CONSIDERATIONS REGARDING THE LOYALTY OATH AS A MANIFESTATION OF CURRENT SOCIAL TENSION AND ANXIETY:
A Statement Formulated by
The Committee on Social Issues of the Group for the Advancement of Psychiatry
and a Panel Discussion

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I. INTRODUCTION
With the publication of this Symposium, the Group for the Advancement of Psychiatry is initiating a further expression of its work. Twice yearly in General Session, the members discuss a subject of importance. Because of the complex and fluid character of these topics, as well as the fact that they often represent pioneering efforts toward further integration of knowledge of human affairs pertinent to scientists in the multi-discipline fields, it has proven valuable to ask experts to join a panel to discuss them. The material for the general session then consists of two parts: 1) a report prepared and previously circulated to the membership of the Group for the Advancement of Psychiatry by the Committee whose topic is being presented, which serves as the spring board for the 2) panel discussants and for discussion from the floor of the GAP session. If the report and panel discussion seem worthy of publication, a form such as this makes it possible for the collaborative work of the specific Committee and its consultants to appear in conjunction with the material presented by the experts who, as invited guests of the Group for the Advancement of Psychiatry, are free to speak as each wishes on the subject at hand. GAP Symposium No. 1 thus inaugurates this new form of reporting both the Committee's material and panel discussion. Other Symposia are in preparation and will appear in print soon.

II. PREFACE
The present socio-psychological atmosphere in our United States is to a large degree determined by fear of a powerful enemy from without and by the apprehension that this enemy may be active within. These fears and the concomitant quest for security have led to a series of social devices which in the opinion of many do more harm than good to the values and patterns of living which they are meant to preserve.

Taking the Loyalty Oath as one such device, and looking at the entire problem from the standpoint of mental health, the Committee on Social Issues prepared a statement which they submitted to the Group for the Advancement of Psychiatry on March 13, 1953. In order to amplify and illustrate this statement, the Committee on Social Issues arranged a Panel, made up of psychiatrists and social scientists, which was presented before the General Assembly of GAP on April 12, 1953. Both the statement ("Considerations") and the proceedings of the Panel are reproduced herein.

III. CONSIDERATIONS REGARDING THE LOYALTY OATH
This statement is not based on any specific field research. It rather represents the collective point of view of the Committee members, based on their training and professional experience. As such, it can be regarded as a hypothesis which research may or may not validate.

The Committee regards the loyalty oath procedures as only one manifestation in a growing general trend towards enforcement of conformity of thinking and acting. Any other symptom of this trend might have been singled out for discussion, or the entire social climate made the subject of a study. Yet we believe that the ever increasing enforcement of oath-taking is particularly characteristic of the general atmosphere and that it is with good reason that so many respected public and scientific leaders have stated their great concern with it. Their protest has been based on reasons of practical effectiveness, civil liberty, academic freedom of teaching and research, legality, moral principle, and even on foreign policy.

As psychiatrists, our particular concern stems from the awareness that self-expression and individual responsibility are essential for emotional health and maturity. We are therefore concerned with the appearance of social controls which limit expression and question responsibility. As the Committee has stated at length in a previous report, it is the psychiatrist's right and his duty to observe the social scene, to clarify and organize what he can see from his particular vantage point, and to state and communicate his conclusions.

It is evident that the present political climate is largely determined by the threat from without to

*GAP presents the opinions of the panel participants without either endorsing or disapproving them. The opinions expressed herein by these experts are their own.
our national security and by the danger from enemies within. To counteract this latter danger, many security measures have to be taken. An investigation into the "loyalty" of large segments of the population is regarded by many as such a security device. One method of assuring loyalty is the frequent use of a solemn declaration, variously worded, but in general to the effect that the individual does not belong to any group hostile to the government. Oaths of loyalty to the democratic principles and traditions of our country have always held a respected place in our way of life. There is, for example, the pledge of allegiance to the flag: in universities, the oath to uphold academic standards; in medicine, the Hippocratic oath. The emphasis in these traditional practices is a pledge of faith to a set of principles and values. Thus, the usual form and intent of the traditional pledge are essentially positive and affirmative, whereas the tone of the present loyalty oaths is negative. It places the individual's loyalty in question, it forces him to defend it, it forces him to deny an implied accusation of treasonable intent toward his government. In its manifest content, the current loyalty oath is threatening and coercive. In its latent content, it generates an atmosphere of accusation and suspicion.1

Traditionally, the benevolent authority of our democratic society has encouraged a maximum degree of freedom which, regulated by personal conscience and a sense of social responsibility, allows the individual to develop his potentialities, with a high degree of inventiveness and productivity. Many slogans point up these ideals, such as "pioneer spirit," "free enterprise," "freedom of speech and worship," "may the best man win." Individual initiative and self-realization has always been considered the main source of the nation's strength.

To be sure, individualism has never been the only trend in our complex society. But the cultural atmosphere in this country has always been that of a healthy balance between conformity and individualism, tradition and progress. With oscillations in either direction, a dynamic equilibrium has always been established. The recent trend toward enforcing conformity seems to threaten this equilibrium more than ever before.

We are witnessing a perceptible change in the pattern of authority, creating conflicts within the individual and between the individual and society. The increasing enforcement of defensive oaths, often demanded yearly, engenders suspicion and anxiety. This anxiety is akin to that experienced by a child who becomes alienated from the authority of his parents by: (1) the lack of trust in him sensed by the child; (2) the increased threat of punishment. In this pattern of relationships, the value of the parent as a model becomes diminished and identification with the parent becomes more difficult.

The conflict can be readily understood by examining the situation of teachers who, as a group, are particularly hard hit by the negative aspects of the oaths. They are constantly forced to submit to an authority which seemingly does not trust them nor accept them as mature, responsible people. This results in alienation from the authority, self-deprecation, limitation of function and devaluation as models for the next generation. All this engenders hostility in the teacher which he may displace (a) towards his peers by an intensified suspicion of them and by both accusing and provoking accusations from them; (b) towards the student group, which he now might begin to limit as he himself feels limited. Furthermore, he becomes confused by the official sanction of attitudes incompatible with heretofore unquestioned collective ideals which he was accustomed to pass on to his pupils. Here are some of these discrepancies:

1) Legal guilt is contingent on voluntary acts. vs. Guilt by historical, accidental, involuntary association.

2) A person is considered innocent until proven guilty. vs. An accused is considered guilty until proven innocent.

3) Maximum protection of the accused until he is proven guilty. vs. Maximum publicity with or without evidence.

4) The accused has the right to face his accuser. vs. The accuser remains anonymous.

5) Clearing of one's name restores one to self-respect and security. vs. Even though one's name has been cleared, the fact of accusation may do lasting damage.

6) Free expression not only permitted but a virtue. vs. Punishment for exercising this prerogative is advocated.

7) Contempt for the "informer." vs. Glorification of the "informer."

8) The academic teacher as free research worker and teacher. vs. The academic teacher as bureaucrat and under constant surveillance from above.

1Compare e.g. the Constitutional Oath of the State of California with the revised form of the oath of the University of California as prescribed by the Regents.

a) "I do solemnly swear that I will support the Constitution of the United States and . . . of California, and that I will faithfully discharge the duties of my office to the best of my ability."

b) "... that I am not a member of the Communist Party, or under any oath, or any party to any agreement, or under any commitment that is in conflict with my obligations under this oath."

Notice that the appendage to the oath contains an explicit statement that one has not perjured oneself in the preceding part. The addition was eventually declared unconstitutional by the California Supreme Court.
The conflict is by no means limited to the teacher. The government official, the industrial leader, the law-
maker, find themselves in similar positions, being both threatened by and having to impose the co-
ercive and constrictive atmosphere concomitant with the oath procedure. Patterns of relationships thus established undermine trust in and respect for con-
structive governmental authority. It has been amply demonstrated that the oath as a detective or deterrent agent has but little value. In fact, it is no security measure at all. The real internal enemy is not fright-
ened nor made to feel guilty by perjury. Furthermore, his identity becomes obscured since an ever increasing number of "deviant" individuals and groups are drawn into the vortex of suspicion.

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VI. PANEL DISCUSSION

The meeting of the Group for the Advancement of Psychiatry, held at the Berkeley-Carteret Hotel, Asbury Park, New Jersey, on Sunday, April 12, 1953, convened at 9:15 A.M., Dr. Jack R. Ewalt, President, presiding.

PRESIDENT EWALT: It now becomes my pleasure to turn this meeting over to Dr. Sol Ginsburg who will preside as Chairman of this Panel. Introduce the guests and the topic of the morning.

DR. GINSBURG: As I think about this meeting this morning I feel that the most impressive fact that it illustrates is the very fact of its being at all, the very fact that a psychiatric organization known for its conservatism and reluctance to get involved in controversial and difficult matters, has chosen a subject so important and yet so full of thorny questions for its discussion at this Sunday morning session.

I want to say very little at the beginning because we have too much to do which is more important than these few remarks that I might make.

The Committee on Social Issues has gone through considerable travail in the course of its history. Gradually we have grown and learned how to work together and understand the process of working with the membership at large. I think we have reached a certain degree of sanity and stability about the many social issues which one person or another thinks we should study and make a report on.

Two years ago when the whole question of the increasing tension in the country about the matter of the promiscuous and indiscriminate use of the Loyalty Oath began to concern people, it seemed to our Committee that this was a wise and necessary subject for our thought and investigation. This is a social issue. It has been called by many people the most important issue before the country.

At any rate, we started to work on this in our usual informal way and last year we circulated a report. This was a very modest report, designed to be simple, not to get into controversial matters more than was necessary and certainly not to indulge ourselves in psychoanalytic lingo, which tends only to obfuscate the already complicated issue. The response to that report was overall enthusiastic but there was a considerable part of the membership of GAP that expressed doubt and in some instances disapproval.

We then tried to revise the report to meet some of the objections which seemed cogent and reasonable and we circulated among you the revised report which provides the basis for this morning’s discussion.

We have been able, we are very proud and happy to say, to gather a very distinguished group of scholars and scientists this morning who have generously come to talk with us about this whole question from the vantage point of their respective disciplines and backgrounds and personal experiences. Without further ado then I would like to introduce the first participant in the panel, Dr. Gerhart Piets.

DR. PIERS: We have presented to you in our statement a hypothesis about the disturbing influ-
ences of the Loyalty Oath procedures upon individu-
als and groups. We consider this procedure as only
one symptom in a growing trend which does not
insure but enforces conformism, even uniformity.
The social scientists on our panel who follow me
today and who have been participant observers and
scientific investigators of this phenomenon will tell
you that such disturbances have already taken place
and they will describe and analyze them from their
particular vantage point. I think that their findings
can be considered a partial confirmation of the hy-
pothesis contained in our statement.

