

AIR MAIL
SPECIAL DELIVERY

May 3, 1948

Professor Jacobus ten Broek
Department of Speech
University of California
Berkeley 4, California

Dear Chick:

I have just received a wire from Dorothy Thomas, in which I assume you have cooperated. I am baffled by this wire, not merely due to the fact that Grodzins is apparently about to publish something but also due to its request that I threaten to disclose certain facts to White and Merriam regarding this particular matter. I will wire Dorothy today. I have checked and find that the Library of Congress does not take the Pacific Citizen and it of course has no correspondents here through whom I could see a copy of the issue of May 22.

Chick, I wish to make it eminently clear that at the present time the responsibility I have is a serious one and I cannot jeopardize it by getting into what would amount to -- at the outset -- an inter-family squabble which later on might amount to something more than that. This Commission is charged with a difficult task. It is more than likely that people in various positions in the Government would like to use the Commission for their own purposes, whether they are connected with the coming political campaign or not. It must be clear that certain people who may come to oppose recommendations of the Commission will use what avenues may be available to them to discredit the Commission, its work, and its staff. Basically, I am supposed to be here to assist Dean Acheson, the Vice-Chairman. I cannot assist him as ably as I might if part of my work results in trouble here.

If Morton were in town I would be more than happy to talk to him about this matter, but he is in Chicago working on one of our staff projects there. If he has been in Washington since I have been here I have not learned of his presence.

As you know, I am hopeful that the study on the political phase of the whole big project be published adequately. My only connection with the project is the interest I have shown in it and my hope that a good job can be done. Whatever action is taken must be initiated in Berkeley. I will cooperate to the extent that my cooperation does not interfere with a more pressing obligation.

A letter came from Dorothy yesterday indicating that you were willing to accept the job of handling the critical aspects of relocation if you could get sufficient funds. I hope that it turns out, both from the point of view of the funds and from this recent matter, that you can undertake the job. I will be happy to talk to Penn Herring when he returns from Europe,

Professor Jacobus ten Broek - 5/25/48

although I do not know when I will see him. I suggest that you and Dorothy initiate the application for a SSRC grant. I will support it orally or in writing, as you wish.

I am sending a copy of this letter to Dorothy.

Cordially,

e

Charles Aikin

ca:di

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

JOSEPH L. EGAN
PRESIDENT

1201

SYMBOLS

DL = Day Letter
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

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O-CA504 DL PD=WN CHICAGO ILL 22 1025A=

=JACOBUS TENBROEK=

=2652 SHASTA RD BERKELEY CALIF=

GLAD TO SEE YOU SUNDAY, JULY 11. GIVE ME ARRIVAL PLACE AND TIME AT LEAST ONE DAY IN ADVANCE SO I CAN COME IN FROM COUNTRY TO MEET YOU. IF I MISS YOU ON ARRIVAL, HOME PHONE IS DORCHESTER 1259. WOULD APPRECIATE ADVANCE LETTER RE YOUR PART IN STUDY. BEST REGARDS=

=MORTON GRODZINS=

:11 1259=

*as 3 1243
W 1245P
Urbel
mail*

DST

August 25, 1948

Mr. R.L. Johnson
President's Office
Administration Building
Campus

Dear Mr. Johnson:

I was gratified to learn that arrangements have been made for the custodianship of materials collected by the Evacuation and Resettlement Study. The materials have been classified as "restricted" and "unrestricted," and I have discussed details of custodianship with Miss Jackson of the Documents Division.

There is an issue pending regarding unauthorized use of restricted materials by Morton Grodzins, now an Assistant Professor of Political Science in the University of Chicago. To handle this particular issue and some requests to use other materials that may also be pending, as well as to preserve continuity of authority, it is urgent that the Committee which the President recommends be formed now and meet before I leave Berkeley on September 1st.

The Grodzins issue developed as follows: Grodzins was the Research Assistant responsible for collecting most of the material on the political segment of the Study. His collections included confidential documents and interviews obtained in the name of the University and of the Evacuation and Resettlement Study. Professor Charles Aikin, who initiated this phase of the Study, and I reluctantly granted permission to Grodzins to use these materials for a doctoral thesis in the Department of Political Science, with the strict understanding that neither the thesis nor the material was to be published or otherwise circulated. Despite this commitment and the fact that the University's copies of the thesis have been kept in a locked file in the Study's office, Grodzins offered his copy of the manuscript to at least one commercial publisher--Macmillan's, who, after consulting me, declined to consider it. Recently, the Japanese American Citizens League approached the Senior Editor of The American Technical Society (Chicago) about publishing the Grodzins manuscript and suggested that they would be willing to supply a subsidy. I have conferred with the Senior Editor and this particular effort to secure a publisher is now also apparently dead. My departure from the University may, however, serve to reactivate Grodzins.

To prevent the virtual destruction of the important and heavily subsidized political segment of the Study by the publication of Grodzins' incompetent work, to make impossible his flagrant abuse of highly confidential materials obtained in

Mr. R.L. Johnson--2

August 25, 1948

the name of the University, to protect members of the University of California faculty who are now preparing a monograph on the subject--these are the considerations which impel me to ask that the Committee be constituted immediately.

Professor Jacobus tenBroek, who has agreed to write the political monograph (in collaboration with Professor E.N. Barnhart) is thoroughly informed about the situation. TenBroek recently had conferences with Aikin in Washington and Grodzins in Chicago. He joins me in this request.

Sincerely yours,

Dorothy Swaine Thomas

C
O
P
Y

August 28, 1948

Mr. Fred Wieck
University of Chicago Press
Ellis Avenue
Chicago 37, Illinois

Dear Mr. Wieck:

Thank you very much for your telegram of August 27. Your confirmation of our information that the University of Chicago Press is preparing to publish a manuscript by Morton Grodzins on Japanese American evacuation leads us to suspect that you have not been informed of the facts that the materials on which this manuscript is based are the property of the University of California and that Grodzins had, in effect, pirated them.

The situation is as follows: In 1942 the University of California established a unit to study Japanese American evacuation and resettlement. A director was appointed and made responsible for the conduct of the study and the recruitment of a staff. Among those recruited as a research assistant was Morton Grodzins who worked for the Evacuation and Resettlement Study approximately three years. During this time he collected virtually all of the factual data used in his manuscript. He thus gathered the material now offered you for publication as a paid employee of the University of California --- most of it on representation that he was so employed and much of it under commitments of secrecy. As an employee of the University, he was subject to the normal restrictions governing research assistants. In the case of assistants on the Evacuation and Resettlement Study, these restrictions were explicitly stated, and it was clearly understood by all concerned that the materials collected were to be used only with the consent and permission of the Study.

Near the end of his employment with the Evacuation and Resettlement Study, Grodzins was granted permission to use the material he had collected for a doctoral thesis in the Department of Political Science at the University of California. This use, again, was placed under severe and explicit restrictions. Copies of his thesis belonging to the University of California are in locked files rather than in the General Library. In his introduction Grodzins himself acknowledges the restrictions under which he was placed and the conditions of the permission granted him.

Since the termination of Grodzins' employment with the Evacuation and Resettlement Study he has been informed orally and in writing on several occasions that restrictions on his use of the data have not been removed and that he is denied permission not only to publish it but to show it to

fore

We, therefore, point out that publication by you would be an appropriation of materials belonging to the University of California and a breach of trust by Morton Grodzins.

As a matter of fact, the Evacuation and Resettlement Study would have been glad to grant permission for the publication of Grodzins' manuscript, had it been a competent piece of workmanship. Indeed, we hoped for a long time to get a publishable monograph out of Grodzins. But in view of the

Mr. Fred Wieck - 2
August 28, 1948

unscholarly character of the only manuscript he has submitted to us and the desirability of making the results of this important investigation available to all who might be interested, the Study has undertaken commitments with members of the University faculty to analyze the data for a monograph to be brought out by the University of California Press. This monograph will utilize the materials collected by Grodzins. Its publication is being subsidized in part by the Rockefeller Foundation. The prior and unauthorized publication of Grodzins' manuscript would, of course, constitute an infringement of these commitments.

We trust that this information will lead you to reconsider your plans for publication. We would appreciate knowing your decision as soon as possible so that this regrettable matter may be cleared up.

In view of my imminent departure from the University of California, President Sproul has appointed a committee to continue responsibility for the Evacuation and Resettlement Study. Will you, therefore, address your reply to Professor Jacobus tenBroek, University of California, and send a copy to me at the Wharton School of Finance and Commerce, University of Pennsylvania, Philadelphia, 4, Pa.

Very sincerely yours,

Dorothy Swaine Thomas,
Director of the Evacuation
and Resettlement Study

The University of Chicago Press
5750 ELLIS AVENUE / CHICAGO 37 / ILLINOIS



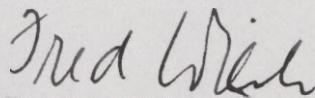
August 31, 1948

Professor Jacobus ten Brook
2642 Shasta Road
Berkeley, California

Dear Mr. ten Brook:

Attached is a carbon of a letter of today to Miss Thomas. The carbon is self-explanatory.

Sincerely yours,



Fred Wieck
Associate Editor

FW:af

The University of Chicago Press

5750 ELLIS AVENUE • CHICAGO 37 • ILLINOIS



August 31, 1948

Miss Dorothy S. Thomas
Wharton School of
Finance and Commerce
University of Pennsylvania
Philadelphia 4, Pa.

Dear Miss Thomas:

We received your letter with reference to Mr.
Grodzins' manuscript on the Japanese-Americans.

We shall study the questions you have raised and
address further correspondence to Prof. ten Brook,
as you have suggested.

Sincerely yours,

Fred Wieck
Fred Wieck
Associate Editor

FW:af

THE UNIVERSITY OF CHICAGO
CHICAGO 37 • ILLINOIS
DEPARTMENT OF POLITICAL SCIENCE

2 copies
1- Thomas Sid 9-9-48
1- Aikin 10-1-48

September 1, 1948

Dear Chick,

I have just had an opportunity to read Dorothy's letter to Mr. Wieck of the University press. Although I don't know what will happen now, I still retain the hope of eventual victory for the side that I continue to believe is the only right one. There are two things I want to say to you; and both of them have been on my mind since our pleasant day in Chicago.

First, I owe you an apology. I told you the only conscious lie I have uttered during this whole affair. This was my statement that the book was not in the hands of a publisher when, in fact, the Chicago press was even then considering it. I thought that it was a justifiable falsehood: you had just told me of Dorothy's potential plan of sending a letter to every publisher in the nation to tell them that a manuscript submitted by Grodzins was a stolen one. If Dorothy were capable of that infamy, I thought I, in turn, had the right to give my manuscript a reading by the Chicago people untroubled by what Dorothy might write them. Her letter to Wieck is, in a sense, a justification. He, and others, did have a chance to read the ms. on its merits. But this larger strategy confused my relationships with you: they have always been, and I hope they will continue to be, friendly and straightforward. Hence, my apology.

The second point is one I had hoped you, yourself, might conclude from our conversation. I will now make it explicit:

You said that you are not on the make for personal aggrandizement out of this situation, and I believe you without qualification. You said, also, that it would be "only petty vengeance" for Dorothy to institute suit against me for breach of contract (a contract which I believe to be non-existent) if I succeeded in having my ms. published. I believe that is true, too, in addition to believing that she has no grounds whatsoever on which to base a suit. But the point is this: isn't her effort to forestall publication also "petty vengeance"? The Chicago people believe in the merit of the book to the extent of granting me a substantial publication subsidy and a publication contract. Should Dorothy's opinions -- on whatever they are based -- prevent publication? Should not social scientists in general be allowed to judge for themselves? Should not I be allowed to publish my own work if that work has attracted the support

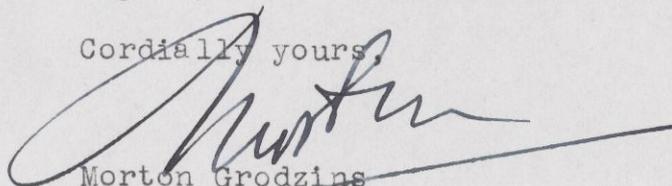
Page two

of a responsible research group and a responsible press?

