

The Faculty Council will meet on March 31, 1953 at 3:30 P.M. in the Board Room of the Administration Building.

Agenda for March 31

1. Approval of minutes of meeting of March 17, 1953.
2. Further discussion of status of faculty members on leave.
3. The question of intersession courses.
4. Consideration of the athletic report.
5. AAUP recommendation on pensions and insurance.
6. Student request for calendar revision (to be presented by Professor Fuchs)
7. Campus delivery service (Professor Franzen)
8. Appearances of faculty members before investigating committees.

Minutes of the Faculty Council
March 31, 1953

Convened: 3:30 P. M.

Presiding: President Wells

Absent: Dean Cleland, Vice-President Franklin, Mr. Harrell, Professor Houk,
Professor Kiger, Dean Sikes, Dean Van Nuys.

Alternates present: Professor Hogue for Professor Benns, Professor Schmidt for
Professor Day, Mrs. Heberlein for Professor Feik, Dr. Byrd for
Dr. Miller, Dean Dowling for Dean Shoemaker, Professor Lusk for
Dean Weimer, Professor Holmstedt for Dean Wright.

Items of Business

1. Approval of the minutes of March 17, 1953.
2. Announcement concerning Monon service.
3. Announcement concerning the statement circulated by the American Association of Universities.
4. Faculty appearances before investigating committees.

Action of the Council

1. The minutes of the meeting of March 17, 1953, were approved.
2. President Wells announced that passenger service on the Chicago-Louisville division of the Monon needs additional patronage. If this service should be discontinued, the University would be seriously handicapped for it would be impossible to bring in even special trains for students, for large orchestras, or for other purposes. The Monon is attempting to increase traffic, for example, by putting on a special week-end train to Chicago for students. This train leaves on Friday at 5 p.m., arriving in Chicago at 9:50 p.m. and leaves Chicago on Sunday at 5 p.m. arriving in Bloomington at 9:50 p.m. The special round-trip rate is \$8.85 plus tax. It is suggested that the faculty use the Monon for University travel whenever possible.
3. President Wells announced that the A.A.U. statement on Rights and Duties of Universities was released for the morning papers on March 31. He reiterated that the statement comes from the presidents of the thirty-six associated institutions. The A.A.U. is legally an association of the Presidents. He thought that the faculty should carefully consider the statement and then decide whether to adopt it, to recommend it to the Board of Trustees, or to take no action. Professors Fuchs and Stoner urged recognition of the fact that the A.A.U. statement emanated from the presidents and not from the institutions as such, and called attention to inaccuracy on this score in local publicity.
4. President Wells directed attention to faculty appearances before investigating committees. This matter is touched on at various places in the A.A.U. statement and is also discussed in the Chafee opinion which is appended to these minutes. Generally speaking, it is the responsibility of testifying faculty members to tell the truth and the whole truth. There may, however, be some individual cases where the protection of the Fifth Amendment should be invoked. The Fifth Amendment should not be used except when advised by competent legal counsel in light of the individual case. There is no general rule that can be

laid down with respect to its use. It should not, however, be used as an emotional reaction to a distasteful situation.

President Wells proposed a procedure for faculty members who are called to testify. He suggested that the faculty member might consult with an administrative officer, or some selected colleagues. He proposed that one man should be designated to give advice, for example, by discussing experiences of other faculty members before investigating committees, and the desirability of counsel. He also wondered whether it might be desirable for arrangements to be made with a Washington law firm of distinction to give counsel. He noted that in most cases it is desirable not to use counsel in the actual appearance before such a committee.

President Wells touched on the question about past affiliation with the Communist party. If a question like this is asked, the faculty member should tell the truth. If he has been a member, then he should say so. Such testimony need not necessarily embarrass or endanger the position of the faculty member at Indiana University. It does, however, make it difficult with respect to questions about others as members of the party and on this point the faculty member may need the help of counsel. Professor Pratt mentioned that at the A.A.U.P. convention last week it was reported that refuge in the Fifth Amendment is usually taken by University administrations as sufficient cause for summary dismissal. The A.A.U.P. opposes this procedure without complete and impartial investigation. President Wells agreed with this position and this is the procedure recommended by the A.A.U. statement.

President Wells then noted that the technique of appearance before investigating committees is of great importance. The willing witness gets along much better than the inflammatory witness. Headlines are wanted by some of the investigators in these hearings. Reference was made to the case of Professor Darling of Ohio State. Professor Darling was told by a vice-president of Ohio State University that prior membership in the Communist party would not endanger his position. However, Professor Darling invoked the First and Fifth Amendments even in his consultation with his own friends and colleagues and as a result he has tended to lose the confidence of many at his own institution.

Professor Fuchs spoke in favor of a procedure of advice on the campus, and counsel in Washington if necessary. He noted that the individual owes candor to his institution. However, he also noted that disclosures to counsel are legally in confidence, but that disclosures to University colleagues are not. Professor Hogue asked whether the people who are called are selected as representatives of faculties generally or are persons who are being individually investigated. President Wells answered that aside from the professional type of informant, the people called are likely to be those whose background involves experience or knowledge of interest to the investigators. President Wells noted that sometimes faculty members are asked by the investigating committee not to talk to anyone before his appearance. Professor Fuchs responded that this is not proper procedure and that a faculty member ought to seek advice on his own campus. There was general agreement that it is desirable for any faculty member called to testify to talk first to President Wells, to Dean Briscoe, or to Professor Norman Pratt, president of the Indiana University A.A.U.P. chapter, for information concerning such appearances. It was also taken by consent that it should be recognized that the mere fact of being called does not imply that a man is guilty of any offense, nor does it cast suspicion on him. His appearance may be for information only.

5. The Council adjourned at 5:10 P.M.

Samuel E. Braden
Secretary to Faculty Council