My task today shall be to try to make more explicit
some of the psychodynamics contained in this state-
ment. I shall concentrate on what happens to the
individual, and particularly on three aspects of per-
sonality development in a free and democratic so-
ciety, all three of which I feel are potentially endan-
gered by a coercive and restrictive social atmosphere.
I subsume these under the well-established headings
of ego, the super-ego and the ego-ideal. I am using,
of course, these concepts not as clearly distinct en-
tities, but merely as heuristic abstractions to denote
areas of psychological organization. I am fully aware
that any disturbance in any one of these three fields
of observation, or any imbalance between them, im-
mEDIATELY influences the others.

To start with, it seems self-evident that an op-
timum development of the ego would be endangered
by anything that restricts free access to the object
world. That again is, of course, a two-way process.
It requires, on the one side, an uninhibited use of the
ego faculties of learning, understanding, integration, 
mastery, etc., and on the other hand, free availability
of stimuli from the outside. This goes, of course,
for the entire range of interplay between individual
and environment. If, however, for our purposes, we
limit ourselves to the interplay between teacher and
pupil, we will see how easily this can be disturbed
in the climate of social intimidation and restriction.
The teacher, under the threat of punishment for hetrodoxy, will cautiously select and withhold in-
formation. The student whose questions will be
answered evasively will gradually restrict his curiosity
and limit his range of interest. It may very well be
asked at this point: How can the taking of the
Loyalty Oath possibly have such far-reaching ef-
fects? The answer is that the oath is only character-
ic of the general trend: but it is also becoming
evident that this defensive ritual as such is quite di-
rectly responsible for a self-restriction of the teacher
and, therefore, indirectly, of the student. The social
scientists, I think, will give you some evidence to
that effect.

A normal ego—normal in the sense of healthy
and not in the sense of average—has been defined
as one with a minimum of inhibition, a maximum of
insight, into the self and the environment, and an
optimum of complexity. None of these aspects can
develop freely in an atmosphere of distrust and con-
formism.

For instance, the love of adventure is an impor-
tant ego function which develops in the latency period
but has to be carried into adulthood if the frontiers
of our culture are to expand, and this is what we
expect from our American culture. With our ge-
o graphical frontiers gone and the physical adventures
more or less limited to sports, at least the adventures
of the mind must not be curtailed. It is wrong for
a strong and growing ego to be over-protected against
new experiences, even if they are "dangerous." The
freedom to make one's own mistakes is a most im-
portant prerequisite for healthy ego development.

As to the development of a workable super-ego, we
believe it to grow from primitive roots in the child's
pre-verbal mentation, which conceives of primitive
and often cruel punishments for certain deeds and
fantasies. As the ego grows, so the super-ego's
"don'ts" become more rational, internalizing the
necessary inhibitions of an increasingly complex
environment without, to be sure, ever quite losing
its connections with its pre-rational beginnings. It
is the sign of a healthy and mature super-ego that it is
as rational as possible under the circumstances, and
that it is largely internalized, that is, not too de-
dependent on repeated actual or symbolic threat from
the outside world.

Such a mature super-ego can optimally develop
only in a free and democratic society; that is to say,
(a) a society in which sanctions and limitations of
individual freedom are based on rational evaluation
of reality, changing with growing insight into this
reality, and not rigidly fixed on irrational assump-
tions or superstitions; and (b) a society in which
the individual, through maximal participation, can
acquire an ever increasing attitude of self-responsi-
bility.

It seems to me that the entire societal spirit in
which the enforcement of the Loyalty Oath was
born, will, if permitted to persist, eventually lead to
a retardation of the individual's super-ego, on just
those two counts. The entire ritual of the oath,
with its repeated defensive assertion that "I am not,
I have never been, etc., and thus I am putting my-
self in the jeopardy of perjury," is quite irrational
in its contents and purpose, particularly so if you
consider that the tests and oaths of loyalty usually
extend to subservience in general, a term which
can be stretched to mean anything that somebody
does not like and which defies rational definition.
The whole procedure is somewhat reminiscent of
medieval customs of ordeals by fire or water, or of
invocations of divine punishments to prove one's
innocence. Such an irrational element, if re-intro-
duced and internalized in the individual's super-ego,
is certainly no guarantee for the latter's reliable func-
tioning in a rational technological world. Secondly,
the repetition of threat and intimidation from the
outside delays the formation of an internal uncon-
scious conscience, just as the member of the delin-
quent sub-class of our society does not have to de-
velop much of a super-ego but may survive socially
to the extent that he is capable of evaluating the actual
dangers of legal punishment.

This concept of a truly workable conscience which
is unconscious, automatic and hence reliable, being
optimally developed in an atmosphere of freedom
and not of restriction might be at first glance a little
confusing. We are still somewhat under the influence of Civilization and its Discontents. As psychiatrists, we usually focus on the pathologically restrictive element in the super-ego, and tend to miss the much more important factor of healthy and normal inhibition which has its biological parallel in neural and enzymatic inhibition, and its cultural one in societal regulation.

Finally, a few words about the threat to the individual ego-ideal, as I see it. I do like to differentiate between the "Don't" of the super-ego and the "Do" of the ego-ideal. I think that each has a phenomenology and pathology quite its own. Briefly, the super-ego prevents transgressions through guilt anxiety. The ego-ideal represents the sum total of the goals of our inner aspirations, and it signals failure to reach them by shame anxiety. Much of what we have submitted to you in our statement refers to the collective ego-ideal in our particular American society. We have pointed out the discrepancies and conflicts of ideals created in the individual, and emphasized in this connection the plight of the teacher who is charged with transmitting these ideals to the next generation. I only want to add a few remarks about the teacher as an image in our society.

The ego-ideal is built largely by identification with positive images of the parents first, later joined by images of other significant persons, teachers, the peer group and value aspects of society in general. The innate drive in the personality to expand, to find its very own identity, requires new models or images, since the parental ones invariably prove insufficient in our complex culture. The teacher is an immensely important figure which the growing individual needs as an intermediary identification model in the difficult task of severance from the original images. These models should in their total behavior convey the healthy ego-ideals of independence and aggressiveness. As it is, we are not giving our teachers the status and the security that would make them ever better images to be incorporated into our sons’ ego-ideal, and which would realistically insure a better selection. If we permit teachers to be further harassed and intellectually castrated by distrust and intimidation, I think we are going to do a dangerous disservice to the next generation. This, by the way, is but a paraphrase of the moving statement which our friend, Erik Erikson, made to the faculty of the University of California.

Very briefly summarized, and therefore necessarily oversimplified: There exists a dangerous trend toward restriction and conformism in our present social climate, of which the enforcement of the Loyalty Oath is an apt symbol and symptom. This trend is pathogenic to the individual on these counts:

1. It makes for restriction and delay in ego development by limitation of interest and curtailment of information.
2. It distorts the development of a workable super-ego by reinforcing the irrational element in it and also by emphasizing the external threat at the expense of self-responsibility.
3. It threatens the ego-ideal appropriate to a free and democratic society by introducing increasingly contradictory ideals and by deprecating the image and model value of the teacher.

DR. GINSBURG: We are going to have discussion from the floor but it is our feeling that the orderly sequence will be helped if we listen to all panel participants first and then call for discussion. There are many differences amongst the panelists and there are many differences among all of you, and I hope we will have the freest kind of discussion. I am sure that most of you know at least the name of Dr. Nevitt Sanford, who is our next discussant. He is probably best known to you as the co-author of The Authoritarian Personality. He is a distinguished psychologist and he has graciously consented to talk about a personal experience which I am sure is difficult for him to speak about, but which illustrates the whole problem very vividly. Dr. Sanford is at present the Coordinator of the Mellon Foundation at Vassar College.

DR. SANFORD: You may recall that in England during the early stages of the war a man had to pay a half crown to get someone to listen to his story of the bombings. Now you are almost bound to listen to my story, so I can only promise that if you will get hold of me after this meeting, I will listen to yours. Such stories are getting to be quite common and it is a little bit embarrassing to have to take advantage of your captivity here.

It would only be justified on the grounds that it is really interesting to note what can be observed in communities under pressures of this sort; it is also instructive in some ways, I think.

I will have to review as briefly as I can the major events of this bout at California and then make some comments upon them.

In March, 1949, the President of the University recommended to the Board of Regents that in view of the apparently impending attacks upon the university by groups within the State Legislature, all employees of the University be required to sign, in addition to the constitutional oath of loyalty, an oath having special reference to the Regents' anti-Communist policy. This recommendation was unanimously adopted by the Board.

In June, the Academic Senate, Berkeley Section, met to consider what action to take. Although there appeared to be much unity of feeling in opposition to the special oath, there were many differences of opinion about grounds for opposition and about what was to be done. Finally, a resolution was passed, requesting the President to ask the Regents that the special oath "be deleted or revised in a manner mutually acceptable to the Regents and the members of the Academic Senate." The Senate's Advisory Committee—that is, advisory to the President—was instructed to consult with the President with the view to working out a solution. No solution was immediately forthcoming and there followed a period of about a year of negotiation, dispute, and compromise. During the first five or six months, the faculty marshaled its strength and showed increasing firmness, but the Regents remained unyielding. Then, under great economic pressure and in the absence of wide-
spread public support, the faculty began a slow retreat from its earlier idealistic position and was finally routed altogether when the Regents dismissed 45 of their members. The dispute was then taken into the courts where it remained until last November. The final result might be termed a limited victory for academic freedom but, as so often happens in such cases, so much history had intervened that the final decision had the aspect of anti-climax, if not irrelevance. The special oath was ruled out and the dismissed professors were reinstated on the condition that they sign a new oath required of all state employees. It needs only to be added that the faculty, immediately after the defeat of their political efforts when they were in a position, so to speak, of having nothing to lose but their chains, showed that they were quite unbowed. By their ringing denunciation of the Regents' action, by their rejection of the principle of cooperation against conscience, by their practical steps to support their colleagues who had been dismissed, they recaptured the moral position on which they had first taken their stand.

I have a couple of paragraphs about the gross changes which seemed to occur in the university community during this period. First, certain social changes, I suppose you could call them: such matters as the diminution in the output of research and in the quality of teaching; such formal organizational matters as changes in routes of communication and in the occupancy of such roles as committee chairmanships; such impersonal social matters as the splitting of the community into two groups, then into several groups and finally into numerous splinter groups; the increased cohesion in some departments and the disruption in others and finally such changes in the organization of social roles as the decline or disappearance of some leaders and the emergence of others; the breaking up of some friendship groups and the formation of others; changed attitudes towards the President; changed attitudes of students towards professors and others.

As to what happened to individuals, the book, *The Year of the Oath* by George Stewart, reports—on the basis of systematic interviewing—worry, depression, fatigue, fear, insomnia, drinking, headache, indigestion, failure to function well, worsening of relations with colleagues, suspicion, distrust, loss of self-respect.