I would indeed appreciate hearing your views on these matters.

I am genuinely sorry that we may find ourselves on opposite sides of the fence in this matter. With the convictions I have, I must fight hard. Whatever happens in the end, I sincerely hope that we can remain friends.

Cordially yours,

A handwritten signature in cursive script, appearing to read "Morton Grodzins", written over a horizontal line.

Morton Grodzins

MG:jol

7 September 1948

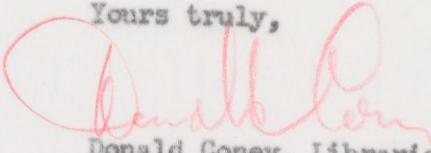
Professors J. ten Broek
E. N. Barnhart
Harold Jones
R. A. Nisbet
H. R. Wellman

Subject: Subcommittee on Professor Thomas' WRA Material.

In response to a request from the President, Professor E. G. Strong, Chairman of the Library Committee, would like to have you serve under Professor ten Broek as Chairman as a temporary subcommittee of the Library Committee on the administration of the WRA materials collected by Dorothy Swayne Thomas. No reply to this note is necessary unless you are unable to serve.

Since there is a matter of some urgency relative to the impending unauthorized publication of information drawn from this WRA material, it is assumed that an early meeting of the subcommittee will be called.

Yours truly,


Donald Coney, Librarian
Secretary of the Library Committee



PENN SHERATON HOTEL

PHILADELPHIA 1, PA.

Sept 8, 1948

Dear Jacobus,

I came off without your address. Please let me have it!

The enclosed is properly ambiguous. I had lunch in Chicago with Burgess (head of the Sociology Dept) and told him "the story". He knows Gordon but had no idea he ever worked for us and had never heard anything about the matter. Apparently the circulation has been hinted.

I am waiting for my furniture + recuperating from my "almost pneumonia." Philadelphia is a busy and smelly dump, but the University is tops and I know I'm going to like it.

Best to Barney, Hazel, the children, etc.

Sincerely yours,
Dorothy.

4104 Locust St.
Philadelphia 4.

THE UNIVERSITY OF CHICAGO PRESS

5750 ELLIS AVENUE · CHICAGO 37 · ILLINOIS

Office of the Director

September 9, 1948

Dear Mr. ten Broek:

We have a letter dated August 28 from Mrs. Dorothy Swaine Thomas relative to a manuscript submitted to us by Morton Grodzins on the subject of Japanese American Evacuation during World War II.

We have discussed with Mr. Grodzins the questions raised in Mrs. Thomas' letter. It appears that there is disagreement as to the terms of Mr. Grodzins' employment.

We understand from Mrs. Thomas that the responsibility she has had in this matter has been shifted to you, and, therefore, we are writing to you.

Would it be possible for you to send us a copy of the contract made with Mr. Grodzins? If there was no written contract, there was perhaps an exchange of letters. It would help us greatly if you would send us copies of any material of this nature stating the terms of Mr. Grodzins' employment.

We shall appreciate greatly your letting us hear from you on this at your convenience.

Sincerely yours,

W T Couch

W. T. Couch
Director

WTC:jkt

Professor Jacobus ten Broek,
University of California,
Berkeley, California.

JACOBUS TENBROEK
2652 SHASTA ROAD
BERKELEY 8, CALIFORNIA

September 9, 1948

Professor Dorothy S. Thomas
Wharton School of Finance & Commerce
University of Pennsylvania
Philadelphia, Pennsylvania

Dear Dorothy:

The enclosed letter from our good brother tells its own tale. As ever, it is a confused tale; but this time at least spoken with moderation.

I haven't yet made answer but several points occur to me as worth mentioning. For one thing, I never suggested that the basis for any after-the-publication suit would be breach of contract; for another thing, I should most certainly answer the assertion that the element of vindictiveness would be present in the situation in which we attempt to prevent publication. Moreover, some note should be made of the rhetorical question in which the manuscript is claimed to be "my own work". Once again --- even after all the times this has been said before --- it should be pointed out that the interest of the University of California is to see that a scholarly and competent job is the fruition of these years of investigation and sizable expenditure.

At long last we got a reaction out of Strong and the day before yesterday a subcommittee of the Library committee was appointed. Aiken and ~~Lo~~ did not appear in the list of names sent down by Strong and Nisbet did. The committee is now composed of Wellman, Harold Jones, Nisbet, Barnhart and myself.

We met yesterday and discussed the Grodzins problem at length. Wellman had a number of suggestions which, in the end, were adopted by the committee. One was that an attempt should be made through the California Press to get at the Chicago Press people. A second, that some attempts should be made to discover and if they exist contact faculty personnel at Chicago who might be on a committee of the press. Third, that if the Chicago Press gives an unfavorable answer we should then ask Dennes, now Dean of the Graduate Division, to write to his counterpart at Chicago rather than seeking to involve the two presidents.

All agreed that a notice should be sent out to all departments of the University and all former research assistants of the study.

Professor Dorothy S. Thomas

- 2 -

September 9, 1948

Harold Jones was not at the committee meeting, being then in the east.

Barnie and I talked to Farquhar, who was very emphatic in his assurance that the Chicago Press, once having been made aware of the facts in the case, will not now proceed with publication. He based this assurance on the friendly relationships existing between the university presses and accepted standards of conduct among them.

I hope your trip east was both pleasant and restful and that you are now properly settled down in your new venture.

Barnie got the canes to me. They are very nice. It was wonderful of you to give me these keepsakes of your husband. Hazel sends her greetings and we both hope you will write soon, not only re matters above, but concerning your new set up.

Cordially,

Jacobus tenBroek
Jacobus tenBroek

Jt:im
Enc.

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Y

To ten Brook

THE UNIVERSITY OF CHICAGO
Chicago 37, Ill.
Department of Political Science

September 1, 1948

Dear Chick,

I have just had an opportunity to read Dorothy's letter to Mr. Wieck of the University press. Although I don't know what will happen now, I still retain the hope of eventual victory for the side that I continue to believe is the only right one. There are two things I want to say to you; and both of them have been on my mind since our pleasant day in Chicago.

First, I owe you an apology. I told you the only conscious lie I have uttered during this whole affair. This was my statement that the book was not in the hands of a publisher when, in fact, the Chicago press was even then considering it. I thought that it was a justifiable falsehood: you had just told me of Dorothy's potential plan of sending a letter to every publisher in the nation to tell them that a manuscript submitted by Grodzins was a stolen one. If Dorothy were capable of that infamy, I thought I, in turn, had the right to give my manuscript a reading by the Chicago people untroubled by what Dorothy might write them. Her letter to Wieck is, in a sense, a justification. He, and others, did have a chance to read the ms. on its merits. But this larger strategy confused my relationships with you: they have always been, and I hope they will continue to be, friendly and straightforward. Hence, my apology.

The second point is one I had hoped you, yourself, might conclude from our conversation. I will now make it explicit: You said that you are not on the make for personal aggrandizement out of this situation, and I believe you without qualification. You said, also, that it would be "only petty vengeance" for Dorothy to institute suit against me for breach of contract (a contract which I believe to be non-existent) if I succeeded in having my ms. published. I believe that is true, too, in addition to believing that she has no grounds whatsoever on which to base a suit. But the point is this: isn't her effort to forestall publication also "petty vengeance"? The Chicago people believe in the merit of the book to the extent of granting me a substantial publication subsidy and a publication contract. Should Dorothy's opinions --- on whatever they are based --- prevent publication? Should not social scientists in general be allowed to judge for themselves? Should not I be allowed to publish my own work if that work has attracted the support of a responsible research group and a responsible press?

I would indeed appreciate hearing your views on these matters.

I am genuinely sorry that we may find ourselves on opposite sides of the fence in this matter. With the convictions I have, I must fight hard. Whatever happens in the end, I sincerely hope that we can remain friends.

Cordially yours,

MG:jol

Morton Grodzins

THE UNIVERSITY OF CHICAGO PRESS

5750 ELLIS AVENUE · CHICAGO 37 · ILLINOIS

Office of the Director

September 17, 1948

Dear Mr. ten Broek:

We have your wire of September 16 in which you "request decision on the issues raised in Professor Thomas' letter of August 28 re Grodzins manuscript."

We wrote you on September 9 acknowledging receipt of Mrs. Thomas' letter of August 28 in which Mrs. Thomas stated that publication by us of Mr. Grodzins' manuscript "would be an appropriation of materials belonging to the University of California and a breach of trust by Morton Grodzins." We asked in our letter of September 9 "would it be possible for you to send us a copy of the contract made with Mr. Grodzins. If there was no written contract there was perhaps an exchange of letters. It would help us greatly if you would send us copies of any material of this nature stating the terms of Mr. Grodzins' employment."

To date we have not received any reply to our letter. It may be, of course, that our letter has been lost or delayed or that there hasn't been time for you to send us a reply.

I am sure you understand this is a very serious matter. We wouldn't under any circumstances want to be involved in the publication of a book containing materials belonging to anyone else unless permission had been granted for the material to be used, but in this case the author has certified to us in writing that he owns the material he has used in his manuscript. He has stated to us in conference that he has used in his manuscript material collected while he was in the employment of the University of California, but that there was not at any time any agreement, verbal or written, limiting his right to use this material after the end of World War II. He has indicated to us further that he did agree not to publish during the War but he states it was clearly understood he was free after the War to use as he saw fit the materials that he collected while he was in the employment of the University of California.

Mrs. Thomas, in her letter of August 28, states that in his Introduction to his thesis written at the University of California "Grodzins himself acknowledges the restrictions under which he was placed and the conditions of the permission granted him."

Since there is disagreement as to what the terms were, and since

Mrs. Thomas says the terms are embodied in the Introduction to Mr. Grodzins' thesis on deposit there, it would seem to us a very simple thing to settle this matter by sending us an exact copy of the Introduction with a certification to the effect that it is an exact copy.

I am sure you will agree we have to be as careful about the rights of Mr. Grodzins as we are about the rights of the University of California. We shall appreciate greatly your letting us have at your earliest convenience the material requested in our letter of September 9. This is the only way we know of settling the question without ignoring the statements of one of the disputing parties.

Sincerely yours,

W T Couch

W. T. Couch
Director

WTC:jkt

Mr. Jacobus ten Broek,
University of California,
Berkeley, California.

UNIVERSITY OF CALIFORNIA

September 21, 1948

THE GENERAL LIBRARY
BERKELEY 4, CALIFORNIA

Mr. Jacobus tenBroek
2652 Shasta Road
Berkeley, California

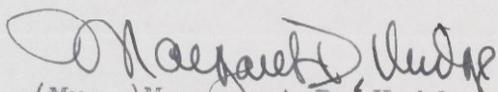
Dear Mr. tenBroek:

The Library of Congress Union catalog has not yet been able to locate through their circularization of fifty research libraries in this country the title noted below, which you requested January 9, 1948 on interlibrary.

Are you still interested in obtaining the volumes? We would be glad to try other libraries not reached by the circularization, if you will let us know.

If we do not hear from you by October 1, we will cancel your request.

Sincerely yours,


(Mrs.) Margaret D. Uridge,
Head, Interlibrary Loan
Service

MDU:ec

Birney, James Gillespie. Speech before the Cincinnati antiabolition meeting of January 22, 1836. (freedom of speech and press)

September 22, 1948

Mrs. Margaret D. Uridge
Head, Interlibrary Loan Service
University of California
Berkeley 4, California

entirely

Dear Mrs. Uridge:

In reply to your letter of September 20, I fear that it will be necessary to inform the Stanford University Library that the Grodzins thesis must remain on the classified list for a while longer. However, jurisdiction over this thesis is not in my hands. The University either has or is in the process of appointing a committee to handle the Japanese evacuation materials, of which the Grodzins thesis is a part. I suggest that you take this matter up directly with Professor Jacobus ten Broek. When he is agreeable, the material will no longer be held as confidential.

