity with the best standards of society.

Respectfully submitted,

Geo. W. Rightmire,
Lawrence E. Laveryne,
Julia P. Stone,
Herbert S. Atkinson,
Committee.

Board of Trustees, Ohio State University,
Columbus, Ohio.

February 1, 1926.

GENTLEMEN—This is to acknowledge receipt of your report on the investigation of conditions at Ohio State University.

The report and transcript of testimony show that the investigation was thorough and complete. As all persons possessing information were invited to appear before your committee, there can be no charge of any attempt to conceal.

I am glad you found no evidence of communism being taught at the University. Other findings bear out the wisdom of your contemplated stricter supervision of student social functions. The taxpayers of Ohio are proud of Ohio State University, and when rumor becomes persistent they want to know, and are entitled to the truth. I have heard from various sources that the investigation, while unpleasant to us all, has had a wholesome influence on the entire University and has restored public confidence in the moral environment of Ohio's greatest educational institution.

The testimony and report will be on file in my office, where all who are interested may read them.

Very truly yours,

(Signed) Vic Donahue, Governor.

After careful reading of this report the same was, upon motion, unanimously approved and ordered transmitted to the Governor of Ohio.
CAMPUS NEWS

FIVE remaining officers of the senior class were named recently by Paul B. Russell, senior class president. Those who will have a part in the annual class day exercises are: Frederick W. R. Pride, class orator; Clifton D. Dush will deliver the memorial address; Christine Harper has been named poet; Nan Newton, ivy orator and Ralph L. Peters will be the class historian.

The Thompson Memorial Fund will be completed by the Class of 1926. This was the action taken in the meeting of the senior class in February, as their memorial to the campus. The fund was started by the Class of 1923 and the memorial itself will be a life sized figure of Dr. William Oxley Thompson, president emeritus of the University, which will stand at the east end of the oval.

Professor John A. Bowles, of the Department of Geology and Dr. Charles B. Morrey, of the Department of Bacteriology, have been named to sit on the committee with Professors Arthur C. Cole, Edwin F. Coddington and Charles St. John Chubb, investigating the desirability of compulsory military training at the University.

Although the University investigating committee closed the probe of the "rumored" charges and was given a clean bill of health by Governor Vic Donahay, Dr. Clarence Maris, who was responsible for the Hopley resolution on communism, was presented to the Senate last spring, and who is the editor of The Week, a political paper, continues to assail the University with the cry that the truth was not sought in the investigation.

With Coach J. W. Wilcox as the grandfathers of the organization, men students six feet tall and over have formed the Daddy Long Leg Club and are demanding taller girls, longer bath tubs and automobiles with more leg room. Sixty members belong to this chapter, which claims to have all of its charter members, Governor Vic Donahay, who towers 6 feet, one and one-half inches.

Professor W. S. Hendrix, of the Department of Romance Languages, will conduct a trip to Spain this coming summer and is offering the tour to 20 teachers and advanced students at a reduced price of $374. The tour starts June 29 and ends September 6. It is under the travel management of the intercollegiate division of the Temple Tours.

John S. Hume, Earl H. Voeller and J. Harold Macklin, all of the College of Agriculture, were recently initiated into the Junior and Senior Club.

Marion F. Werner, a senior in the College of Commerce and Journalism, was chosen the permanent secretary of the central nominating committee of the intercollegiate Student Conference, when it met at Evanston, Ill., recently. The conference included representatives from 25 colleges.

Bruce Wilder Saville, formerly of the Department of Fine Arts, who since leaving the campus a year ago has been studying in New York City, returned in February long enough to supervise the placing of the bronze bas-relief tablets in the Archaeological and Historical Museum.

Registered for the winter quarter are 8697 students. The College of Art leads with 1598 and the College of Commerce and Journalism, established but 10 years ago, is second with an enrollment of 1554. Ohio State is sixth among the colleges and universities of the country, and is third largest of all state universities.

Judge Aaron Cohn, Law, '10, of Toledo, Ohio, who has been engaged by the forum committee of Hillel Foundation, a Jewish organization, addressed Jewish students of the University recently.

"Aren't We all" is the title of the comedy to be presented as the Strollers' spring play. The comedy had a long run in New York and is now on road tour, thus attesting to its entertainment qualities. No definite date for the show has been named.