One might say that we were offered a remarkable opportunity to study the dependence of mental health and ill health upon factors in the contemporary social situation. For myself, accustomed to focus mainly on historical determinants of ill health, the experience was an eye-opener.

In discussing this, I would like to focus on two major hypotheses: one concerns the role of personality in producing social change, particularly social changes moving in the direction of totalitarianism, and the other concerns changes in the inner structure of the individual, attendant upon changes in the groups and communities of which he is a part.

Concerning the first hypothesis, I will just mention a formulation without taking the time to document it. The point to emphasize is that we are concerned here—that is, when we are speaking of the faculty of the University of California—with a more or less normal distribution of authoritarianism, with the mean probably lower than would be found in the population at large. The question is, how do authoritarian trends in personality exert their influence in such circumstances as we are considering? An attempt at a formulation would be as follows: In the whole complex of events, situations arise which act as stimuli for the authoritarianism latent in us all. In such circumstances, the more authoritarian personalities are the first to respond and they carry other, slightly less authoritarian personalities with them. Then they proceed to help transform the situation in such a way that the stimulus for authoritarian response is greater than it was before. Meanwhile, those who have responded under strong stimulation in an authoritarian way find it very difficult to get back to where they were in the first place. A certain commitment has been made and they find themselves involved in an authoritarian structure. Those who cannot adapt themselves leave the field, and the structure becomes self-perpetuating. This is something that ought to be studied in much fuller detail. The main thing is to avoid the proposition that authoritarian personalities cause authoritarian events to occur.

To turn to another aspect of how such things seem to me to operate, one of the major factors making for strain throughout the California controversy was our inability to predict what was going to happen. We rarely had the satisfaction, the ego-supporting experience, of seeing things go according to expectations. We were forever being surprised, taken aback. Unable to anticipate happenings, we had to be prepared for anything, which amounts to being fully prepared for nothing. These, of course, are the circumstances of panic. Fear—such as would have been appropriate to real danger—tended to be replaced by anxiety, and accordingly the reaction systems of early childhood were aroused and tended more and more to influence the imagery of those about us—the Regents, the President, colleagues, students, the general public. The more such imagery came to dominate our perceptions, the less well we were able to predict. The vicious circle was complete. The Regents of the University, of course, were central in all of this. Our whole strategy depended essentially on how we sized them up.

There was and is a standing order of the Regents that no member of the faculty may communicate directly with the Regents, and since for a very long time the Regents had caused no special trouble, they were in the minds of most of us very shadowy figures, and so as feeling mounted, the stage was well set for projection. It was apparent from the speeches that were made in our meetings that the imagery of the Regents varied widely. At one extreme was the imagery of them as benevolent elder statesmen who would do nothing but what they, after sober thought, had decided was best for the University. At the other extreme was the imagery of them as erstwhile robber barons who had now taken on the garb of respectability and public service, while remaining hand and glove with the powerful economic inter-
ests of the state. The prevailing view, and the one that was to be crucially determining, was that they were at least reasonable men and that a mature approach to them was not to go off half-cocked but calmly to talk things over with them. If we behaved ourselves we would be treated with justice; with sternness perhaps, but certainly with justice. This imagery of the Regents persisted for a long time. It withstood several striking demonstrations that as a group they deviated very considerably from what the imagery depicted. There were no doubt a number of men in important faculty positions who had already come to terms with power and were for peace with the Regents at any price, but in my opinion their influence would not have been very important except for the very widespread and deeply rooted feelings that good behavior would be rewarded, that the Regents in the end would enact the role of judicious authority. We cannot doubt that men have to be sorely tried before they will undertake to throw off the restraints of constituted authority. The cry, "We must put our trust in the good faith of the Regents," lasted beyond the time when objective evidence argued to the contrary.

As the Regents by their actions moved into the unmistakable position of the enemy, there appeared a tendency to dwell in fantasy upon their overwhelming power and ruthlessness. During some months of the controversy an important question for strategy was: How many non-signers of the oath would the Regents fire rather than retreat from their position? Five hundred was a more or less official estimate at one time—that of the committee selected to lead the faculty's fight. I think it is fair to say that the men (and I mean here men and not women, who are less prone to this kind of persecution imagery) who had earlier overestimated the good father aspect of the Regents, were the very ones who tended now to overestimate the ruthless power aspect. The two kinds of imagery are not unrelated. At one meeting, a professor, in urging his colleagues to sign the oath and thus to accept the compromise proposed by his committee, asserted that the Regents would fire 500 before they would give in and that we should all put our trust in the good faith of the Regents.

The same kind of considerations held for our imagery of the President, of the general public, of colleagues and students—that is to say, it was quite possible to detect unconscious forces tending more and more to dominate the imagery upon which we were actually basing our actions. It would, of course, be wrong to attempt to describe the controversy as mainly a family drama. There were, no doubt, other determinants in our culture and climate of opinion as to how the Regents were perceived and there was, after all, reality. It is the present thesis, simply, that such emotional undercurrents as I have indicated, were always there to favor misperceptions and to render clear thinking difficult.

Now, turning to a consideration of changes within individuals, the outstanding fact about a special oath is that it necessarily creates a conflict of conscience within those who affirm it and in those who do not. In our case, a number of people signed the oath more or less right away. There were various reasons. Some regarded it as just a piece of paper. Some sympathized with the Regents' actions. Some, perhaps most, thought with good reason that economic sanctions would be immediate, and some, in the general confusion of that first summer, thought that the Academic Senate had officially approved the oath. When it became clear that the faculty as an organized body was going to make an issue of it, these men were immediately divided within themselves. On the one hand, there was the demand of loyalty to one's colleagues; on the other, the need to justify one's actions or to uphold the principles that had led to the signing of the oath. Some warded off guilt feelings by working long and hard to effect the repeal of the oath and by supporting their non-signing colleagues to the end. Others, though working for repeal of the oath, were perhaps over-eager for settlement and thus too ready to compromise the principles which others were upholding.

Still others—relatively few, I think—repressed their guilt feelings and grew increasingly impatient with their uncompromising colleagues. At least one went over completely to the Regents, writing a letter to show his solidarity with them and his rejection of the faculty position.

Non-signers of the oath had, I think, during the first months of the controversy, a relatively easier time of it. They had the satisfaction of having taken a conscientious position in defense of principles of freedom. They had the support not only of their most highly respected colleagues but of a majority in the Academic Senate. But as time went on, their position became increasingly difficult. As the Academic Senate began its retreat, began voting in favor of compromises with the Regents, non-signers began to find themselves not only without the full support of their official body but actually divided among themselves. After the Academic Senate had voted—when the dispute was about nine months old—to uphold the Regents' policy of excluding Communists from positions within the University (thus giving up the principles of no political test and no guilt by association), in the belief that this would end the controversy, those individuals who still felt bound to stand on these principles found themselves in dissent not only from the Regents but from the great majority of their own colleagues. Even those who preferred to remain uncompromising with respect to the principle that only teachers may judge the competence of teachers, or had other good reasons not to sign the oath, found themselves at times rather isolated from the larger academic community. At times, when some particular strategy or particular compromise was being urged by the leadership of the Senate, the appeal to non-signers was on the basis of faculty unity, a love of the University. Signing the oath at a particular time, it was urged, would spare the University the worst damage.

Here then there was conflict between the demands of the individual conscience or, as some would have it, pride, and the need for conformity with the immediate and highly valued group. In other words, the non-signer was forced to wonder whether in insisting upon the luxury of a clear individual conscience he was not letting his colleagues down.
I might insert that one of the striking features of this thing for me is implicit in this—namely, the readiness of such large groups of our faculty to be governed by what others were going to do. Faced with the moral dilemma, the impulse to ask, "What are the others going to do?" was pretty strong; this, rather than to ask what is right. This is one of the signs of the times, I should say.

We might say then that both signers and non-signers suffered moral insupport. It might be inserted here that the distinction between signers and non-signers should not be overdrawn. Whether or not a person signed the oath and when, was a function of many factors, and not least, of economic ones. Hence, when it comes to assigning virtue as you and I would conceive it today, the signer-non-signer dimension would be far from a complete guide. What mattered most psychologically, as it seemed, was whether or not and the degree to which a person was allied in spirit with the non-signers. Almost everybody involved, let us say, suffered moral insupport and I think we may say that in almost everybody, changes—conflicts or splitting—in an internal object or agency, the super-ego, followed immediately upon and were determined by conflict and splitting in the surrounding community.

We are, of course, accustomed to the idea that the establishment of a super-ego requires a long series of reinforcements by external agencies—which presumably decrease in importance as the individual matures. Many of us, however, have not been accustomed to paying much attention to the continuous reliance of the more or less mature super-ego upon external reinforcing agencies. Perhaps in times of relative social stability the phenomenon is not easy to observe, and it is rare that we have the opportunity to observe what happens under social disorganization.

In recent years, we have been much enlightened, I think, by the observations made within the concentration camps by Bettelheim and others. Burney, in his Dungeon Democracy, remarks that men whose nations were still fighting in the war stood up better in the concentration camps than men whose nations had gone down through occupation or internal collapse. In the present instance I think the same processes were at work, but in a situation less extreme.

However, we seem hardly to have accounted in full for the serious internal disturbances that occurred. The split within the faculty community was more serious for the individual, the more exclusively he had come to rely on that community. Such reliance was made necessary for most, it seemed, not only because they were opposing the authority of the Regents, but because of the disapproval—real or imagined—of the public at large. It was probably this latter as much as anything that threatened one's identity as a professor, and if one's professional colleagues were going to be divided and therefore weak, where could strength be found? Can we in this day and age conceive of an individual conscience that is both enlightened and so firmly internalized that it can endure without external support? Can we—without resorting to the concepts of psycho-pathology? I should doubt it. The present episode did not provide a crucial test of this question, and let us hope that we never see the experiment undertaken.

There were, as we have seen, men and women who held out against the oath despite the power of the Regents, the disapproval—real or imagined—of the general public, the impatience of the faculty leadership and even the solicitous urgings of respected colleagues. But they were not, I think, without external support. They had each other. They had the staunch friends outside the University. They had the support, and the knowledge of the hopes and expectations of colleagues at other universities and colleges. In many cases, they had their wives and husbands and they had also the remembered promptings of admired figures in more remote places. Last ditch non-signers sometimes joked amongst themselves about the interesting psychological study they as a group would make, but I am not aware that this needed research was ever undertaken. One hypothesis may be suggested. They were all in a sense inner-directed. Another thing, I think most still had roots in some other community or culture than midcentury Berkeley. Some had not been at Berkeley long enough to become fully integrated in the University community. Others, perhaps, were just not altogether integratable. There was also the factor of having other identities besides that of university professor, and finally there was a factor of knowledge, at least a sense of familiarity with what was going on, than which there is no greater supporter of the ego. This, it seems safe to say, was greater on the average in this group than in the faculty at large. Perhaps it was not so much knowledge as an irresistible impulse to take an analytic view of things. One professor, who has published a statement about the controversy and his position in it, lists among his reasons for not signing the oath his curiosity about what would happen to him.