Sincerely yours,

Charles Aikin

ca:di

cc: Professor Jacobus ten Broek
Department of Speech
University of California
Berkeley 4, California

*Dear Chick -
I trust the above is clear. They
library wanted to loan the Grodzins stuff to
someone in Stanford.
Have you seen Peter O.?
What of enrollment? How are the
other 3 members of your
family?
Kincaid,
Chuck*

September 24, 1948

Mr. W. T. Couch
Director, University of
Chicago Press
5750 Ellis Avenue
Chicago 37, Illinois

Dear Mr. Couch:

Somehow we got our wires crossed or at least your letter of September 9 was delayed in course of transmission until after my wire had been sent.

Your letter of September 17 has also arrived.

In the latter, you say that as things now stand in the disagreement about the publication of Professor Grodzins' manuscript, you are faced with the necessity either of getting additional information or of "ignoring the statements of one of the disputing parties." Accordingly, you request that we send you further evidence on the conditions attaching to the employment of Professor Grodzins with the Evacuation and Resettlement Study.

It seems to us as it seems to you that these would be your only alternatives if the testimony of the "disputing parties" were squarely in conflict and related to the central issue. This, however, we do not believe to be the case. I assume that Professor Grodzins does not deny that the job he held with the Evacuation and Resettlement Study was that of a Research Assistant. If this fact is at all controverted it will, of course, be possible for us to supply accounting office and other records placing it beyond doubt. The issue before us thus is one of the rights of research assistants.

The position of research assistant is not in any way comparable to that of a faculty member. The latter is employed to perform a variety of functions one of which is the production of scholarly works on his own initiative and according to his own selection of fields. These may be published without securing the permission of anyone. The research assistant, on the other hand, is employed solely for the purpose of collecting data. He does so under the supervision of others and in conformity with plans worked out or approved by others. This form of employment is to be found in every large university in the country. The common understanding and usage is that the research assistant has the right to use the materials he collects for his own purposes only with the permission of the employing agency.

To make certain that we were not under a misapprehension as to the extent and character of this usage we sent a telegraphic inquiry to Ralph E. Himstead, Secretary of the American Association of University Professors. He replied as follows:

Re tel September 21, Publication rights of research assistants in universities in absence of specific terms of employment in contract are governed by custom and usage of the institution. In general research assistants do not have rights of independent publication but in published reports on research projects in which they participated are given credit for participation.

We therefore believe that once it is admitted or established that Professor Grodzins was employed as a research assistant and that he collected the material contained in the manuscript submitted to you during that employment, the conclusion follows that publication without the consent of the University of California, let alone over its objections, surely would constitute at least a departure from accepted practice and standards of conduct. Accordingly, we should have expected Professor Grodzins to supply to you evidence to show that by his contract of employment, or letters exchanged at the time, or some unusual administrative rule of the study, he was relieved from the normal restrictions under which research assistants operate.

What we say about the nature of the job of research assistant explains the absence of any correspondence or statements in correspondence during the three years of Professor Grodzins' employment (there was no written contract) bearing on the issues now before us. That a research assistant would not take the money of the university and also the data he was paid to collect for the university was simply assumed as so usual in such employment that it required no express stipulation. This common usage explains why there was, as Professor Grodzins correctly asserts, no "agreement, verbal or written, limiting his right to use this material after the end of World War II."

You refer to Professor Grodzins' statement that "it was clearly understood he was free after the war to use as he saw fit the materials that he collected while he was in the employment of the University of California." If so, in view of the usage above referred to, it is certainly incumbent on him to supply evidence of this clear understanding. Correspondence between Professors Grodzins and Thomas and the evidence from the dissertation indicate quite clearly, on the contrary, that Professor Grodzins accepted and acted upon the right of the Director of the Study to control the disposition of the data he had amassed, to wit:

Item No. One. Sentence from Thesis.

"Due to the generosity of Dr. Dorothy S. Thomas and others, this monograph is being presented as my doctoral dissertation."

This statement shows that Professor Grodzins felt it necessary to secure and did secure permission from Professor Thomas, as Director of the Evacuation and Resettlement Study, to use the materials he collected for his doctoral dissertation.

Item No. Two. Letter from Prof. Grodzins to Prof. Thomas, August 9, 1945.
(Attached)

This letter contains some statements by Grodzins indicating that he had been expressly subjected to "duration pledges." The presence of these, however, is in no way inconsistent with the further unexpressed obligation of the research assistant to secure permission before using data for his own purposes. This latter obligation is implicit throughout Item No. Two. If Professor Grodzins had not believed it to be in existence there would have been no reason why he should have written this plea to Professor Thomas to proceed with publication as rapidly as possible. Her authority and his acceptance of it are the only possible explanation of a letter of this sort.

Item No. Three. Letter from Prof. Thomas to Prof. Grodzins, August 18, 1945.
(Attached)

This letter is completely self-explanatory.

Item No. Four. Letter from Prof. Thomas to Prof. Grodzins, July 24, 1946.
(Attached)

This letter indicates how continuing and sweeping the authority of the Director of the Study was over the disposition of materials collected by Prof. Grodzins over the period of his research assistantship. Prof. Grodzins reply to the withdrawal of the materials from his hands was a plea that this should not be done. He did not deny the authority of the Director to do it.

Item No. Five. Letter from Prof. Grodzins to Prof. Thomas, July 27, 1946.
(Attached)

This letter also re-affirms the point made with respect to Item No. Two above.

Item No. Six. Letter from Prof. Thomas to Prof. Grodzins, August 2, 1946.
(Attached)

This letter re-affirms Item No. Three.

Item No. Seven. Letter from Prof. Grodzins to Prof. Aiken, October 12, 1945.
(Attached)

This letter refutes Prof. Grodzin's present claims that the only restrictions placed on him were "duration pledges." Two months after the war had ended he refers to the fact that "he still does not have permission to show the manuscript to Dean Redfield," in a context which shows that he understood and accepted the necessity for getting such permission.

We appreciate the promptness and the manner in which you have handled this troublesome problem. If you are still in doubt about any of the matters above discussed we shall be glad to answer your questions as quickly as we can since we are most anxious to have this matter definitely settled in the very near future.

Sincerely,

Jacobus tenBroek
Associate Professor

P.S. Since Professor Thomas has left the University of California, President Sproul has had a committee appointed to be responsible for the affairs of the Evacuation and Resettlement Study. I am chairman of that committee.

WHARTON SCHOOL OF
FINANCE AND COMMERCE

Sept 25

Dear Jacobus,

I heard from Barney 2 days ago - I left his letter at the office & so am writing you instead. He said I would receive a carbon of the Press letter from you but I haven't as yet.

There is of course no contract in a legal sense. They know perfectly well that contracts are not made with research assistants. Suggested to them that they discuss the matter with Burgess, Chairman of Sociology Dept, who knows about this matter and who can also tell them - if they need to be told - of the facts of life re research assistants.

I think, too, I would avoid quoting the lurid Studzins - Thomas correspondence. There were no written communications in the early period, for Studzins was sitting in the office with me. Lickin will (I truly believe) back up my general statement re our underbanking. But I think the whole thing is silly; the Press knows damned well that research assistants have no "right" to pirate material collected when they were employed by a University.

I'm delighted with this piece. My printing has arrived & I'm setting down to work - somewhat retarded by "delayed pneumonia" flare-up, but x-rays are OK so I'm about to develop full steam. Love to Hazel & let me hear soon how things go. Sincerely,

BERKELEY: THE GENERAL LIBRARY

29 September 1948

Professor Jacobus ten Broek
Department of Speech
Campus

Dear Professor ten Broek:

I recently wrote to Professor Charles Aikin in Washington for his permission to lend the thesis noted below, which has been considered classified for a considerable time. Mr. Aikin wrote me on September 22, saying that the jurisdiction of the thesis is not entirely in his hands, but that the University has or is in the process of appointing a committee to handle the Japanese evacuation material, of which Grodzins' thesis is a part. He says in his letter, of which I believe he sent a copy to you, that he is agreeable that the material no longer be held as confidential providing it is agreeable with you. I would appreciate an early reply from you as to whether it will be possible for us to lend the thesis to Stanford or not. They have requested it on interlibrary loan, for the use of Robert Billigmeier, who is an Acting Instructor in History at Stanford University.

Grodzins, Morton Melvin
Political aspects of the Japanese
evacuation. 1944-45 PhD

Sincerely yours,

(Mrs.) Margaret D. Bridge, Head

Mrs. Margaret D. Uridge, Head
Interlibrary Service Department
The General Library
Campus

Dear Mrs. Uridge:

The Subcommittee of the Library Committee in charge of the Evacuation and Resettlement Study material is about to re-examine the restrictions imposed before we were given the responsibility. I think it likely that the Grodzins thesis will be unclassified and made available generally. The decision, however, is not likely to be taken for a few weeks yet, pending the outcome of some other negotiations currently in progress which have a bearing on this problem.

You might write Mr. Billigmeier that the restriction is being reviewed and that he might wish to apply for the interloan again in about a month if he is still interested.

Yours sincerely,

Jacobus tenBroek
Associate Professor

Jt:im

JACOBUS TENBROEK
2652 SHASTA ROAD
BERKELEY 8, CALIFORNIA

September 29, 1948

Dear Dorothy:

Here are the two letters from Couch plus our reply. The occasion of the hurry up letter to you was that we wanted to make sure of the absence of any earlier correspondence. What Couch will do now is anybody's guess I suppose, but the issue has at least come down to a relatively narrow one, namely, the right of research assistants to the material they collect. It does seem pretty hard to see how Couch can make the wrong decision on that score if he is dealing at all fairly with us and if he is not under pressure from the university administration.

Meanwhile however, Barnie and I are cooling our heels, not knowing whether to keep our time cleared for this project, to start to work on the constitutional segment of it, or to turn our boats to less stormy waters.

Hazel and I have been greatly distracted by whopping cases of poison oak, to say nothing about registration, a terrifically bad public assistance constitutional amendment on the ballot for November and other evils that flesh is heir to. The poison oak came from a clump of the stuff through which we had to cut our way in the course of clearing a path to Rose St.

We are happy that you are pleased with your new set up and that your health and belongings are finally in order.

We'll be in touch from time to time.

Cordially,

Jacobus

Jt:im
Enc.

Prof. Dorothy S. Thomas
Whorton School of Commerce and Finance
University of Pennsylvania
Philadelphia, Pennsylvania

THE UNIVERSITY OF CHICAGO PRESS

5750 ELLIS AVENUE · CHICAGO 37 · ILLINOIS

cc: Thomas
Aikin

Office of the Director

September 29, 1948

Dear Mr. ten Broek:

I have your letter of September 24 relative to Mr. Grodzins' manuscript on Japanese evacuation of California. I also have a copy of a letter from President Sproul to Dean Tyler asking for time to consider the matter.

I find it impossible to understand how Mrs. Thomas could say in her letter, as she does, that "in his Introduction Grodzins himself acknowledges the restrictions under which he was placed and the conditions of the permission granted him," and you now write me, in effect, but without saying so definitely, that this statement by Mrs. Thomas is not correct. If I am mistaken in this, please send us a copy of the Introduction, and if it contains acknowledgment of the restrictions that you and Mrs. Thomas say existed, I see no course but for us to tell Mr. Grodzins we cannot publish for him.

I believe the conditions that govern the rights of research fellows and assistants depend entirely on the circumstances of the case. I would have to admit there are circumstances under which, even in the absence of definite agreements, materials collected by research fellows and assistants could not honestly be used by them without definite permission. But there are also, I believe, cases in which in the absence of definite agreements there cannot be any reason for assuming research fellows and assistants do not have the right to use materials they collect. And in this group there are cases in which restrictions on the use of material, without time limit, cannot be justified on any ground whatever. I believe Grodzins' case falls in this category. At any rate, I am committed to this view.

If the University of California wants to publish Mr. Grodzins' manuscript and will agree to do so without additional years of delay, I think we should withdraw. But if the University wants to keep Grodzins' material unpublished, or wants to deny him the rights of authorship, particularly the right to say what he feels he should say and to issue his book under his own name, then I think our course is clear: we have to go ahead and publish for Mr. Grodzins.

So far as I can see the question before us now is: does the University of California want to publish Mr. Grodzins' book, and is it willing to do so under conditions that allow him the usual

rights of authorship? If so, a contract guaranteeing publication and protecting Grodzins rights will settle the matter.