"Above All Nations, Humanity," is the name of the play written by Luis S. Quianio, a senior in the College of Commerce and Journalism, and which will be produced at Miami University in Oxford, Ohio, and at West Virginia University, in the near future.

Charles F. Kettering, '04, head of the Delco Company of Dayton, and president of the General Motors Corporation, spoke to students in the Department of Electrical Engineering, February 28, and in the evening addressed members of The American Institute of Electrical Engineers of Columbus.

Lack of interest on the part of members was given as the reason for the disbanding of Turbulent Council. The council was originally composed of seven boarding clubs but gradually one and then another withdrew until there were but three left. Disorganization then took place.

Philip G. Neneius, on the staff of the Department of European History at the University, is the author of an article, "Valtaire and His Political Ideas," which appeared in the March issue of the American Political Science Review. He has contributed several articles to magazines.

Thomas Arkle Clark, dean of men at the University of Illinois, was the chief speaker at the All-Ag banquet at the Neil House, March 12. Dean Clark is the author of a number of books on college and college men and contributes to magazines and newspapers.

Two hundred and forty-four sophomores were recently appointed as non-commisioned officers in the infantry unit of the cadet brigade. A number of promotions and additional appointments will be made following the winter quarter.

A metal statue of "Carmen" is to be the center of much class activity in the future if plans of the Boost Ohio Committee are carried out. It will be held in turn by junior and freshman, senior and sophomore classes and its appearance on the campus will be the signal for homecoming. These appearances will be made at such times as Homecoming Day, Dad's Day and other University celebrations.

Six co-eds have been named for the Pomerene Hall Board of Control. They are Ruth E. Semans, Imogene H. Atchison, Elizabeth L. Walker, Ann T. Lindenberg, Dorothy E. Thomas and Margaret S. Beman.
High Court Verdict Casts Doubt on Ohio State Rule

By CATHERINE SMITH
Eastern Staff Writer

The Supreme Court yesterday ruled unconstitutional a New York state law—aimed at keeping subversive teachers out of classrooms—which appears to be similar to an Ohio State rule.

United Press International reported that the court ruled 5-4 against New York's so-called "Feinberg Law," even though the part of the rule which drew the greatest fire—that a prospective teacher must sign a certificate that he was not a Communist or member of any group advocating overthrow of the U.S. government—was dropped in 1965.

According to UPI, the New York case was pictured as "raising the question of whether the law abridged freedom of speech and thought and threatened academic freedom."

Justice William J. Brennan, speaking for the court majority, said:

"There can be no doubt of the legitimacy of New York's interest in protecting its education system from subversion. But even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved."

Section 21.03 of the rules for the faculty of Ohio State says:

"It shall be sufficient cause for the removal of any officer, teacher or employee of the University . . . that such officer, employee or teacher advocate, or have membership in an organization which is generally known to advocate the overthrow of the government of the United States, or of the state of Ohio, by force, violence or other unlawful means."

Decision Must Be Studied

Charles Lopeman, assistant to the Ohio Attorney General, said yesterday it would be necessary to study the Ohio and New York law, and the Supreme Court decision before determining whether the Ohio State law might also be unconstitutional.

The Ohio State rule was initiated by the Board of Trustees in 1948. According to James E. Pollard's "History of the Ohio State University," the rule was adopted because of a "flurry over alleged communism on the campus."

Members of Ohio State's Faculty Council contacted last night declined to comment on the Ohio State rule and the court decision, saying they did not know enough about the Supreme Court ruling.

A member of the Board of Trustees, Frederick E. Jones, refused to comment on the fate of the Ohio State rule in light of the court decision.

"I don't know anything about the rule," Jones said. "What are you asking me for?"

James W. Shocknessy, also a member of the board, said: "When the Board of Trustees considers the rule I will give my opinion."

Other Columbus board members could not be reached for comment.

The UPI said the New York school loyalty program was built around the Feinberg Law, enacted in 1949, and upheld by the Supreme Court in 1952.

The case was brought to the court by five men who are now or have been connected with the University of Buffalo.

The five balked, UPI said, at signing the "Feinberg Certificate," which says the oath-taker is not a Communist Party member and if he ever has been, he has revealed the fact to the university.

The certificate, developed as a means of carrying out the law, is no longer needed. But its discontinuance did not affect the law itself, UPI said.

The five originally sued in U.S. district court in Buffalo to bar enforcement of the laws, regulations and procedures making up the anti-subversive program.