One sentence about the role of psychology in matters of this kind: it would be out of keeping with the whole spirit and direction of the paper if I did not conclude by saying that psychology can make its major contribution not by planning an overall strategy but by recognizing and pointing out those instances in which reaction systems brought over from infancy intrude themselves, to interfere with the best laid plans of normally reasonable men.

Dr. Ginsburg: It is a little difficult to introduce our next participant because I really don’t know what to call her. By ordinary criteria she is a consultant to our Committee. She has been a consultant to any number of other committees and she has been at almost every meeting of GAP. We prize her very highly indeed and I think her helpfulness to GAP at large is a matter that has been vastly under-estimated and not publicly acknowledged and I am happy to be able to do that now. Dr. Marie Jahoda is a distinguished and eminent social psychologist, a woman of learning and great heart and she always comes to our help when we need her, which is frequently. This morning she is going to report on an investigation she has been making which I think has great importance and significance and will be of interest to all of you. Dr. Jahoda is Professor of Social
Psychology at New York University.

DR. JAHODA: I want to talk to you about an exploratory study that we conducted in the fall of 1951 with professional people in government service in Washington, D.C. In 1951, just as much as now, the question of the impact of the loyalty and security measures on the climate of thought in the country was, of course, the subject of very wide political controversy. There were people who said that the loyalty and security measures had cleared and clarified the atmosphere, that they had educated the American public, that they had been altogether beneficial. On the other hand, there were people who said that these measures had corrupted the atmosphere, had encouraged conformity in every respect. The Louis B. Weiss Memorial Committee, very much concerned with this public controversy, wanted us—that is to say the Research Center for Human Relations at New York University—to make an effort to collect some material that would lift this political debate into a different and slightly more neutral atmosphere where you could hope to find an answer to that question. This is the idea that led us to go to Washington and try to find out whether we could establish at least some good hunches and hypotheses about what the impact of the loyalty and security measures actually were on government employees.

The study was exploratory. When we were asked to undertake the job we frankly did not know whether that type of study could be done, whether you could in that hot atmosphere of debate and controversy go to people and talk to them about it. So we did not approach a very wide audience or a very great number of people. We felt that we ought to try out whether we could establish sensible notions and concepts and whether people were willing while they were in government service to talk about these matters. I should say that at the time when we made our study we got the official data for what the situation was, by and large. The official statistics then indicated that while of course every government employee had undergone a routine investigation, in 99.5 per cent of these investigations no derogatory evidence had been discovered. The remaining one-half per cent had of course been exposed to special investigation. In this group the relationship of those who were cleared to those who were not, was 60 to 1. These figures, together with our emphasis on trying to find out something about the climate of thought, led us to focus on people who had not been special victims. Of course, there is another very interesting study possible among those who had been under special investigation and had been found completely free of any suspicion or doubt, but we did not want to concentrate on these.

Perhaps I ought to tell you first how social psychology, with its admittedly still very crude methods, goes about trying to do such a study on so complex a subject and in such a difficult atmosphere. The basic instrument for our collection of evidence was an interview schedule which was administered in a manner that we have come to call the focused interview. That means that those who interviewed professional people in federal employment did not necessarily stick to any question order. This was not a poll type interview. Certain areas were prescribed which they were to cover in the course of a pretty lengthy conversation, which often lasted several hours. In conducting this interview, the interviewer was instructed to take the lead from the actual experience and from the first answers that his respondents gave to him.

I would like to give you just a brief idea of what we included in this very open interview schedule. We felt that one item was of particular help and particularly revealing for the attitude of the person to whom we talked. We had constructed a hypothetical case. The case was presented in the following manner: “Suppose a colleague of yours, also in government service, comes to you and is very worried. He is worried because his neighbor with whom he is on friendly terms has been accused of being a Communist. The man doesn’t know anything about the real facts. His situation is complicated because at the same moment he has been offered an outside job. He wonders, should he go and report to the Loyalty Board that he has been on visiting terms with that neighbor? Should he take the outside job and go out of government immediately? What should he do about it?”

It is characteristic for some of the findings we got from this exploratory study that there was only one person among the 70 professional people in government who said that the hypothetical case was a ridiculous situation. Only one person said: “If his neighbor is accused of being a Communist and he does not know anything about it, it is silly to worry.” Other persons gave advice of various nature and I shall have occasion to tell you more about that. In some cases people refused to go along with the hypothetical story. However, again for a rather interesting and revealing reason, this was most clearly expressed by one man who said, “I cannot answer that question because you said I was to think of a colleague in whom I have full confidence. There isn’t such a person nowadays in government. I can’t think of anybody who could not be bought.” This is an extreme case, of course. In any case, the hypothetical instance turned out to be a good interviewing technique because the respondent was unaware that he was really talking about himself.

Our interpretation of the questionnaire data was not to say we now know that so many people would give that type of advice. That would have been foolish. Rather, we took the type of advice as an expression of how the person we were talking to felt about the entire situation.

Having discussed this introductory question, we asked the respondent: “How would you actually feel in that situation? What would you do if you had to make the choice personally?” We went on to ask him to speculate about what sort of support he himself would get from his peers and superiors in work. We asked him also whether he thought that certain people were more frequently the target of unfounded suspicion than other people. Thus, we led the interview to a gradually more general level until we came to talk about what he thought politically or socially about the existence of the loyalty orders.
With this type of subject matter and this type of interview, one of the essential questions is, of course, who are your respondents, who are the people who are answering these questions for you? I am sure we will all agree that it is very easy, if you have the proper selecting procedure, to get 70 professional employees in Washington who say, "The loyalty and security orders are the greatest harm to the country," and it is equally easy to get 70 people who say, "They are just what the country needed." The trouble for us—and this was methodologically the most difficult point—was that we could not select a statistically representative sample. We were aware of that difficulty. I want to tell you how we selected the people to whom we ultimately talked. We established contact in Washington through private introductions with the highest placed person we could find in various government departments, including, for instance, one member of a loyalty board, several people of the relatively high rank of GS15, etc. To these persons, the purpose of the study was explained and the schedule presented. They were asked to refer us from their personal experience to contrasting cases. If they suggested one whose political leanings were on the Republican side (the study was conducted, of course, during the Democratic administration) the recommendation was taken only if we could roughly match him in rank with a suggestion of someone on the Democratic side. The respondents thus came from a wide range of professional people in government.

Whenever it was possible to get advance information, we were particularly keen to get people whom we knew approved of the loyalty measures. We took it as a sign of success in selection in that in establishing contacts with the suggested persons we were in two cases suspected of being Communists and in two other cases, that we were secretly working for the F.B.I. At least we were not suspected of one particular political bias.

This technique of selection is the best we could do. In view of it, it would make no sense whatsoever to count noses and tell you how many people said what. All we have is a number of highly suggestive hypotheses. In our interpretation we always tried to check an idea that came from a Republican with what Democrats had to say, and the comments by one who approved, with the comments of one who disapproved of the security measures.

The main problem with which we wished to deal was the impact of these measures on the political climate of thought. This is an intriguing concept to define. In the course of the study we developed a tentative approach to establishing three criteria to describe the climate of thought. One of these criteria was the notion of a prescribed code of behavior. What people thought was the proper way to behave nowadays in government service in Washington was interpreted as an indication of the effect of the security measures on their thinking. The second criterion which we came to establish was concerned with the feeling tone in interpersonal relations; we tried to place every respondent on a continuum, going from complete confidence to complete suspicion of everyone else. The third criterion of the climate of thought concerned the identification of groups considered as marginal in the community of professional employees in Washington—that is, groups regarded as more suspect than others. Had the unity and the solidarity which is the rule in all bureaucratic setups been affected by the security measures?

Let me give you very briefly a notion about what was found on these three criteria. It should be emphasized again that these findings are really hypotheses, which should be tested in a full scale investigation. About the code of behavior, we asked many people directly what they regarded as the proper way for a government official to behave. The respondents showed a surprisingly great awareness of changes in this respect which had occurred within the last five years. They reported a change in their own standards. Some felt proud of this adjustment; others felt shame and discomfort. Let me give you one example of a proud report of a change in the code of behavior. It came from a man very much in favor of all loyalty and security measures. He reported that in the bus which he used for going to work he noticed that there were two regular riders who discussed politics; he felt it wasn’t right for government employees nowadays to listen to such conversation, so he decided to take an earlier bus to work, arriving 20 minutes too soon rather than exposing himself to overhearing a political conversation. More ordinary precautions concerned the change in reading habits, the decided statement that it was not good and not right for government employees to be on the subscription list of certain papers like The Nation. As one person formulated it, anything but The Saturday Evening Post and Collier’s should be avoided. Some people reported that while they used to visit places where Negro and white persons met, they felt this was not the right thing to do in the present situation. This new code of behavior covers a large list of items which have one thing in common: the prescriptions for behavior have become more concrete; while previously the standard was to behave so that the good reputation of the government was maintained, the standard now is formulated on a much more concrete and therefore more restrictive level.

I cannot go into the details of findings concerning the other two criteria. But I would like to make one more point. One of the things that struck us forcibly was the discovery that this new political climate of thought was spread as much by the people who opposed it as by those who were in favor of it. The people who regarded the over-emphasis on conformity as harmful went around in Washington and said, "Have you heard? Isn’t it terrible? You can’t read this book any more," or "This person has taken this book off his shelf. You should not participate in organizations." The people in favor of it reported, "Of course you should not read these books. Of course you should not go to socially active organizations."

The result in both cases was an intensification of the general restrictions independent of the political views of the person who talked about the situation.
This is an interesting though not altogether encouraging mechanism.

Let me end by summarizing our study thus: There is a real danger that the loyalty and security measures which are, of course, designed to preserve the security of a democratic and American way of life are—unwittingly perhaps—administered in such a way that they endanger what they are set up to protect.

DR. GINSBURG: Our next discussant needs no introduction to this group. He is a well-known and an honored member of GAP, Dr. Nathan Ackerman.

DR. ACKERMAN: The previous speakers on this panel have sharply outlined some of the infinitely complex problems that this whole issue confronts us with. I am going to select out of these many problems a few for special emphasis.

The points I want to underscore have to do mainly with three things: the tendency toward a changed perception of social authority; the tendency of individuals subjected to such pressures as the loyalty oath to perceive this pressure as an assault on the integrity of their inner concept of themselves; and finally—crucial, I believe, to the whole problem—many innocent people are made inevitably to feel guilty, though they are not in fact guilty.