Sincerely yours,

W T Couch

W. T. Couch
Director

WTC:jkt

Mr. Jacobus ten Broek,
University of California,
Berkeley 4, California.

C
O
P
Y

THE UNIVERSITY OF CHICAGO PRESS
5750 Ellis Avenue, Chicago 37, Illinois

cc: D. Thomas
Chas. Beikin

September 30, 1948

Dear Sam:

If California wants to publish Mr. Grodzins' manuscript, so far as I am concerned California can have it.

Judging from the letters I have received from Mrs. Thomas and Mr. tenBroek, however, the question at issue is not whether California or Chicago shall publish Mr. Grodzins' manuscript but rather whether California is willing to allow him to use the materials he collected; or, if he is allowed to use the materials, whether he is to be permitted to interpret the materials as he thinks they should be interpreted.

I could not for one moment go along with the idea that in all cases faculty members have the right to prevent research fellows and assistants from publishing their own writings. I say this because the assumption that faculty members have this right is implied in the correspondence I have been getting from California on this question.

The only real question in this matter is that of the ownership of the materials. On that question I long ago arrived at certain opinions which I cannot compromise.

If Mr. Grodzins' study had been made under the auspices of a research committee in the Southern United States, if his subject had been the Negro, and if he had then had the same experience that he has had with the research committee in California, I think if I were running my own publishing concern I would go ahead and publish his book, and I don't believe anybody anywhere could stop me. There are certain kinds of materials that by their nature belong to the public, and if public or philanthropic funds are spent in the collection of this material, it cannot honestly be kept indefinitely from the public. I would not respect any customs or agreements of any kind whatever, existing in any southern states, designed to keep information concerning southern white treatment of the Negro from the public at large. If this is a sound position to take with reference to the South it is a sound one to take with reference to the West.

I hope this matter can be settled without spending a lot of additional time in discussing it. The issues are clear: they are simply if California wants to publish Grodzins' manuscript, allowing him all the rights of authorship, let it publish; if California doesn't want to publish the manuscript then, if we can manage it, and I think we can, we shall publish it.

I was much disappointed that I could not get to California last June for the Association Meeting. I shall be making you a visit one of these days before so very long.

Regards, as ever.

Sincerely yours,
(signed) Bill
W. T. Couch, Director

C
O
P
Y

THE UNIVERSITY OF CHICAGO PRESS
5750 Ellis Avenue, Chicago 37, Illinois

cc: D. Thomas
Chas. Beikin

September 30, 1948

Dear Sam:

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I was much disappointed that I could not get to California last June for the Association Meeting. I shall be making you a visit one of these days before so very long.

Regards, as ever.

Sincerely yours,
(signed) Bill
W. T. Couch, Director

October 1, 1948

Professor Morton Grodzins
University of Chicago
Department of Political Science
Chicago 37, Illinois

Dear Morton:

A severe case of poison oak, the opening of the fall semester and other distractions have prevented my answering your letter of September 1st before now.

In a sense I am in a peculiar and even embarrassing position: I was engaged by the Director of the Evacuation and Resettlement Study to rework the data collected by you before it was known that there was any real prospect of your publication. After the discovery of the Chicago Press and other publication information and after Dorothy's departure from the University, I was made chairman of the committee established to continue responsibility for the affairs of the Evacuation and Resettlement Study.

With much of what is in your letter I have little quarrel. Certainly a law suit after publication would not serve any of the ends or interests which the University of California has in this matter. Much the same thing can be said of any retributive action taken after the fact. But efforts to forestall the damage being done are quite another matter. So much another matter that a whole system of equity was developed in Anglo-American law solely for the purpose of supplying preventive remedies as against punitive action.

As I said to you in Chicago, I believe that the moral and legal rights in this case lie with the University of California; that your study as a factual investigation and collection of vitally important social science data is terrific; that your write-up, integration and handling of the material falls far short of scholarship; and that the University of California has an interest in seeing that the data are handled in a scholarly way. As chairman of the new committee, it devolves upon me to establish these conclusions by whatever fair means are available and in any appropriate forum. Last week I replied accordingly to two letters from Mr. Couch which in turn were in reply to Dorothy's letter to Mr. Wieck.

Incidentally, it was never ~~my~~ suggestion that the legal rights in the case are a matter of contract law; they fall

Professor Morton Grodzins

- 2 -

October 1, 1948

rather in the field of agency.

My personal interests are that this affair be brought to decision as rapidly as possible so that I can either proceed with the reworking of your data or turn my mind to other projects.

Cordially yours,

Jt:im

cc: Aikin plus Grodzins' Sept. 1 letter.

JACOBUS TENBROEK
2652 SHASTA ROAD
BERKELEY 8, CALIFORNIA

October 7, 1948

Dear Dorothy:

The big guns are now being wheeled into place in the Grodzins affair. Ralph Tyler, apparently head of the Social Science Division at the University of Chicago and on the Press Committee, wrote directly to President Sproul. Sproul then asked Coney to give him a report on the state of affairs. This on the theory that a subcommittee of the Library Committee was involved. So far as we can gather, the only portion of your committee recommendation which ever reached the president was that dealing with the need and custodial care of the study materials. In any event, Bernie and I gave Coney the whole story and he embodied it in a report to the president, recommending exactly what you recommended in your letter to Johnson that a continuing authority be established to handle all of the remaining affairs of the study.

Meanwhile we have the enclosed letters from Couch. Apparently we aren't making much headway with him. If I don't hear from the president in a day or two, I plan to prepare an answer to Couch and propose to the president that it be sent. There is, of course, the chance that the president will think we are in the wrong. But if not, having been brought into it in the way he was, he might be willing to turn it over to the attorneys to try an injunction suit.

All of these delays and maneuvers are likely to take quite some time, time which Bernie and I can't afford to lose. Already three weeks of Bernie's sabbatical are lost. I will keep you informed from time to time.

Cordially,

Jacobus

Jt:im

Professor Dorothy S. Thomas
Wharton School of Finance & Commerce
University of Pennsylvania
Philadelphia, Pennsylvania

Enc.

4 October 1948

President Robert Gordon Sproul
250 Administration Building
Campus

Dear President Sproul:

EVACUATION AND RESETTLEMENT STUDY - GRODZINS' MS

My preliminary investigation of the Grodzins' matter, as requested in your 23 September letter, has gone far enough to lead me to believe that it contains elements of urgency and confusion which will not be dealt with properly by a continuance of my investigation. Accordingly, I shall outline the situation as it appears to me after talking with Professors tenBroek, Barnhart, and Strong, and make suggestions intended to clarify the situation. I shall, of course, be glad to continue the investigation you requested if you believe it desirable.

Urgency.

It is important that the Grodzins' matter be brought to a conclusion as soon as possible since Professor Barnhart has secured leave to work with Professor tenBroek on a volume of the Study's publications which cannot be written if Chicago publishes the Grodzins' manuscript.

Operations to date.

Shortly before she left, Professor Thomas learned of Chicago's interest in the Grodzins' manuscript and wrote to the University of Chicago Press to explore the situation. At about the same time she recommended to your office the appointment of a committee which would preserve the continuity of authority of the study after her departure and thus be able to handle such matters as the Grodzins' question, access to the Study's materials, and the publications program, which is not finished. A committee was appointed, but as a sub-committee of the Library Committee on the assumption that its function was to deal with questions of access to the Study's materials whose custody had been assigned to the General Library. This sub-committee, appointed on a temporary basis by Professor Strong on your recommendation, consists of Professors Wellman, Barnhart, Nisbet, H. E. Jones, with Professor tenBroek as chairman.

Professor tenBroek was thoroughly familiar with the Grodzins' question since he and Professor Barnhart had accepted Professor Thomas' invitation to write the political monograph for the Study publications which must use the materials exploited in the Grodzins' thesis. Since the Library Committee's sub-committee was the only official agency able to act after Professor Thomas' departure, and since two of its members--Professors tenBroek and Barnhart--were vitally concerned with the question, this sub-committee continued the line initiated by Mrs. Thomas with the University of Chicago Press. Thus, we have the tenBroek group corresponding with the University of Chicago Press over the Grodzins' manuscript and Dean Tyler of Chicago corresponding with you about the same. The opportunities for confusion are excellent.

Issues.

After reading the file of correspondence between Mrs. Thomas and Professor tenBroek on the one hand, and the University of Chicago Press on the other, it appears that the fundamental issue in the Grodzins' matter is not the confidential nature of the materials he used, but Mr. Grodzins' rights to the material on which he based his dissertation. I enclose a copy of Professor tenBroek's 24 September reply to Mr. Couch's letter, which bears on this, and other parts of the correspondence, as well as some related materials.

Suggestions.

I am taking the liberty of making some suggestions which would seem to me to simplify the modus operandi of the Study and its problems and lead to an early conclusion of l'affaire Grodzins.

(1) That you convert the present Library Committee's sub-committee on the Evacuation and Resettlement Study into an administrative committee, making it responsible for continuing all the affairs of the Study, for advising you or acting for you on the Grodzins' problem, and for controlling access to the Study materials now in the custody of the General Library. The Library Committee has postponed final confirmation of this temporary sub-committee pending the possibility of such action by you.

This is evidently the kind of committee Professor Thomas had in mind when she wrote on 25 August to Mr. R. S. Johnson of your Office; "There is an issue pending

4 October 1948

regarding unauthorized use of restricted materials by Morton Grodzins, now an Assistant Professor of Political Science in the University of Chicago. To handle this particular issue and some requests to use other materials that may also be pending, as well as to preserve continuity of authority, it is urgent that the Committee which the President recommends be formed now and meet before I leave Berkeley on September 1st."

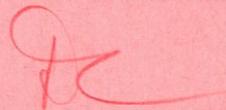
This assumes, of course, that you approve the line taken by Professor tenBroek and his committee in the Grodzins' matter. If you do not, the Committee suggested, with different personnel, would still have value.

(2) That you inform Dean Tyler that the Grodzins' matter has been referred to a committee which has been in communication with the University of Chicago Press and which will continue the correspondence.

This will have the effect of combining the two lines of action which have developed at Chicago; one through Dean Tyler and the other through Mr. W. T. Couch of the University of Chicago Press, and will have the additional value of letting Chicago know that it need not await the outcome of an investigation of the confidential aspect of the Grodzins' material.

I am taking the further liberty of sending a copy of this letter to Professor tenBroek.

Yours sincerely,



Donald Coney, Librarian

DC:em

Enclosures:

tenBroek to Couch 24 Sep 48
tenBroek to Couch 1 Oct 48
Thomas to Wieck 28 Aug 48
Couch to tenBroek 9 Sep 48
Extract from Grodzins' diss.
Extract from Grodzins' programme
Thomas statement with diss.

✓ cc: Professor tenBroek

COMMISSION ON ORGANIZATION
OF THE
EXECUTIVE BRANCH OF THE GOVERNMENT

October 11, 1948

1626 K STREET NW.
WASHINGTON 25, D. C.

AIR MAIL

Professor Jacobus ten Broek
2652 Shasta Road
Berkeley 8, California

Dear Chick:

I have just talked with Dorothy Thomas on the phone. She called from the University of Pennsylvania.

I suggested two or three things to her. One was that Sproul should be prevailed upon not to file an injunction. I am sure few things would give Morton more pleasure than this sort of an action, which he could blazon throughout the so-called liberal elements of the social sciences as a "dastardly suppression" of a scholar's work in a controversial field. In the second place, I suggested to Dorothy that in the long-run there would be no harm in having Morton continue with his plans of publishing the material and having you and Barney do the really scholarly job here. If Morton has ^{not} enough sense to see what a terrific fool that would make out of him, he should suffer the normal consequences. We know that he cannot revise the material adequately. At least, we tried earlier to get him to do this and we did not succeed. As I told him, his collaborating with the Berkeley group ^{would have been} will be the best thing possible for his own reputation as a scholar. He couldn't see it, and apparently he still cannot see it. Apparently he is satisfied with the job he has done. If the Chicago Press will publish it and the University of California will publish the job you and Barney do, the results will certainly redound to your reputation and will injure his in direct proportion. I feel quite confident that every scholar in the political sciences who reads one study will read the other.

I hope that if you follow this general course of action you will merely state your case as ably as you can to Couch and Wieck or whoever the Chicago Press people are without saying what you are going to do or without giving any indication of the fact that you expect to publish the paper. I would leave them wholly guessing on that score.

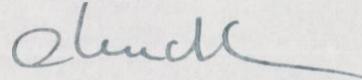
The letter that Morton wrote you was certainly a surprising one. It does not improve his reputation any, certainly. I like your letters, both to the Press and to Grodzins. You have planned them well and covered the ground with real skill. One further thing, I hope you and Barney will go through the Grodzins materials and select every case of misquotation of evacuation material that Grodzins made. It seems to me that you should have all of this material ready in case it should ^{have to} be used. I mentioned this point to you when I saw you here at the Statler, but I am afraid I didn't stress it enough. You ^{will need} more ammunition than you feel is essential for any particular campaign. Thus, while I don't think you will need this other stuff, I think you would be wise to have it locked up some place in the file. You see, Morton may come out with the old story that he is being suppressed to preserve

Professor Jacobus ten Broek -- 10/11/48

the name of Earl Warren. You had better have as much evidence of why the University has not supported him in this regard as possible.

With best regards to Barney.

Cordially,

A handwritten signature in cursive script, appearing to read "Charles Aikin".

Charles Aikin

2652 Shasta Road
Berkeley 8, California

October 15, 1948

Professor Dorothy S. Thomas
Wharton School of Finance & Commerce
University of Pennsylvania
Philadelphia, Pennsylvania

Aikin

Dear Dorothy:

Barney and I were largely undecided whether to go ahead with the political aspects study. That you and Chuck both felt we should has now pretty well swung the tide of decision in favor of proceeding. But there is one angle of the problem on which we would like to get some reassurances. It has to do with the publication subsidy. Your gentleman's agreement with Rockefeller may or may not have been specific as to the political aspects volume of the whole study, but in any event it was made long before there was any prospect of two more or less duplicatory volumes on the same subject.

What is your feeling about this matter? Could you now reapproach Rockefeller to find out whether Grodzins' prior publication through the University of Chicago Press would affect their willingness to subsidize the publication of Barney's and my work by the University of California Press? This point has become relatively determinative in our minds since it is pretty plain that without a subsidy there is little chance that the California Press would take on our product. If we can get assurances on this point, Barney and I will go ahead with all possible speed quite regardless of the negotiations with Chicago. Already four weeks of Barney's sabbatical have slipped away.

Johnson finally completed his collection of materials on the Grodzin matter and sent them in to the President on Tuesday. We have had no further report of effect as yet. He was going to recommend that the President take the matter up directly with Hutchins.

Cordially,

Jacobus

Jt:im

2652 Shasta Road
Berkeley 8, California

October 15, 1948

Professor Charles Aikin
Commission on Organization of the
Executive Branch of the Government
1626 K Street NW
Washington 25, D. C.

Dear Chuck:

With one important exception I have been following the plan of campaign mapped out in your welcomed letter which arrived yesterday. I have been very careful both with Grodzins and the Chicago Press not to say what we expect to do if the Chicago Press went ahead and my feeling follows yours very closely on the subject of an injunction.

The one important exception is that Barney and I were largely in a state of indecision respecting going ahead with the work and, if anything, leaned toward the negative. One of the real elements of doubt arises out of the attitude of the California Press. After talking with Farquhar, it seems to us quite clear that the press will only publish a second volume if a subsidy is forthcoming. Dorothy says that she has a "gentleman's agreement" with Rockefeller to supply the subsidy. However, the gentleman's agreement probably doesn't specifically apply to a volume on the political aspects and certainly was made long before the possibility of two more or less duplicatory studies on those aspects. I will try to get an airmail off to Dorothy today, asking her to try to get clarification on this point.

The other angles of the problem are not quite so bothersome. Anybody who turns out an annual study of state constitutional law obviously isn't much concerned about the number of his readers and anyway I am more cynical about the capacity of the run-of-the-mill member of our profession to tell the difference between a good and a bad book. In any event, your letter has pretty well swung the tide of decision. I have talked it over with Barney and we both now feel we should go ahead if we can get anything like a reasonable assurance of subsidy for publication.

Yesterday I had a long talk with Peter Odegard. He was most friendly and made a deliberate attempt to overcome his handicap of newness about the place by quizing me about personalities, tensions, and the like. He had already read your memo on the public law workroom and said that he had no doubt at all about the need for it. His primary question was one of administration, apparently feeling fairly strongly that the public law workroom should be placed in with one or the other of the two existing bureaus in the department. I told him that you had spoken to Miss Jackson about administration together with the Documents Division but for the most part we didn't give a hang about

Professor Charles Aikin

- 2 -

October 15, 1948

the administrative end of the thing. This was the only point of possible deviation, so if my conclusion on that score was wrong let me know post haste. It was not entirely clear from what Peter said, but it seemed to me he was contemplating bringing this question up at next Tuesday's department meeting.

We spent some time discussing the Committee on the Social Sciences. He listened with interest to what I had to say about the committee's past, but give no indication of whether he is contemplating activating the committee.

The whole Grodzins business has been taken over by the President. An administrative assistant named Johnson spent last week working it up. He discovered a presidential directive of 1941 sent to all deans, department heads, etc., stating the nature of the various research help jobs in which the rights of a research assistant to the data collected by him or report made by him were made absolutely clear--- he has none. Johnson was going to recommend to the President that he take the matter directly up with Hutchins. He also was thinking about suggesting that you be made chairman of an administrative committee handling the matter. This despite your absence and largely on two theories: (1) you were the only person other than Dorothy with a long time interest and connection with the study; (2) your chairmanship would take me out of the position of both being responsible for carrying on the fight and being a party in interest. Johnson was also obviously thinking in terms of an ultimate law suit, if necessary. I'll call him today and tell him what your attitude is on that score as well as reaffirming mine.

Hazel and the kids are well and most other things are going quite smoothly. I even have spent a little time working on my trough up to Rose Street.

Quite a campaign is going on in the neighborhood to reduce our zone so as to permit two-family dwellings. The area: Cedar, Oxford, Cragmont, Shasta. La Loma and Buena Vista is far enough east to be safe for the time being.

Cordially,

Jt:im
Enc.

C
O
P
Y

~~BERKELEY THE GENERAL LIBRARY~~

Office of The President

October 18, 1948

Mr. Donald Coney
University Librarian
208 Library Building
Campus

Evacuation and Resettlement Study: Grodzins Affair

Dear Mr. Coney:

Thank you for your preliminary report of October 4. You and the ten Broek committee are to be congratulated upon the excellent manner in which you have conducted the investigation thus far.

When it was originally suggested that I appoint a committee, the only duties proposed were custody and supervision of the materials of the Study, which obviously were functions belonging to the Librarian. Since assignment of the materials to you the Grodzins case has been brought to my attention and it also has become evident that an agency should be created which could assume all the affairs of the Study, including operational supervision. However, since you and the present Library subcommittee are in the midst of the investigation and the University of Chicago people are pressing for an early report, it appears advisable that those presently concerned complete the inquiry. It is my intention thereafter to appoint an administrative committee as you suggest.

You will make the observation that the central issue between the two universities concerns the ownership of the materials, regarding which you and the committee have already collected certain very significant data. Will you kindly pursue this line of inquiry to the furthest extent possible? In choosing the course of action which this University should pursue, it is also important that there be information as to the nature of representations and commitments made in its name both to those from whom materials were gathered and to the foundations who have contributed funds to the project. If there is any evidence of misstatements of fact or wholly unsupported conclusions in the Grodzins document, this too would be pertinent.

Since Dean R. W. Tyler of the University of Chicago has chosen to address me personally, it appears best that hereafter all correspondence with members of that institution be directed through my office.

Sincerely yours,

/s/ Robert G. Sproul

THE UNIVERSITY OF CHICAGO
CHICAGO 37 • ILLINOIS
DEPARTMENT OF SOCIOLOGY

October 20, 1948

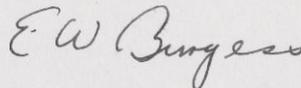
Dr. Dorothy S. Thomas
University of Pennsylvania
Philadelphia, Pennsylvania

Dear Dorothy:

I read with great interest the correspondence which you sent me. Very evidently our Press is in the wrong but apparently, as you say, it has been sold a bill of goods. It would seem to me that if President Sproul takes action that that would be the one remaining resource that would turn the tide. Let me know how things develop. I can't think of anything that I can do that would be of help.

With best wishes, I am

Sincerely yours,



Ernest W. Burgess

gw

UNIVERSITY OF CALIFORNIA

20 October 1948

To: Members of the Library Committee Sub-Committee
on the Evacuation and Resettlement Study.

Gentlemen:

About two weeks ago, assuming that the necessary materials were in the Library's possession, the President asked me to investigate the supposedly confidential materials used by Mr. Grodzins, with a view to discovering what commitments had been made to his respondents in the University's name. I replied that this did not appear to be the central issue in the Grodzins case, that the materials were not in the Library, and that the matter was already in the hands of this Sub-Committee. I have today another letter from the President which says, in part, "...since you and the present Library subcommittee are in the midst of the investigation and the University of Chicago people are pressing for an early report, it appears advisable that those presently concerned complete the inquiry." Thus it appears that I am to be involved in this matter with you. This fact, and the additional fact that his letter (copies of which did not go to you) contains instructions for pursuing the inquiry are the reasons for this communication.

The instructions contained in the President's 18 October letter to me are as follows:

(1) The President wishes all future correspondence on the Grodzins affair with the University of Chicago officers to be directed through his office, since Dean Tyler has addressed him personally.

(2) The central issue--ownership of the E & RS materials--is to be pursued to the furthest extent.

(3) Representations and commitments made in the University's name to those from whom materials were gathered are to be determined.

(4) Representations and commitments made by the University to the Foundations who have contributed funds to the E & RS are to be determined.

(5) Any evidence of mis-statements of fact or wholly unsupported conclusions in the Grodzins document is to be determined.

I assume from this letter that what the President wants from the Committee is a specific recommendation on the University's next move on the Grodzins matter supported by appropriate documentation. It may be desirable to embody this recommendation in a letter to Dean Tyler suitable for the President's signature.

I take it that this matter can be further aired at the Friday luncheon meeting.

Donald Coney, Librarian

DC:em

DOROTHY SWAINE THOMAS
4104 LOCUST STREET
PHILADELPHIA 4, PENNSYLVANIA

Oct 21

Dear Jacobus,

I'm thoroughly tired of Gurdjian + his complications. So apparently is Sproul! But you can always be counted on to come through. Thanks for the wire.

The enclosed is no magnum opus. And the alibi for delay is pretty weak. Tell Chuck to "take it from there" if, as is probable, Margerie pursues him. Margerie's behavior is, of course, not in accord with "Foundation etiquette," but for dough may still come in handy for U.C.

I'll write more later.

Love to Hazel.

As ever,

Dorothy

October 21, 1949

Dear Marjorie,

I delayed answering your letter until I could find out from California the exact status of the Committee on the Evacuation and Resettlement Study. I was just informed today that Professor Charles Aikin is now chairman of this committee. You will, I am sure, find him both sympathetic and communicative.

This committee has, since my resignation on September 1, 1948, had complete responsibility for passing on all requests for use of material collected for the Study and has taken over, on behalf of the University, custodianship of all the materials collected at any time, by staff members and research assistants, as well as material given the Study by various governmental agencies.

Re the Grodzins matter: Grodzins did not inform the University, myself, or Professor Aikin of his plan of publication. I heard about it quite by accident a few days before I left Berkeley. I immediately wired the University of Chicago Press for confirmation or denial. Upon receiving confirmation of intention to publish, I entered an immediate protest, pointing out, among other objections, the one you mention: breach of faith with the Foundations. My authority to carry the matter further ended with my resignation, but even had I remained in California, I should have had to abide by decisions made by the University, since Foundation funds are accepted by the University and not by individual members of the faculty.

The University's record is clear: the Committee and all individuals authorized to speak for the University refused unequivocally to grant permission to the University of Chicago Press to publish the manuscript. Publication was, therefore, entirely unauthorized.

Neither Professor Aikin nor I nor any member of the Committee saw the manuscript before publication. Grodzins, too, was informed in writing and in person of our opposition to publication under the circumstances.