By way of illustrating the importance of the subjective effects of such social trends, I would like to relate briefly a story that Dr. Robert Fleiss told at a psychoanalytic meeting in New York, I think in 1939. This story holds a lesson that I have never forgotten. Dr. Fleiss told of his experience as a practicing psychoanalyst in Berlin during the height of the Nazi regime. Despite the events of the times, he endeavored to carry out his professional work in the usual manner, but he discovered that it became increasingly difficult and finally impossible to psychoanalyze his patients. He became puzzled, discouraged, but continued his failing efforts for some time. The real reason for his mounting sense of impotence as a psychotherapist did not dawn on him until he migrated to America. When he got to the United States the real explanation struck him forcibly, that people who live each day in a social environment by which they feel menaced don’t have time for piddling preoccupations with their fantasies. Their psychic energies are sharply focused against the real external threat and it becomes increasingly difficult to concern themselves with the inner established forms of emotional conflict that have been the product of a lifetime of experience.

Dr. Sanford has underscored quite sharply the dependence of the operations of personality on the social structure and organization of which one is a part. Now, in times of critical social change, such as we witness today, the patterns of social authority tend to become more rigid and severe, particularly if an external security threat is felt. Several other trends accompany this pattern of stronger imposition of social authority. One is a growing confusion as to the representation and content of that authority, an obscuration of its definition. With this, there is increasing difficulty in being clear as to the source of that authority, as to who exercises it, who passes out the discipline for social offenses, etc. The individual citizen’s relation to government authority in this setting may be analogized to a child-parent relationship where the parent is silent, morose, does not state his position, but is vaguely menacing. The child does not know quite where he stands; he does not know exactly what is expected of him; he therefore never knows precisely when he is conforming and when he might be misbehaving and in danger of inciting punishment. It seems to me that in such a situation where the range of possible offense seems progressively to broaden and also to become increasingly ambiguous, that the line of communication between the citizen and the representation of social authority becomes impaired. It becomes more and more difficult for the individual to identify with constructive representations of social authority and this, in turn, may induce a tendency towards increasing alienation from that authority. I wonder to what extent that particular trend is relevant to the contagious spread of certain kinds of paranoid sensitivity.

In considering the psychological effects of loyalty oaths, many people stress the individual emotional experience of perceiving an increasing attack on what they stand for as individuals, their personal values, ideals, goals, etc. That trend, I think, is not to be underestimated.

I want now to mention very briefly the important trend of innocent people being made to feel guilty. Of course, the context of this mounting guilt moves progressively away from the sphere of action, away from what one actually does, and attaches more and more to what one feels and thinks. One begins to be held increasingly responsible for harboring presumably hostile or subversive thoughts of one sort or another. We certainly have not been able to explore all the emotional consequences of that quality of mounting guilt. I want simply to call your attention briefly to some of the possible emotional trends that may emerge out of a mounting guilt of this kind, in a person who is innocent but is nevertheless made to feel guilty by a constant harassing pressure. In principle, immediately one can assume that the healthier person would deal with such guilt with a healthy vigorous protest. However, if the pressure continues unrelenting, such a vigorous, healthy protest becomes more and more difficult to sustain. One possible reaction to the mounting guilt is, of course, an increasing submissiveness, an increasing restriction of self-expression and together with this, what I might call abnormally good behavior, an effort to deny the guilt. Also, there may be by way of further defense an identification with the accuser, a wish to find safety by taking the side of power. Or, there may be increased self-righteousness and with that a strong tendency to projection and the seeking of scapegoats. “It was not I who did it, but maybe the other fellow.” Beyond that, of course, there are all varieties of irrational hostile reaction to such guilt, an effort to defend against it by a discharge of aggressive feeling, an irrational “acting out” in social relations, the tendency to intimidate others, to deny one’s own fear. In the final analysis, an individual exposed to continued criticism of his loyalty
may become increasingly antagonized and be tempted, as any provocative child might be, to turn against the proper representations of authority and government. In other words, one possible consequence is that this social pattern may actually produce subversiveness.

Among ourselves I am sure there are a number who have had occasion to informally talk with people who have been subjected to such social pressure, and have seen instances of depression and withdrawal, as well as paranoid reactivity.

I want to close with just one remark that has to do with the importance of some of the psychological implications of "thought control," namely, that the experience in certain European countries brings out quite sharply one consideration, that is, that slow, steady, unremitting psychological torture is a much more potent weapon in breaking people down than any form of physical torture.

DR. GINSBURG: Those of you who were at the last meeting and were able to attend the very stimulating and provocative discussion of the McNaghten rule will remember our next discussant. He contributed brilliantly that morning and I am sure he will today. Mr. Michael von Moschiziker is at present the First Assistant District Attorney in Philadelphia.

MR. VON MOSCHIZIKER: Mr. Chairman and Ladies and Gentlemen, with your permission I shall stand since I do not have the ability of talking from a sitting position as the others have. Your Chairman’s introduction momentarily brought to me the thought that, when a sensitive subject such as today’s is being discussed, to have a name that nobody can pronounce protects one in a way. If it cannot be pronounced, it cannot be repeated. That fleeting thought is a reflection of the fear around us.

I think that you, in honest self-appraisal, can be very proud of your Committee’s memorandum. The Chairman called it a report. It calls itself a memorandum, and I believe it to be a good one. If it were a report, I would think it a bit inadequate. I do not believe the subject of a Loyalty Oath is anything more than a starting point.

The memorandum does not mention the more important matters of investigations, discharges or firings and actually trials and convictions because of what people believe or what they may have joined at some point, which, of course, the courts get at by the vehicle of perjury. But being a memorandum I think that could properly be left out and then, of course, the speakers today have not in any way left it out, which is a great thing.

The oath itself I think is somewhat of an indignity, but more important than that is the way in which it opens the door. I believe that when the wrong kind of representative of a veterans organization or some such group approaches a state legislator and tries to get him to vote for a statute setting up a rather innocuous loyalty oath, it is pretty easy to get the legislator to say yes. If you don’t go any further it does not seem too bad, but it opens the door to places where I think the government has not the faintest right in the world to intrude, because no matter how the oaths are framed, in administering prosecutions under them inevitably people tend to be judged not by what they have done but literally by what they have joined. This violates freedom of assembly, which is meant to be inviolate from the government—what they have said, what they have read, what they have believed. I think the government simply has not the faintest right to be in those fields at all and the real danger of a loyalty oath is not that it is a particularly harmful invasion of that field but that it is a tacit admission that the government can occupy the field at all. Therefore, it leads to something much worse.

Your organization I think inevitably sooner or later has to take a very strong stand about this, either for them or against them, or for them in part and against them in part, not because you are the type of outfit that acts as a lobby in Congress or state legislatures but you are the type of people who treat the emotionally disturbed. In one way or another we could all agree that this is a problem which is marked by great emotional disturbance.

Not being a doctor, I don’t know whether it is Joe McCarthy or I that is disturbed but it is apparent that someone is and many of the people that Dr. Jahoda has referred to were neither Senator McCarthy nor I, nor my friends; but they are disturbed, the employees, such as the one whom an earlier speaker told us about, the one who is getting to the office 20 minutes early in order to avoid the suspect acquaintances whom he used to see on the later bus.

Another feature of it that struck me as terribly dangerous is the fact that we always need to keep growing. If we are going to fight a war against the Russians some day—and there are many who believe we are—it of course will be a great catastrophe, win or lose, but I take it that we would all prefer to win. To win, we have to stay strong. To be strong, we have to exercise freely. We have to exchange views, argue things out. In order to argue things out we cannot all agree with each other. In order to disagree with each other and preserve our intellectual as well as moral muscle, I think by hypothesis we have to have dissent. Loyalty programs and loyalty oaths, I think, clearly do operate to strangle dissent and therefore to weaken the community. In deference, I might say this is in no way my thought. In the Bennington College Alumni Quarterly, I found a most interesting article by your own Dr. Linde mann who makes this point.

Then also, of course, you are the doctors who help people when they are not functioning properly because of fear, and this whole thing is certainly marked by fear. I would suppose that every speaker today perhaps, or at least some of the speakers, share a fear which is in me at the moment. This is a sensitive field. What you say, quoted out of context later, can be damaging to your job, to your liberty, to your friendships. I think perhaps all we who stand here and those of you who stand up and take a position later will be speaking with particular care to try to avoid being harmed by quotations out of context and with particular gratitude for the fact that we
not only have a stenographer here but a court steno-
grapher who will do a first class job and we won’t
be inaccurately quoted.

As far as personal experience goes, I might mention
one loyalty case. I found it intensely amusing. My
client was a civil servant. Tom McBride, who was
here last time and I hope will be here next time, told
me that he is the kind of a man who to look at him
you are sure he had a bomb in his pocket. He was
accused of being disloyal. We won the case. I
thought it was through my fine advocacy. I learned
later that his boss had “fixed” the Board. The im-
portant thing about the case to me was the nature of
the charges. We proved that they were not true,
but presumably if they had been established as being
true, he would have lost his job and he was a very
good civil servant, and incidentally his political hero
at that time was Robert Taft, although he later did
come to be a Stevensonian. The charges were that
he had been seen reading a copy of the New Masses,
that he had grown a beard. The significance of that
was that Stalin had a beard. It was not until after
the hearing that it developed that Stalin did not
have a beard. Indeed my client was on the mailing
list of a number of organizations—mind you, he
had not subscribed but he was on their mailing list.
We met that by showing that he was on the mail-
ing list of a number of large banks and so forth.
Also, he had attended one concert on the outskirts
of Philadelphia which had been for the relief of
people who were fighting to uphold the Spanish
Government.

In fairness to his accusers, I should say that the
concert was sponsored by an outfit which turned out
later on to have in it some people who were Com-
munists. Those were the charges against this man
brought by his government. Presumably, even not-
withstanding the help of his boss, if they had been
proved true he could have lost his job on flimsy
grounds such as that. He did lose some things. His
friends came nobly to his support, but strangely
enough after testifying and testifying with courage,
one or two of those whom he called as witnesses
stopped seeing the man as often as before. I imagine
they were afraid. They looked back on the experi-
ence. They perhaps had some pride in their role.
Still it was unpleasant to them and I suppose the
thought will occur to you— I know it does to me—
if they saw that man it reminded them of the un-
pleasantness, so they stopped seeing him.

Fear has been apparent in other forms. A young
doctor in Philadelphia told me I could say to you
that in the last few years he has four times refused
to make use of psychiatric interviews for research
purposes. The purpose of the interviews was to
have been an attempt to discover the histories and
psychodynamics of individuals who had been sub-
jected to loyalty oaths or procedures, and similar
procedures. The doctor refused to undertake psy-
chiatric interview of these individuals because he ant-
icipated that they were the kind of persons whom
senators might become interested in some day and he
might be asked what the interviewees had said to
him. He did not care to put himself in that spot.
He realized that he could refuse to answer. He was
advised that if he refused to answer he could go to
prison. He simply declined to interview the persons.
This certainly is an example of fear that not only
weakens the nation but greatly weakens your posi-
tion in every way I would think, including mone-
tarily.

As to that, I know the Committee last time was
interested in the question of whether or not a psy-
chiatrist or analyst to whom a troubled patient has
revealed a history of political originality, can be re-
quired to answer by his government. At least so
far as my own state is concerned—which I imagine
is more or less typical—and so far as the Gover-
ment of the United States is concerned, I believe the
answer is as a matter of law, yes, you can be re-
quired to answer. If you don’t answer, I believe
you can be sent to prison in spite of the fact that
the very statement your patient gave you was one
which he gave you in order that you could treat
him. You may be required to answer. That should
dnot cause too much gloom, I believe, however. The
same thing holds true as to the Catholic priests. If
a man in the confessional reveals something to his
priest, so far as the law is concerned the priest may
be required to answer in my state, but it is abso-
lutely unheard of for a judge to uphold the law and
order the priest to answer. They just don’t do it.
Of course, one reason is that the Church is so very
powerful politically but more basically than that,
I think the real reason is that the judges and the
senators know the priests will not answer. So it is
a useless gesture to threaten them. They would have
to fill their penitentiaries with priests if they de-
cided to uphold the rule of law which says they
must answer. I think if the psychiatrists and analysts
are resolute and make it perfectly clear to legistators,
Congress and the grand juries and the district at-
torneys that they are not going to tell what their
patients told them in the course of treatment, you
will find you won’t be asked and you will be in
Asbury Park and not in prison.

Another fear I think this spreads is the fear that
even your friends may turn out to be your fair-
weather friends. I believe people now in America
are sitting around in living rooms arguing this prob-
lem of loyalty procedures and are afraid even in that
friendly atmosphere to say what they believe because
who knows a fight might come with your next door
neighbor, with whom you’re not now on the outs,
and he may “rat” on you later, may cause you
trouble. You better keep quiet. You here would
know whether this feeling is mentally unhealthy. I
hope in some report there will be comment on that,
as on these other things we are talking about.

Someone has mentioned the guilt feeling of the
innocent. That is terribly important because with
complete political naivete and innocence certainly
many people who today may be right wing Republi-
cans, back in popular front days joined organiza-
tions which turned out now to be Communist-dom-
inated or to have been Communist-dominated. If
you think it is good to break intellectual bread, cer-
tainly a person who does it wittingly or unwittingly
with Communists is not guilty, but such persons to-
day have good grounds for fear. One thing I noticed
in the loyalty oath of my own state is this: One has to swear not simply that he never belonged to an organization knowing it to have been Communist-dominated but rather that he never knowingly belonged to a Communist-dominated organization. You will at first think me a very technical sort of a lawyer for saying there is a tremendous difference there. If I know I belonged to a union and did not know it was Communist-dominated I am a perjurer under the Pennsylvania oath. At least I think weak courts in times of high passions would be tempted to interpret the oath that way. I think courts would tell the jury that this may not be wise but the General Assembly only requires proof that the man knew he belonged to the organization. They don’t require proof that he knew it was Communist-dominated. Or judges might say what they have said in other types of crimes, as in carrying concealed deadly weapons with the intent to do harm. They tell the jury the intent to do bodily harm need not be expressly proved. The only proof needed is that the man had a knife in his pocket. From that alone the jury is free to infer that he wished to cut someone. That runs through the law in general, that kind of thinking. I don’t think good lawyers are proud of it but it is capable of cropping up in the problem you are faced with.

I think blind fear of Russia is something we have great need to be concerned about. In the war they taught all about the importance of knowing the enemy. To know the enemy you have to listen to lectures. You have to read his books. People are afraid to do that now. They don’t know about Russia. They don’t learn about Russia. I don’t see how anybody in this room who has not been there has the faintest idea what goes on there. I am sure I don’t. We know from reading in the papers about local events that the papers are not too reliable and yet the moral climate and the intellectual climate is such that we cannot check and go further than the newspapers in trying to learn about Russia. People are afraid to see certain types of books on the shelves.

I will stop there with one joke. I think it is time someone told a joke. The joke is apposite to this matter of being blind because we are not allowed to read about the enemy. It reminds me of the wife of the little man in the barber shop. The little man was sitting there and there was a big man in the next chair. The man had a shave and the barber came over and wanted to put face lotion on him and it had a very strong odor. The big man said, “Don’t put that on me. My wife will think I have been in a house of ill fame.”

The little man said, “You can put some on me if you want to. My wife has never been in a house of ill fame and she will never know the difference.”

**DR. GINSBURG:** The next participant in our panel is a man probably well known to many of you. He is a distinguished philosopher and occupies the Chair of Social Philosophy at the New School of Social Research in New York. Professor Horace Kallen.

**PROFESSOR KALLEN:** Dr. Ginsburg suggested that I could philosophize without any specific point in mind and just wander over the field, either with physics or theology or both in mind. I told him, very well. I would assemble impressions and react. So here I am, reacting.

It is obvious that in general terms, we are here concerned over a phase of a chronic problem of human living. The chronic problem simply amounts to the fact that people who are different from each other endeavor to live together with each other and do so with all the varieties of tension and conflict that history records and that psychiatrists, like the Greeks, have words for.

What struck me as significant in this discussion and in the assignment to the Committee that arranged this, is that they testify to a civic conscience among psychiatrists. You see, the current debate over the relation of various occupations and professions to the American idea and to the national life has elicited, broadly speaking, two views among physicians. One is that a doctor, whether he doctors only or affects the mind, is a specialist whose sole business it is to do the job for which he has been trained; that the relation of his profession to his citizenship is purely external, and exclusive; that such issues as social medicine and the like are irrelevant intrusions. The debate confronts the members of the profession who regard being a doctor as part of being a citizen and those who regard being a doctor as something independent of being a citizen. Your Committee has taken the stand that a doctor is a citizen and that the occupational interest must be definitely related not alone to the necessities of making a living by the practice of psychiatry or even of your living your lives in terms of the practice of psychiatry. There is a world of difference between these two because we spend our days making our living and then spend our nights spending what we have earned by day, so that our night life is what we live in, while our day life is what we only earn the cost of our night life in. That distinction becomes very important in an industrialized culture like ours. In the degree that the psychiatrist is a citizen, he has and recognizes his citizenship as a prior commitment. His occupation follows from the community in which he lives and works, and not the community from his occupation. It is not the expression of a personal predilection but the meeting of a public need. In the degree that the psychiatrist is a citizen, certainly preoccupation with the issues of citizenship under conditions of crisis, insofar as his occupational interest can help resolve them, becomes a civic duty—a duty as important in civil defense as army service is in military defense. I think that you are to be congratulated on the fact that you are undertaking a very important task of civil defense.

But then, one may ask, civil defense of what? Answering this question today requires the determining of the meanings of such words as “security” and “loyalty.” In each instance when these are employed by different organizations which are in competition with each other.

Our concern is with their use here at home. Our country we presume to be a free country, and the
definition of what we mean by "free" becomes an issue not merely of semantics but also of religion under conditions of crisis. It is a religious issue because fundamentally anything that one does, anything that one says, is either a mere animal response to a stimulus or part and parcel of a program of life, of a way of life, which is determined by a vision of faith and a mode of action. Vision and action together decide morale or national spirit. Now morale, the faith and works that the word "free" stands for—one synonym for which is presumably "the American way of life"—by no means constitutes a subject of unanimity or even consensus. The conflict between those persons who insist on loyalty oaths and those persons who resent and reject loyalty oaths is conflict about the essential vision of what America is, and must be, to be America. However, the vision of America, the terms of personal commitment by which "American" is defined are historically well established. They are stated in documents which together constitute the Bible of America.

I say arbitrarily that the first of those documents is the Declaration of Independence. Then we could list a series on from the Constitution, especially The Bill of Rights, Washington's and Jefferson's addresses, the Federalist papers, Lincoln's Gettysburg Address and his first and second, especially the second, inaugural, certain statements by Woodrow Wilson, certain statements by Franklin Roosevelt, certain poems of Walt Whitman and so on. One can bring together a series of classical utterances that express the American credo as a continuing faith which the nation throughout its history has endeavored to implement as the American way of life. Now this endeavor has never been unresisted. One time, certainly, it led to the very critical division between Americans that we call the Civil War. So far as I know our Civil War is the only instance in the history of mankind in which free men undertook, not to fight for the preservation of or recovery of their own liberties but for the liberation of non-free men. There has been nothing like that in history. Slaves have fought to free themselves and free men have fought to keep their liberty, but whatever other motives be assigned to the Civil War, the dominant one was to set the slaves free. Abolitionism gave direction and focus for the other motives. Its basic intention, which the Declaration of Independence expresses, persists in all the movements after the Civil War, the latest phase of which is the struggle for civil rights of which the Report of President Truman's Committee on Civil Rights is today's directive. On the record, we may say that we are committed to what may be called the American idea or the American credo, and our prime loyalty, our prime security, rests on our loyalty to this faith, as principle and as practice.

Now the things that are done and the way in which they are done at any moment—the things, for example, that we are doing at this present moment—have the same relation to the overall faith as, shall I say, the rather stale and tasteless bread of the communion wafer has to the doctrine of transubstantiation. The doctrine alters the wafer's meaning even though it does not—occasions are reported when it does—alter the sensory impact of the communion a believer takes. True, there are some believers who report tasting flesh and blood when they take the bread. Most do not, but all believe that somehow that specific morsel incarnated a general principle which is the saving flesh and blood of their Lord.

So, with respect to the acts of our daily lives—whether in our professions, in our work or in our play—in the degree that we have a genuine faith in freedom, our faith transforms and transmutes our work. It gives direction and meaning to the most trivial thing we do and the way we do it: and it is by this direction and meaning that events develop as a continuum, a configuration which so impatters them that we may look back on them and say this is the record of reasonable, consistent conduct of free men in a free society.

But there are other and contrasting meanings of the word "loyalty," of the word "security"—such as are incident to that ornament of the State of Wisconsin for whom no congressional measure of contempt can really indicate the contempt to which he subjects the causes he represents. There are ways of thinking about the American Idea that emphasize certain instant means or agencies without regard to what they do to the Idea itself. Such means effect a prostitution of the American end as defined by the documents of the American credo to the means of realizing this end, so that, as Marie Jahoda has indicated, very often the means betray and defeat the end.