I hope to come to California before too long, and shall let you know well in advance so that we can be sure to get together. Sincerely yours,
with gratitude and regards.

DOROTHY SWAINE THOMAS
4104 LOCUST STREET
PHILADELPHIA 4, PENNSYLVANIA

October 24, 1948

Dear Jacobus,

I can't approve the Rockefeller Foundation in regard to a further denigration of the "Gentlemen's Agreement".

It is, as you will note from correspondence between Sprunt & Willits (in the files) - a matter between the RF and Sprunt.

(See also folder under "Lundberg" - Chief Membership Office)

I can't see how Godwin's behavior can in any way affect the agreement. Your publication will, in no way "discredit" Godwin!

The enclosed letter is from the chairman of the

2
Zoology Dept. at Chicago.
You might turn it over
to Johnson.

Truly yours,
Dorothy.

Please write to my home
address. Things are arranged
now so that I only have to
go to the office three days a
week. Other days are, at my
last, being devoted to "The Salvage".

306 Belmont Ave.
El Cerrito, Calif.
October 25, 1948

Prof. Jacobus tenBroek
2652 Shasta Road
Berkeley, Calif.

Dear Professor tenBroek:

Within the last month I've checked through the files of the Evacuation and Resettlement Study in an effort to locate any statement indicating the exclusive right of the Study to any material collected by research assistants, as requested by Mr. Barnhart.

The extent of the check was as follows:

Miscellaneous -- file case #26
Correspondence - Foundations
" re Spoilage
" re Salvage
" with Evacuees
" with various Staff members
" - miscellaneous
War Relocation Authority -- file case #39
Miscellaneous Correspondence - folder #1

In the process of making this check I devoted 9 hours of my time. It is my understanding that this would be compensated for at my previous rate of pay which was \$1.00 per hour. I would appreciate receiving the compensation for this project as soon as conveniently possible.

If I can be of any further assistance, I will be glad to hear from you.

Sincerely yours,

Hime Nichols

Hime Nichols

The University of Chicago Press

5750 ELLIS AVENUE CHICAGO 37 ILLINOIS



Copied to go to
Thomas - Nov 6
Allen - Nov 6

CC Sproul - Nov 4

October 29, 1948 *Wicket 11-17*

Jones "
Conroy "
Wellman "

Professor Jacobus ten Broek
Department of Speech
University of California
Berkeley 4, California

Dear Chick:

As a member of the Board of University Publications, I have just become acquainted with the correspondence between you and my colleagues. I wonder whether I can help clear matters up. Mr. Couch has asked me to write to you, and he will see this letter before it goes. We have talked the whole matter over with Ed Levi who, as you know, is teaching in this field, and he agrees with us about the situation.

The discussion has apparently proceeded a good part of the time on the assumption that Morton Grodzins was originally engaged simply as a "research assistant," and that he subsequently obtained permission to use materials which he had assembled, for his thesis. On this assumption, interesting questions could be debated about the status of research assistants and conceivably some question might be raised somewhere about the later permission to use materials for a thesis. On this assumption, I may say, Ed Levi and Mr. Couch and I are in agreement, that we should be inclined to think that no question could be raised about Mr. Grodzins' right to publish the present book.

As I began to inquire into the situation this week, however, I discovered one feature of the situation which seems to have been overlooked and it seems to me to remove any doubt which anyone might feel about Morton's right to publish. As matters may have become somewhat muddled since then, you may well not have received a very accurate account of the original arrangements yourself.

As we understand it, after a preliminary summer with the project, the question arose whether Morton was to spend the following academic year and, perhaps, longer, in the study. He was not a youngster nor without experience at that time. He had opportunities, not only in business but in government, to earn what we should both consider a very good income. He had, moreover, as he tells me, an opportunity to go to South America on a fellowship which would enable him to get forward quickly with the work for his Ph.D. He had left a good business position in Louisville with an academic connection there, to do graduate study; and he was most anxious to get forward with his degree. He made arrangements with Mrs. Thomas which would permit him to prepare for his examinations, including, for example, a specific arrangement

which would permit him to tutor in German. He also told her of his opportunity to go to South America and I judge he indicated quite clearly that he would prefer that to routine work in a project such as she was then getting under way. He tells me with considerable particularity that he and Mrs. Thomas agreed at that time that he could use what materials he was collecting, relevant to the subject on which he has since written as it was then defining itself in his mind, for a Ph.D. thesis.

In the preceding summer, he had been concerned primarily with organizing the administrative work of the study, and had started a few files of newspaper clippings. These apparently did not get him very far, and all the material which he gathered thereafter, and which he has subsequently used, seems to be controlled by his understanding with Mrs. Thomas.

As you know, the only cases which anyone could read as raising a question about Morton's right to use his material, are cases which depend on an "implied understanding" that the intellectual work and production of an author or inventor shall belong to his employer; or--what in effect amounts to the same thing--on a situation where an "implied trust," this time often "implied in law," may be thought to have arisen. Such a clear-cut arrangement as Morton appears to have had with Mrs. Thomas, of course, destroys the foundation for the application of any such doctrines as are used to protect the employer in these cases.

Quite apart from Morton's understanding with Mrs. Thomas, all of us here who now have any responsibility in the matter, would be prepared to insist, I think, that someone who is simply a "research assistant" in an academic enterprise has more rights than your comments recognize. One can imagine troublesome cases about laboratory technicians working for a scientist or someone employed to do research for an eminent and somewhat grasping economist or political scientist. At the same time, a fellow working in such a field as that with which we are concerned, having a senior status in the study, certainly a graduate student as well as a "research assistant", would seem to us prima facie to have very extensive rights in the ideas which he develops in the course of the study, and the information which he accumulates. Some of the information, such as the names of informants, may be gathered with an understanding that it is to be kept confidential; and all of it may be subject to control during the course of a war. Apart from rather clear-cut qualifications of this sort, we see little justification for imposing any limitations on the right of a young scholar engaged in such a project, to develop and publish his ideas.

When, in addition, as your correspondence clearly indicates, there has been a clear-cut permission at any time to use the material for a thesis, we have great difficulty in understanding how any question at all could be raised about Morton Grodzins' position. I think, myself, the explanation probably lies in the disposition to argue questions which are interesting but which are not, in fact, involved in this situation. I hesitate to suppose--and you know how naive I am--that the question of publication is in any way complicated by university, state, or national politics.

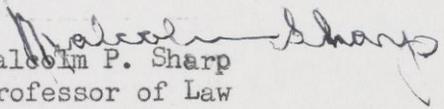
Prof. Jacobus ten Broek, Oct. 29, 1948

Page 3

As for the scholarship, we have had the judgment of persons whom I am sure you would respect, including two excellent lawyers, one a teacher, and one formerly in the government. We are satisfied about the scholarship, and you could doubtless find an opportunity for friendly argument with Morton or with some of us if we could all take the time to sit down together. I have not, myself, always agreed with extreme criticism of the relocation policy, such as Gene Rostow has published. I would not on that account miss an opportunity to sponsor the publication of any book which Gene might write on the subject.

It is good to hear from you again and I continue to wish that you were in these parts. Remember us to your wife.

Yours,


Malcolm P. Sharp
Professor of Law

MPS:af

cc: Sproul-11/4
Thomas-11/6
Aiken 11/6
Nisbet 11-17
Jones "
Wellman "
Corey "

TELEGRAM SENT NOVEMBER 2, 1948, 10:00 a.m.

STRAIGHT WIRE

BERKELEY, CALIF.

PROFESSOR MALCOLM P. SHARP
University of Chicago LAW SCHOOL
CHICAGO, ILLINOIS

IF THERE IS EVIDENCE OTHER THAN GRODZINS'
STATEMENT OF THE UNDERSTANDING BETWEEN
THOMAS AND GRODZINS DESCRIBED IN YOUR LETTER
OF OCTOBER 29, PLEASE FORWARD SAME POST HASTE.

CORDIALLY,

CHICK TENBROEK

Jt:im

JACOBUS TENBROEK
2652 SHASTA ROAD
BERKELEY 8, CALIFORNIA

Not to be sent

November 2, 1948

Dear Malcolm:

This will repeat my telegram of this morning and acknowledge receipt of your letter of October 29. We welcome your participation in the discussions of the affair Grodzins, especially since Mr. Couch had closed his mind prior to anything like an impartial investigation of the facts.

Following Dean Tyler's letter direct to President Sproul, the President has taken over the handling of the case. He will himself make the final decision as to the position of the University of California. He is presently engaged in a very thoroughgoing investigation preparatory to making up his mind. Hence my wire of this morning. Minds here are still open to any relevant facts. Up to this stage the affair has been deeply involved in high tension and emotionalism between Professor Thomas and Morton and it is part of our job to disengage it from that. If Morton can establish the existence of the agreement which you described in your letter of October 29, that will have an important, albeit, not a conclusive bearing on the position of the University of California and, incidentally, on the legal rights. Even if the agreement is established, it does not show, of course, permission given by the Evacuation and Resettlement Study for independent publication by Research Assistant and Doctoral Candidate Grodzins.

I shall see that your letter gets into the record where its arguments may be given such weight as they deserve.

Incidentally, as to the motivation of the people who have handled the case out here, don't believe the fairy tale that there have been considerations of university, state and national politics or a desire to suppress the conclusions expressed. In varying degrees, practically everybody who has had a hand in the affair out here is sympathetic to the major conclusions stated in the manuscript. The University might still have a reasonable interest in maintaining the integrity of its research project and of reasonable standards of scholarship in the statement of its results. It should not be overlooked that for more than two years after the rough draft completion of the Grodzins manuscript, all that the University sought to do was to get him to put it into better shape so that it might be published as a monograph planned as a part of the total publication program. Morton either was not willing or was not able to do that. One more unofficial word: I have read the Grodzins manu-

script. Its factual content is first-rate. The job of writing and of careful scholarship in effectively organizing the data on which the expressed conclusions are based still remains to be done. I have yet to hear of a scholar who maintains otherwise.

Greetings to all my old friends at Chicago Law School.

Cordially yours,

Chick

Jt:im

Professor Malcolm P. Sharp
University of Chicago Law School
Chicago, Illinois

CC: D. Thomas 11-6
Aiken 11-6
Wellman 11-17
Jones "
Coney "
Millet "

November 4, 1948

University of California
President Robert G. Sproul
Administration Building
Campus

Dear President Sproul:

Since you have directed that all correspondence on the Grodzins affair be channeled through your office, I am sending you herewith a copy of a letter which I just received from Professor Malcolm P. Sharp and my analysis of it. Sharp is Professor of Law at the University of Chicago Law School, a member of the Faculty Committee on the Press and a very influential person at the University of Chicago.

I immediately wired Professor Sharp as enclosed. He replied by telephone that Grodzins was out of town, that Grodzins had made some reference to letters establishing the existence of the understanding alleged and that anyway he had faith in Grodzins' veracity.

Sincerely yours,

Jacobus tenBroek

Jt:im
Enc. 2

November 6, 1948

Dear Chuck:

Herewith miscellaneous stuff showing that the Grodzins affair is still going. The President turned the matter back to our committee after his administrative assistant conducted his investigation with a request for additional research. The enclosed report is the result. I left the proof-reading to Barney and on reading parts of it just now discover that I should have done it myself.

It is hard to tell what action the President will take, especially since Johnson's report is somewhat firmer in tone than ours.

In any event, Barney and I have given up hoping for a solution in time to make any difference to our work. For the past two or three weeks we have gotten things underway and have been forging ahead. I have developed a scheme of operation and we have now gone far enough with it to justify tentative belief that a very different sort of book can and should be produced out of the Grodzins materials plus some others. For one thing, the thesis that the war simply activated or was seized as an opportunity by earlier existing anti-Japanese interests only makes sense if you can show, as Grodzins does not, what and who those interests were long before the war. We are now working on that and it begins to look as if an economic pressure group thesis is untenable. The doubt here raises a crucial question about Grodzins' use of his data. I have begun to wonder whether his whole pressure group thesis as an explanation of the evacuation is not largely wrong. That is, whether widespread popular reaction to the events of the Japanese war, building on an underlayer of long existent prejudice and suspicion do not explain most of what Grodzins attributes to pressure groups. In a sense, much of this is implicit in your criticism of Grodzins, that he writes as if the war was not going on. If further analysis of the data should prove our tentative hypothesis, we probably would be better off to have Grodzins publish his book first. Of course, this ignores the other elements of University interest pointed out in our report.