From what we have heard, it is clear that many Americans are well aware that means are being employed which endanger the ends they are supposed to serve. Their employment is possible only on the assumption that the ends justify the means. How false an assumption this is, psychiatrists know better than other doctors. They know that basically means determine ends, that especially in human living, ends are simply summations of means, just as you and I are today simply the dynamic memories of what we lived through in the past. Since we are our past, since if we lose our memories we lose ourselves, since past memory is the means in present perception, therefore the fundamental job for every occupation is to make clear these relationships and to bring loyalty to the conception of the national health as that follows from the working American faith. That requires not only what you are doing now. It requires envisaging and performing everything we do in the light of the American creed; and how completely, how successfully this is done will depend upon the degree that you are willing to bet your life on the credo. For one's faith is what one bets his life on, in fact, not what one bets other people's lives on. Betting other people's lives is a means often to preserve one's own, regardless. Now the conservation of diverse ends by common means, which is "The American Way," which is the democratic way, becomes an objective that your organization can, I think, serve with signal distinction precisely because it can call attention to the commensurability of unique personal histories and impersonal government according to common laws, which means
that government is the common tool of different men undertaking together to secure to one another their different forms of life, liberty and the pursuit of happiness.

Such is the American's basic credo. There are many different ways of saying it. But they come to the same intention. To vindicate loyalty to this intention is, I take it, the citizen-psychiatrist's job. Sometimes this job involves the ultimate risk. Marie Jahoda was telling me this morning that she had been reading in the Book of Job in her Gideon Bible—this is something to be grateful to the Gideons for—last night. I think that the Book of Job provides an exact expression of the issue that the national crisis confronts us with. Remember?

Job's friends and comforters demand that he confess guilt. They demand that their friend shall sacrifice his integrity to his security, that he shall abandon his freedom for the sake of superior power. Job refuses.

In the 15th verse of the 13th chapter, if I remember correctly, he declares, "Though he slay me, yet will I trust in him; but I will maintain mine own ways before him."

Now this verse appears in another version, very falsely translated into: "Though he slay me I will trust in him." The difference between the two translations marks the difference between an enslaved mind and a free mind. Let us take note that the Book of Job ends with God's justifying Job, and not the meccary scriptural accounts of Job's time, Job's comforters.

The Book of Job defines perennial limits of the human predicament. One is a singular integrity maintaining itself against omnipotence and accepting the martyrdom and death if necessary, rather than surrendering its integrity. The other is preponderant power—supernatural, social, political—endeavoring to subdue that integrity and compel submission. Between them, you have all the degrees and range indicated here by your various consultants. As I see it, the problem for psychologists, for all professions, is the problem of making clear the issues and of bringing to personal integrity that support of expert insight into motives and understanding of forces whereby the American faith can be nourished and further implemented.

DR. GINSBURG: Without further ado I would like to introduce a friend and distinguished scholar, Professor Fowler Harper, Professor of Law, Yale University.

PROFESSOR HARPER: Mr. Chairman and Members of GAP, in order that your Chairman may relax, as he is always admonishing the rest of us to do and that you may rest a little easier. I, the last speaker, assure you that I will be the first one that he does not have to call time on. He asked me to wind up the panel by reacting and so instead of making a speech, I am just going to react a little bit.

My first reaction is to sound again the note that the Chairman sounded. It is very noteworthy that this meeting is being held today. It takes a great deal of courage for people in your profession to hold a meeting of this kind. It takes courage for two reasons. In the first place, you are getting into a multiple or cross-discipline approach to problems of behavior. That is always dangerous because you may incur the contempt and wrath of many of your colleagues, as some of us in law have done when we try to understand what psychiatrists and sociologists are talking about; and in the second place, it requires courage because you may eventually find yourself in jail. But I assure you if you do you will find a lot of good people there with you.

I recall for you the story, which perhaps you all know, of Thoreau and Emerson, when Thoreau refused to pay what he regarded as an unjust tax and was imprisoned. Emerson went down to visit him. He walked up to the prison bars and said, "Why, Thoreau, what are you doing in there?"

Thoreau, looked at him and said, "Why, Emerson, what are you doing out there?"

I am interested in behavior—all lawyers are—just as you are, in the dynamics of the reaction of the individual to his environment. It is true that I am particularly interested in the behavior and reaction of judges because as Holmes put it, law is merely a statement of the circumstances under which the public force is brought to bear upon the men through the courts. And so, the behavior of judges as well as everybody else should interest us both.

I suppose that from your point of view the more behavior which indicates to you there are mentally ill people in the country, the more mentally ill the community; just as to me, the more fundamental freedoms that are denied the citizen, the more legally ill is the country.

The Test Oath I think is symbolic of both. By the Test Oath I do not mean the ritualistic oath of public officers. They have taken that for a couple of hundred years in Anglo-American society. That does not test anything. Nobody ever objects when the lawyers and public officials take an oath. It is pure ceremony.

The Test Oath, on the other hand, is something quite different and as was suggested 100 years ago to the United States Senate, the Test Oath is the oath that breeds suspicion because it carries with it an implication of guilt and, as was said at that time, this is one of the first weapons that young oppression learns to handle. The more odious, because barbed and poisonous, it required neither strength nor courage to wield.

The point was made here earlier that the Test Oath starts out in a harmless way. You have to deny this. You have to disavow that. Pretty soon you must disavow something else. Then the attitude behind the Test Oath comes out and more and more measures of restriction and measures of oppression are invented until soon we are on the long path toward totalitarianism.

So far as the lawyers are concerned, we regard legal sanctions as necessary solely to prevent deviational conduct which imperils the liberty and the happiness of other people. We regard repressions upon
thought, freedom of speech, as being completely outside the limits of legitimate legal action. I take it that your profession has the same position, perhaps for somewhat different reasons. Perhaps you put different emphasis upon different reasons. To you, freedom of thought and expression is absolutely essential, as is pointed out in your memorandum, to the mental health of the individual. To me, freedom of thought and expression, to quote Holmes again, is based upon the market place theory of truth and truth is the only way upon which the desires of men safely can be carried out. And so for somewhat different reasons we come to the same conclusion: that freedom of speech and freedom of thought are completely outside the realms of social sanctions, legal or otherwise.

It seems to me that there are alarming signs that this country is growing more and more mentally sick and more and more legally sick. I think we are subject to what you can describe in your language as a national schizophrenia. We are breaking more and more with reality. We are coming almost to the point where we are inaccessible to the corrective experiences of or the corrective pressures of experience itself. We are goaded and goaded; we are insulted; outrageous assaults upon our liberty, upon our decency and upon our dignity are made repeatedly; we stand more and more mute in the face of all those things.

Look what happens to us. We say nothing when this nation persists year after year in recognizing a discredited, corrupt dictator—maintaining himself largely by our help on a small island—as a spokesman for 400,000,000 Chinese people. We say nothing, when the Secretary of State himself deliberately invites the F.B.I. to investigate his own loyalty. Whatever the motivation for it, it is an outrageous assault upon the dignity of the American nation and the dignity of the American citizen, apparently not even recognizing the implied question of who is going to investigate the man who investigates the Secretary of State. What reason do you or what reason do I have to suppose that J. Edgar Hoover is less subversive than the Secretary of State, or for that matter any of the victims of F.B.I. anonymous reports? I say to you that Judge Hand has warned us. He has warned us that when the mutual assumptions of confidence and trust give way to suspicion, doubt and fear, that the community is already in a process of deterioration.

I would like to remind you of what Dr. Kallen suggested, that as psychiatrists you have an obligation. As citizens you have even a higher one, just as members of the legal profession have a professional obligation and an obligation that is higher. In these particular instances it seems to me that both your obligations and mine, professional and as citizens, concur in placing upon our two professions an extra special responsibility for the mental and legal health of the nation.

DR. GINSBURG: This completes the Panel. We should like to hear as much discussion from the floor as time permits. Dr. Gregg, would you say a word, please?

VII. DISCUSSION

DR. ALAN GREGG (Vice-President, Rockefeller Foundation): It seems to me that if one looks for the etiology, so to speak, the cause of this tendency to demand test oaths and loyalty oaths and so on—I am thinking in medical terms—it reminds me of Meniere's syndrome, in that the world has apparently begun to spin for some people and they are reaching out for something that is solid to hang onto and they expect by getting individuals to declare themselves as loyal there they have got a fixed point. I am really very much puzzled at what goes on in the minds of persons who insist that this man or that man submit himself or go through, or fulfill the test oath. I don't think there is any doubt that the means do qualify the end. Because I am asked to go through or declare a test oath, I find myself in the amusing position—not so amusing, but paradoxical position—of saying, "Why, if my government had not asked me to do this, I was up until this moment completely loyal."

The very fact that it has been demanded of me has qualified my loyalty. If I could devise a way to break up a community, I think that the nearest way would be to start everybody demanding everybody else to pass a test oath. I think that would break it up the fastest.

Now we have in this country it seems to me a good deal of what I would call spectators' courts and we also have a very curious phrase—the wisdom of which I very much challenge—which is "an innocent bystander." It becomes a very dangerous thing if the bystanders think that because they are bystanders they are innocent and I fully subscribe to Thoreau's view of Emerson, "What are you doing outside?"

I think it is perfectly possible that you will have some real difficulty and you have got to find out whether you want to go the limit and find out fairly early. If you don't do that, then I think you are in the problem or the area of something that has interested me for a long time, namely, the distinction between the Greek idea of virtue and the Roman idea of morality. The Greek idea of virtue is an extraordinarily simple one. It was that your conduct be consistent with your convictions. The Roman idea of morality was that your conduct be that which is expected of your station in society, your age and maybe your sex, but, at any rate, your station in society, and what is expected of you. It takes only a moment's reflection to realize that you can be virtuous without being moral and you can also be moral without being virtuous. I cannot get that across to a young audience in any easy way. I have tried to explain this to school kids because I just don't believe we know anything about this distinction, generally speaking, in America. I have said, "Let me give you an illustration. You are on the Pennsylvania Turnpike and you know that both of your front tires are in bad condition and the expectation on that road is that you go 60 miles an hour. How do you go 60 miles an hour? If you don't care whether you are being moral; but knowing privately that both of your tires are likely to blow out at 60 miles an hour, you will
be virtuous if you go 30, but you will have the hell honked out of you for not going 60."

"I can guarantee the honking, and at the same time, in the light of what you know, you are a far safer person to everybody else on that highway if you go your 30 miles an hour."

That seems to me to be the essential problem. What do we as doctors know about behavior, about emotions? Then in the light of our private knowledge, or if you choose, our professional knowledge, what are we going to do in this particular instance?

I think there are others who want to talk more than I do and certainly those who can say something better, so I will stop here but I could go on for a long time.

DR. GINSBURG: Dr. Millet, would you say a few words, please?