In addition to that report I am enclosing a letter from Malcolm P. Sharp and my analysis of it.

I am giving a written examination in Constitutional Law to Bill Larson today. Ned Joy comes up for his orals toward the end of this month. Incidentally, Ned has criticized the paper which Tussman and I wrote on the Equal Protection of the Laws in a way greatly to improve my opinion of Ned.

November 6, 1948

Tomorrow morning the Sunday group is taking up Mikeljohn's new book on free speech. Mikeljohn himself will be here. Ed Barrett has just dealt with the book in his course on Constitutional Law so I invited him to come along. His comment about the book was that Mikeljohn failed to distinguish between problems of Constitutional law and problems of policy. So far as I am concerned, that remark alone should disqualify Ed to teach Constitutional Law. Odegard apparently is making a considerable hit with students and with audiences generally. The hit seems to be based mostly, however, on audience appeal through humor and by dramatically challenging, but light, statements. Quite a number of better heads are questioning how much he has to offer. Of course, that is what better heads would be doing in any event. I haven't personally heard any of his talks.

Cordially,

Jt:im

Enc.

Professor Charles Aikin
1526 - 29th Street, Northwest
Washington 7, D. C.

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Jt:im
Enc.

Professor Charles Aikin
1526 - 29th Street, Northwest
Washington 7, D. C.

JACOBUS TENBROEK
2652 SHASTA ROAD
BERKELEY 8, CALIFORNIA

November 6, 1948

Dear Dorothy:

If someone had dropped Grodzins in the bay at the early age of two he would have saved a number of us a lot of trouble.

Enclosed are:

1. A report which Barney and I have prepared for the President.
2. A letter which I received from Malcolm Sharp.
3. My telegram to Malcolm Sharp.
4. My analysis of Sharp's letter.
5. My letter to the President covering the last three.

Following Johnson's protracted investigation and report (his report, incidentally, was quite good) the President turned the matter back to our committee for further investigation. Barney and I spent several days going through the files with the enclosed result.

Nishimoto is in town and Barney and I spent an afternoon with him. We are to see him again this morning. We find him both interesting and cooperative. Some of the information he supplied has an important bearing on the agreement mentioned in Sharp's letter, i.e., it shows that similar agreements were entered into with all research assistants who had any interest in producing a thesis. Nishimoto says that these agreements were all oral and individual, but he has some recollection that a letter sent to the Chicago staff and carboned to all research assistants summarized the point. We can find no such letter in the files. What is your memory of it?

This angle of the case has now become very important because, according to Nishimoto, it was made plain when discussing these matters with prospective thesis writers that the Study would decide any issue of publication, though the research assistant was free to use any material collected by him for his thesis purposes. Let us have any ideas or memories that you may have on this point. Barney and I plan to send an inquiry around to the other research assistants who had an agreement about a thesis.

Barney and I have been forging ahead at breakneck speed on the work. At least we are whenever we are not distracted by reports and letters in connection with the Grodzins affair. We have gone far enough now to think that there might very well be a good deal to our original plan of development. In fact, the more we work on this thing the more doubtful we are becoming as to whether Grodzins' entire pressure group thesis is not,

Page 2

November 6, 1948

say, 75% incorrect. If we should actually come out with that conclusion, it probably would be better from our point of view to have Grodzins' book out first.

Cordially,

Jacobus

Jt:im

Enc.

November 3, 1948

Report on the Grodzins' Affair
Prepared for the Library Sub-Committee
by Professors tenBroek and Barnhart

President Robert G. Sproul
Administration Bldg.
Campus

Dear President Sproul:

This is by way of compliance with your request made to the Library sub-committee to carry out further investigations on the Grodzins' affair. We have, except on one point, now gone as far as we reasonably can in the collection of data pertinent to the specific lines of inquiry laid down in your letter.

I. Ownership of materials

1. There was no written contract or formal agreement with respect to publication of materials collected by Grodzins at the time of his employment.

2. There was no written administrative ruling on the point issued to the research assistants by Professor Dorothy S. Thomas, Director of the Study, to the workers on the project.

3. Grodzins was employed by the Study from July 1, 1942 to March 31, 1945. His position and official title was that of Research Assistant. At one time the Director sought to have his status raised to Research Associate. This request was, however, turned down by the Dean of the Graduate Division. For a period, Grodzins held the position of Administrative Assistant in addition to his position as Research Assistant.

4. Grodzins was hired specifically for the purpose of collecting data and preparing a report on the political aspects of the evacuation. His name was put forward by Prof. Charles Aikin, the political scientist among the senior staff members of the Study. He was at the time a graduate student in the Department of Political Science. The 1942-1943 budget of the Study contains this entry: "Research Assistant. Morton Grodzins (polit. and soc.)." In requesting his appointment by the officials of the University, the Director of the Study explained his prospective function as follows: "He will carry on field work, analyze reports and assist in writing the final report." In a letter about him to Dean Lipman (June 18, 1943) Professor Thomas refers to Grodzins as "a research assistant" who has been "handling...the important political aspects of the study." The letter describes his activities in detail: "He has conducted investigations with regard to the rising public sentiment, the activities of pressure groups, the work of Pacific Coast Congressional delegations and the relationships between Justice and War Departments." There can be no doubt at all that the material used in the Grodzins' MSS now at the University of Chicago Press is the very data which he was specifically employed to collect and did collect during his employment.

5. A Research Assistant thus employed has no right to publish the material collected by him in the course of his employment without the consent, let alone over the objection, of his employers. This is the well-understood usage among the large universities of the country. Ralph E. Himstead, Secretary of the American Association of University Professors makes the following statement in a telegram to us of September 22:

Re tel September 21. Publication rights of research assistants in universities in absence of specific terms of employment in contract are governed by custom and usage of the institution. In general research assistants do not have rights of independent publication but in published reports based on research projects in which they participated are given credit for participation.

Whatever the general usage, the practice of the University of California was made explicit in a directive issued by the President, dated August 26, 1941, and sent to deans, directors and department chairmen. The directive dealt among other things with the publication rights of research associates, research fellows and research assistants. It says with respect to the research assistant: he "may or may not collaborate in the publication of research as may be determined by the faculty member directing him in his research." Moreover, there is evidence that the publication policy of the Study was considered at the Study's inception by the senior members of the staff and a clear-cut policy established. (Chernin to Thomas, July 14, 1942):

Dear Dr. Thomas:

In going over my notes, I find that I have not sent you a statement on the policy with respect to publication of the Alien Evacuation Study which we agreed upon several weeks ago. The policy adopted at our meeting was as follows:

Policy on Publication of Alien Evacuation Study

There shall be no publication of any material gathered by this study until after the war. Any exceptions to this general policy may be made only with the unanimous consent of the senior members of the project. Publication plans after the war will be decided by the senior members of the project when such decisions are necessary.

6. Grodzins claims that "it was clearly understood he was free after the war to use as he saw fit the materials that he collected while he was in the employment of the University of California." (Couch to tenBreek,). This claim is detailed as follows (Sharp to tenBreek, October 27, 1948):

The discussion has apparently proceeded a good part of the time on the assumption that Morton Grodzins was originally engaged simply as a "research assistant" and that he subsequently obtained permission to use materials which he had assembled, for his thesis. On this assumption, interesting questions could be debated about the status of research assistants and conceivably some question might be raised somewhere about the later permission to use materials for a thesis. On this assumption, I may say, Ed Levi and Mr. Couch and I are in agreement that we should be inclined to think that no question could be raised about Mr. Grodzins' right to publish the present book.

As I began to inquire into the situation this week, however, I discovered one feature of the situation which seems to have been overlooked and it seems to me to remove any doubt which anyone might feel about Morton's right to publish. As matters may have become somewhat muddled since then, you may well not have received a very accurate account of the original arrangements yourself.

As we understand it, after a preliminary summer with the project, the question arose whether Morton was to spend the following academic year and, perhaps, longer, in the study. He was not a youngster nor without experience at that time. He had opportunities, not only in business but in government, to earn what we should both consider a very good income. He had, moreover,

as he tells me, an opportunity to go to South America on a fellowship which would enable him to get forward quickly with the work for his Ph.D. He had left a good business position in Louisville with an academic connection there, to do graduate study; and he was most anxious to get forward with his degree. He made arrangements with Mrs. Thomas which would permit him to prepare for his examinations, including, for example, a specific arrangement which would permit him to tutor in German. He also told her of his opportunity to go to South America and I judge he indicated quite clearly that he would prefer that to routine work in a project such as she was then getting under way. He tells me with considerable particularity that he and Mrs. Thomas agreed at that time that he could use what materials he was then collecting, relevant to the subject on which he has since written as it was then defining itself in his mind, for a Ph.D. thesis.

In the preceding summer, he had been concerned primarily with organizing the administrative work of the study, and had started a few files of newspaper clippings. These apparently did not get him very far, and all the material which he gathered thereafter, and which he has subsequently used, seems to be controlled by his understanding with Mrs. Thomas.

Three things should be noted with respect to this claim. (A) As set forth in Professor Sharp's letter it is merely that it was understood between Grodzins and Mrs. Thomas that Grodzins would be permitted to use what materials he was collecting "for a Ph.D. thesis." Obviously, this is far short of an understanding that he could be permitted to publish his report independently of the Study's publication series. Moreover, it is plain that there was a general understanding between Mrs. Thomas and Grodzins that his work, if satisfactory, would constitute a monograph in the series of publications planned by the Study. That he was permitted to use the material for a doctoral thesis is plain and no prior agreement is required to show it. Consequently, as thus stated Grodzins' claim of a prior agreement has no more nor less weight than the permission to use materials for the thesis and this merely raises again the question of the rights a doctoral candidate has in his thesis. (B) In view of the usage, the Presidential directive, and project policy above referred to, it is certainly incumbent on Grodzins or the University of Chicago acting in his behalf to present written and unequivocal evidence of this understanding. None such is at hand. (C) Correspondence between Mrs. Thomas and Grodzins and the evidence from the dissertation indicate quite clearly, on the contrary, that Prof. Grodzins accepted and acted upon the right of the Director of the Study to control the disposition of the data he had amassed. This evidence is collected in Appendix A.

7. The chief and so far as we can see the only weakness in the title of the University of California to the materials now threatened to be published by the University of Chicago Press is this: Grodzins was permitted to use his write-up of the political aspects of the evacuation as a dissertation for the degree of Doctor of Philosophy. The dissertation was submitted and accepted in March, 1945, while Grodzins was still a research assistant of the Study. Two of the members on the doctoral committee were Professors Thomas and Aikin. These two consequently were serving in a dual capacity as directors of the Study and as members of the doctoral committee. There is evidence in the doctoral dissertation itself that permission to use the write-up as a thesis was given with limitations.

Due to the generosity of Dr. Dorothy S. Thomas and others, this monograph is being presented as my doctoral dissertation. Though in a substantially finished form, the manuscript is still regarded as subject to correction and the addition of further data. It will not be circulated in its present state and may not be quoted for any purpose since it contains materials classified confidential by federal administrative agencies. (Thesis, p. v.)

Consistent with these limitations, the University copies of the thesis were not deposited in the Library, the usual resting places of such works, but were, by agreement with the Dean of the Graduate Division, placed in locked files of the Study where they still remain.

What are the rights of the author of a doctoral dissertation once it has been accepted by the University? Normally, if it is of suitable quality, the candidate would almost automatically be expected to seek a publisher on his own and without further permission from the University. Can this normal procedure be interrupted by specific prior commitments of non-publication? It is suspected that the law on this point is far less clear than it is with respect to the rights of research assistants to the data amassed by them. Since this matter is in the hands of the Attorney for the Regents it presumably would be duplicatory for us to determine the state of the law on this point.