DR. JOHN A. P. MILLET (Assistant Clinical Professor, Department of Psychiatry, Columbia University, New York, New York): May I "react" by expressing gratification and appreciation for what has been done for us from the Bench this morning? I think that those of us who have ever had any question in our minds as to the relative importance of being a physician to patients and of being a citizen in the community have been stood right up where we belong this morning. I am very grateful to our speakers for that.

I want to speak of a little recent experience in the matter of the Loyalty Oath. Some few years ago we had a President of the New York County Medical Society who in his presidential address said that all doctors in any station whatsoever who are not willing to sign a Loyalty Oath in any connection should have their minds examined, or something to that effect. Recently, in 1951, a motion was brought before the House of Delegates of the New York State Medical Society requiring that in order to practice medicine or to retain your membership in the County Medical Society you should be required to sign a Loyalty Oath. This has been tossed back and forth, until finally it came to the point where it looked as if—despite the opinion of legal counsel to the contrary—this was going to be passed over the head of the Council of the Society by the House of Delegates, and this happened in their last meeting. At this point it seemed important that some of us should do something about it. At least we felt that way, and for my part I undertook to write to 50 leaders of the profession to ask if they would go on record as opposed; secondly, if they would allow a letter to be drafted to the members of the State Medical Society signed by them, lending their names to it; and thirdly, if it seemed desirable in the interest of public relations to have such a letter sent to the public press, would they be willing to go along? Of these 50 letters I had 14 replies. Only 3 of these replying were willing, or said they were willing to go the "whole hog" if it became desirable. Eventually I was able to get a group of 8. This took much time and telephoning. It is very difficult to say that this figure would represent the total number of people who would be willing to sign such a document as this, but here is the document:

"The undersigned members, in good standing of the Medical Society of the State of New York, hereby record their unqualified opposition to the resolution adopted by the Society at the Annual Meeting in May, 1952, requiring of all members the taking of an oath of allegiance, a loyalty oath, as a requirement for membership in the Medical Society of the State of New York. We believe that grave injustice may be done to physicians by the imposition of such an arbitrary requirement which both casts unwarranted suspicion on members of an honorable profession and is entirely futile as the means of achieving the purposes for which it was avowedly designed.

"While any physician applying for citizenship or entering government service, whether at the local, state or national level, is quite rightly required to take an oath of allegiance to the Constitution of the United States, such a requirement has no place in the list of scientific and humanitarian objectives to which our honorable profession is dedicated.

"We therefore heartily endorse the stand taken by the counsel in opposing this resolution, and hereby request that this opposition be stoutly maintained."

Then there is a list of eight signers.

I thought you would be interested in the contrast between two answers to the original questionnaire. The first was from an aging physician of great stature in the western part of the state, who is over 80 years old. He signed "yes" to everything. This gentleman added: "I'd quit the country before I would subscribe to the oath."

The second was from a Professor of Psychiatry, "Personally I have no reason to conceal my loyalty and I think there is every good reason to affirm it in writing if asked to do so."

One of my ancestors in the Revolutionary War heard there was a battle going on around Boston, that the Redcoats were after us. So he came down on his horse from Maine and when he got there he was told that they just fought the Battle of Bunker Hill and been licked. He said, "Doggonit! It would not have happened if I was here." So he went and enlisted in the Navy and spent all the rest of his life, having during the first engagement been captured by the British, in a British military prison. So I wonder whether I would have the courage to face the prison term that has been offered as a possible solution to our troubles.

DR. GINSBURG: Dr. Waelder.

DR. ROBERT WAELDER (Instructor, Institute of the Philadelphia Association for Psychoanalysis): One discussant called subversion a vague concept, presumably with the implication that we may as well dismiss it from our consideration. It seems to me that the meaning of subversion in a democratic commonwealth is quite clear and I should like to use these few minutes for an attempt at defining it. Some conservatives try to blow it up to the point
where it becomes synonymous with non-conformity and some liberals try to whittle it down to the point where everything short of outright espionage seems permissible. We must avoid both extremes. A democratic commonwealth without liberty of thought would have lost its raison d'etre but, on the other hand, certain restraints of action are necessary if free institutions are to survive.

Political life in any other system is oriented towards the realization of a particular vision, or goal, and loyalty is defined in terms of allegiance to this goal. Early Massachusetts, e.g., was dedicated to the idea of a Puritan Commonwealth and those opposed to this idea were disloyal. The Soviet Union is dedicated to the realization of Leninism and Soviet citizens who interfere with this goal—as currently interpreted by the Party—are subversive. But a free commonwealth like ours has no specific vision of the ideal state of affairs. Instead, emphasis in our system has shifted from content to method, i.e., from any specific goal to the methods of achieving one's goals—to the so-called democratic process—and adherence to this method becomes the touchstone of loyalty in the democratic commonwealth. Any American may favor one or another religion or philosophy of life or economic system—e.g., free enterprise or public enterprise or any other economic setup. None of these positions involves the question of loyalty. But whatever his goals may be, he must advance them only through the democratic process.

What constitutes the democratic process is rarely verbalized; it has so long been taken for granted. There are essentially only two rules, one applying to the "ins" and one to the "outs."

The "outs" may fight for their goals by trying to convince a substantial body of their fellow citizens of the merits of their case. There are few restrictions of the kind of propaganda they may use, i.e., they need not limit themselves to responsible criticism, but may appeal to emotions, distort issues, even lie; all this, while not exactly praiseworthy, is still within the rules of the game. But they must not try to seize power by means other than the popular vote.

The "ins," on the other hand, must allow opposition to organize itself and to try to win friends and influence people.

This is not the place to examine the philosophy behind the democratic emphasis on method rather than content. Suffice it to say that it is a philosophy of empiricism as against systematic rationalism; that it is based on a profound distrust of the claim of any individual or group to be in possession of absolute truth and, consequently, relies on trial and error; and that this empirical approach, together with the assumption that most people are capable of learning through experience, is the rationale for the expectation that the trend of the popular vote over a period of time is likely to reflect the impact of experience.

But whatever the philosophy behind the democratic process may be, there is little doubt that it is the shibboleth of a democratic commonwealth. It is equally essential for Communism to disregard it; this is, indeed, the crucial point that distinguishes Communism from democratic Socialism. Communists neither expect to realize their ideas by winning over a majority of their fellow citizens, nor do they have the slightest intention to permit any opposition, once they have become the government. They rely on the conspiratorial activities of a small army of highly trained revolutionaries. Many people do not realize that this is an essential feature of Communism because the word, Communism, did not carry any such implication in the 19th century. But when speaking of Communism today, we do not think of such offensie experiments in community living as were made by the Seventh-Day-Adventists in Ephrata, the Jesuits in Paraguay, or, more recently, some communal farms in Israel. Communism today means Bolshevism and Bolshevism came into being through a split in the Russian Socialist movement over precisely this issue.

In the United States today, Communists expect the realization of their aspirations through the pressure of a foreign power—the "Fatherland of Socialism." They consider it as their task in the present stage of the "class struggle" to further the expansion of the Soviet Union and they expect that once the whole Eastern Hemisphere will be in Communist hands, the United States and Canada will become a beleaguered fortress, either to fall with time as beleaguered fortresses do—"dies certus est, incertus quando"—or to be forced to "collaborate" with the encircling foe.

Communist theory and Communist practice of 36 years have shown clearly that Communists equally disregard the second principle of the democratic process—the right of opposition. Once Communists have gained power, every vestige of opposition is thoroughly rooted out. The establishment of Communism thus becomes an irreversible step—contrary to the spirit of trial and error. "We," said Lenin, "will set up a government that nobody will ever overthrow . . ."

The defenders of free institutions against Communist attack are thereby put under impossible odds. Suppose you should play a daily game of chess with an opponent under these terms: if you win, you will get a few dollars; if you lose, you will be shot.

This is a precise analogy of the terms under which democratic parties struggle with totalitarian parties (Communist or Fascist) where totalitarian parties enjoy the democratic rights and privileges. One may agree to such terms if one is so vastly superior to the opponent that he can never stand a chance to win a single encounter. But if the opponent is not totally outclassed, the outcome of a contest under such terms cannot be in doubt. Yet not only Communists favor such terms of contest—one readily understands that they do—but many Liberals insist that unless we accept these conditions we are being "undemocratic."

Thus, what makes the Communist subversive in the American Commonwealth is not the fact that he favors a socialist economy—every American is free to do that—but that he does not play the game according to the rules.
Previous speakers have described the undesirable consequences of loyalty investigations—above all, the discouragement of unorthodox thought, the pressure towards conformist mediocrity. The danger, no doubt, is real. But no problem is solved by merely pointing out the perils inherent in a particular course of action and discarding it therewith. These dangers have to be weighed against the dangers of alternate courses of action and of inaction. Most of the undesirable features of loyalty investigations stem from the fact that it is difficult to uncover and to undo a terroristic conspiracy without assuming some of its characteristics in the process, while a part may be due to pressure from some quarters who want to root out not merely disloyalty but dissent as well. If your Committee, aided by distinguished social scientists, can show ways and means of how a conspiracy can be effectively thwarted without resort to potentially oppressive methods, it will make a major contribution to the American scene today and to the defense of free institutions in future times.

DR. GINSBURG: Professor Harper asked if he could say one sentence. I have a notion it will be a very cogent one.

PROFESSOR HARPER: I merely wanted to reply to Dr. Waelder on his last thought that we have on no less authority than Adolf Hitler that the great strength of the totalitarian state is that it forces its enemies to imitate it.

DR. GINSBURG: Mr. von Moschzisker.

MR. VON MOSCHZISKER: I agree with Dr. Waelder that conspirators should be punished. The thing is, I don’t only speak of it—I am a prosecutor and I know something about it. The way to capture conspirators is to use detectives, keep them under surveillance. Plant someone in their ranks; go out and follow them. If they are plotting to jam up the highways of New York City, that is a crime. If they conspire to do it, that is a crime. Catch them for the conspiracy, by all means. But we are not going to catch them by getting them to stand up and swear they are loyal. All we are going to do after hearing the oath is lull ourselves into a false sense of security.

DR. GINSBURG: Professor Kallen.

PROFESSOR KALLEN: That rather presents a perennial issue which can be stated as follows: Totalitarians in a free society declare, “I am right and you are wrong. On your principles you are bound to tolerate me and protect me because I am right. On my principles I have a right to destroy you because you are wrong.” Now the conspirators organized in terms of a totalitarian creed—and there are many kinds, not only Communists—endeavor to destroy freedom. Their defeat, as has been indicated, must come by due process of law and not by destroying freedom and the way of freedom through adopting the methods of totalitarianism.

DR. GINSBURG: We are very grateful to our participants and we hope that this meeting has been meaningful and significant for you.

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