II. Commitments of secrecy made in name of University

Director Dorothy Thomas has stated orally to the writers that most of the material collected by Grodzins from politicians, government officials and officials of private organizations was received by him under an express commitment of secrecy. She has sent us the following telegram confirming her oral statements (Thomas to Barnhart, October 8, 1948):

"Confidential nature of information was emphasized with all informants. Violations in thesis include almost all direct quotations from Congressmen and officials. Also Neustadt files which I myself collected with promise of secrecy."

Corroboration of the existence of such commitments is seen in a letter (Thomas to Lipman, June 18, 1943) written a year after the start of Grodzins' employment. In referring to the anticipated Grodzin monograph, Mrs. Thomas says: "Its publication, of course, must be postponed until the restrictions have been lifted by the governmental agencies and the individuals from whom Grodzins has obtained his data." In addition, it is hard to see how, without a commitment of secrecy, Grodzins could have obtained free and unlimited access to the personal and confidential files of Congressmen and many other prominent persons. For examples, see pages 6-8 of Robert Johnson's analysis of the Grodzins affair. (October 15, 1948).

As against this testimony, Grodzins says in a letter to Chernin (May 14, 1947):

(1) Charles (Aikin) makes the point...that the publication of some of the materials might involve the University in breaches of confident. Since, in all our correspondence and interviews, we made the point that we were collecting material for publication, I am certain that we need not worry about this. (Dorothy collected the material from Neustadt's office and I assume, therefore, that she can satisfy Charles with respect to it;...) Though I thus think we are clear on all moral problems, there are two legal problems on which I think we need advice.

(A) We quote numerous letter writers, in many cases having collected their letters from the files of the recipients. Though those who let us examine files were informed of our publication plans, I am not clear as to whether they have the legal right to give us publication permission for letters they have received. I remember reading someplace that the author of a letter (rather than the recipient) owns the letter's content. If this is so, we will probably have to delete the senders' names from some of the footnotes citing letters. This, I think, would be unfortunate, especially in the case of the leaders of the big pressure groups. If this has to be done for letters collected from recipients, I hope it will not have to be done for letters of public officials or/and for letters collected from the files of the authors with the authors' permission.

(B) A similar legal problem may exist for the interviews. Here, I think, we should be fully protected since I have been careful in every case not to quote the person interviewed. Rather, I have quoted my own notes. In view of the fact that interviewees were told, verbally or in writing, and frequently both ways, that the material given would be used in publication, I can see little difficulty here.

It must be said that a notice that the materials were to be used for publication tends to suggest the absence of a commitment of secrecy. However, this is not necessarily the case, especially with respect to the names of informants. It may well be imagined, for example, that Grodzins would say to interviewees that "all of this will ultimately come out in a book but you may be assured that we will not in any way embarrass you in our use of these materials," and he might even have said that "we will not publish the material without your consent or further contacting you." So the statement that future publication was intended is not necessarily evidence that there was no commitment of secrecy and in view of the other factors above listed, the conclusion seems unavoidable that there were commitments of secrecy though how often and to what extent are unrevealed.

III. Relations with contributing foundations.

The Evacuation and Resettlement Study was financed by five contributors, the University, The Giannini Foundation, the Columbia Foundation, the Rockefeller Foundation and the Social Science Research Council. By 1945 three of these, the Giannini and Columbia Foundations and the Social Science Research Council, have fully discharged their financial commitments to the Study and thereafter contributed no more money. It may be said with respect to them that they simply understood they were supporting a research project whose results ultimately would be published. In what form, under whose direction, or at whose expense apparently was not discussed with them or at least no arrangement for negotiations for arrangements appear in the correspondence.

With the Rockefeller Foundation, however, the study is quite different. On December 14, 1944, after Rockefeller Foundation had been contributing to the project for three years, President Sproul opened discussions with it to secure funds on a matching basis for "analyzing and synthesizing the mass of observations that will have been collected." On January 4, 1945, Mr. Willits, the Foundation's Director for Social Science, replied asking for a comprehensive statement of the cost required to wind up the project so that a single total estimate could be formed instead of "contemplating a series of grants." On January 17, President Sproul set forth a general proposal. It involved two features; one, a request for \$5,000 a year for two years to be matched by an equal amount by the University to cover the cost of completing observations and the collection of data; two, a request for an amount to cover the cost of publishing the results, specifically mentioning the monograph on the political aspects of the evacuation. Willits reacted as follows (January 25, 1948):

We are going ahead with plans for consideration by the Executive Committee at their February meeting of a grant of \$5,000 a year for two years on a matching basis for expenses of publication as soon as these can be more definitely estimated.

At the February meeting the Foundation made the grant of \$5,000 for two years. Six months later the expenses were definitely estimated for the three main volumes-- "Spoilage," "Salvage" and "Residue"--and submitted to the Foundation with application for a grant-in-aid on August 30, 1945. At that time President Sproul said in his letter to Willits, "Later I shall write you about the technical monographs, the cost of publishing which we are unable to estimate at the present time." The grant for the three main volumes was made (Willits to Sproul, September 8, 1945), the Rockefeller Foundation stating that it desired "the further understanding that if the cost of publishing the first three volumes falls below the total estimated by your press, the

balance likewise on a dollar for dollar basis shall remain available in your hands toward the publication of the technical monographs."

There is thus a general understanding between the University and the Rockefeller Foundation respecting the publication of the results of the Evacuation and Resettlement Study. This understanding finds expression in Willit's letter to President Sproul of January 25, 1945, in which he states, "It would be understood by us that California will ask for a grant-in-aid...for expenses of publication...", in the Foundation's grant on a matching basis of \$6,250 for publication of the three main volumes of the Study, and in the explicit direction that if any money remains from the publication of these volumes it shall be applied to the cost of publishing the technical monographs.

The Foundation entered into these arrangements after having contributed for three years to the Evacuation and Resettlement Study. The Foundation had been kept informed from the beginning not only of the nature of the study as originally contemplated but of the administrative machinery established to carry it out and of the changes of direction that the Study was given from time to time. Not only was much of this information contained in numerous letters from President Sproul and Professor Thomas to Mr. Willits but also in regular annual reports upon the Study which were sent to the Foundation and in at least one special report called for by the Foundation. Thus the picture of the Study which the Foundation had before it in entering into the above publication arrangement was that of a unified effort, under the central direction and supervision of Professor Thomas with a complete and integrated plan for the whole project. The splitting off of one segment separately handled by a former research assistant and publication independently of the whole program and over the objection of the Study's directors thus tends to frustrate in part the achievement of the goal which the University was holding out to the Foundation in seeking its support.

There is here, consequently, a matter of good faith on the part of the University in its dealing with the Foundation which at a minimum imposes on the University the obligation to take whatever reasonable steps it can to prevent Grodzins' publication of his MSS.

IV. Misstatements of fact and unsupported conclusions in Grodzins MSS.

We do not have in our possession the MSS submitted by Grodzins to the University of Chicago Press. It may or may not be different from the original MSS which we do have or from the 1947 revision of which we have only the first five chapters. Consequently, discovery of errors of fact and unsupported conclusions in our MSS's would not necessarily reveal anything about the MSS at the Chicago Press. We obviously could not rely on the results of such discovery in negotiations with Chicago.

* * * *

V. University motives.

Grodzins has made the charge and apparently has convinced some University of Chicago people of its truth, that the action of Professor Thomas and others in delaying and eventually attempting to prevent publication of his MSS resulted from considerations of University, state or national politics and a desire by suppressing publication of his disclosures to protect the names of certain prominent politicians such as Governor Warren, and to keep from the light of day Grodzins' severe criticism of certain policies and persons. Grodzins sometimes makes this charge bluntly and openly, sometimes by subtle innuendo, but it is his stock in trade and a peculiarly effective instrument in promoting his MSS and himself.

Nothing in the voluminous files or in the writers' acquaintance with the principal participants gives the slightest credence to this charge. That the differences between Professor Thomas and Grodzins, which gradually developed, were intensified by the height of their earlier mutual esteem and resulted in emotionalism and even bitterness is fairly clear, but both Professors Aikin and Thomas agreed with the major conclusions expressed by Grodzins in his MSS and both are persons of unquestionable scholarly integrity.

It should not be overlooked in evaluating the present and future position of the University in this matter that the Grodzins' MSS was regarded almost from the very beginning by everybody concerned as one part of a larger publication plan. As early as June, 1943 (Thomas to Lipman) it was believed that Grodzins' investigation would be productive of a monograph suitable for this purpose. When the MSS was completed in rough draft form in January, 1945, it was seen as containing highly important and social significant data but it was understood by the time of its acceptance as a doctor's thesis that it was not in final form. (See quotation above from thesis). It was expected by all concerned that revisions would be made in accord with criticisms supplied by Professors Thomas and Aikin. Later that summer, Grodzins asked about publishing his monograph and said, assuming "you think the monograph (with greater or lesser extent) has merit enough to be publishable in the series you plan...I suggest (1) that at your earliest convenience you give me your detailed criticism; (2) that I will revise accordingly." (Grodzins to Thomas, August 9, 1945). Thomas replied August 18, 1945 giving briefly her criticism of the MSS. On December 15, 1945, Professor Aikin sent Grodzins a comprehensive and detailed criticism, nine and one-half single space typed pages. Seven months later, despite some expressions of willingness to make the changes demanded, Grodzins had done nothing. Professor Thomas then wrote to him saying that the MSS had been submitted to Dr. Forrest LaViollette, who had written a book on the Canadian evacuation, and to others, for their independent judgment. The judgment was that the MSS was unpublishable in its form at the time and Professor Milton Chernin had been asked to work with Grodzins in a revision which would thereafter be published by the Study with Grodzins and Chernin as joint authors. Grodzins accepted the criticism, expressed strong opposition to co-authorship, and indicated that he would continue an effort to revise his MSS until Professors Thomas and Aikin were satisfied with it. In the following twelve months after Chernin had been called in, nothing like collaboration took place. Except for one letter there was no correspondence between them. They met in Chicago for one evening early in January, 1947. Professor Chernin says that he planned to withdraw from the arrangement if Grodzins produced an acceptable revision. In May, 1947, Grodzins produced a revision which he sent to Chernin with a long letter of explanation. The revision proved wholly unacceptable not only to Chernin, but also to Professors Thomas and Aikin (Aikin to Thomas, August 1, 1947). It was their opinion that there had been no actual re-writing or re-casting. All that had been done to conform to the extensive criticism was a pastepot and scissors job of deletion.

Thus Grodzins had been supplied with detailed criticism of his MSS by Prof. Aikin, concurred in by Prof. Thomas. Despite his not unmixed suggestion of willingness to carry out revisions suggested, he failed to do so in a satisfactory way by May, 1947, two years and two months after his submission of the thesis, one year and a half after his receipt of the detailed criticism, and ten months after the drastic expedient of a joint authorship had been resorted to.

This patient and time-consuming series of steps can hardly be regarded as arbitrary and unjust criticism of Grodzins, nor can it be honestly distorted into an attack upon the motives and integrity of Professors Thomas and Aikin.

VI. The University's interests

Finally, the nature of the interest of the University still continuing in the Grodzins MSS and in the plan for its publication by the University of Chicago Press needs to be evaluated. The facts suggest these as the elements to be considered:

1. Certainly the University is not interested in going out of its way to assert in courts or elsewhere abstract or merely legal doctrine about rights of research assistants in material they collect.

2. But the University has a legitimate interest in (A) maintaining reasonable standards of scholarship and the integrity of a research project into which it poured thousands of dollars and incalculable faculty time and energy, and into which it induced others, and especially the Rockefeller Foundation, to contribute large sums of money, and in (B) maintaining a good faith relationship with the Foundations which it induced to put money into the project.
3. It has also a legitimate interest in maintaining the integrity of the University and perhaps even is under a legal duty to do so with respect to commitments given in its name to persons who supplied data. The extent and character of these commitments is not as yet factually determined and cannot be from the materials at hand.

Recommended course of action.

The Sub-committee was unanimously agreed that high level negotiations should be carried on to prevent the publication by the University of Chicago Press of the Grodzins' MSS, relying primarily on ethical arguments and arguments of inter-university comity. An effort should be made to show the University of Chicago precisely what the interest of the University of California in the MSS is and to make it plain that our motives are upright and our minds open to all relevant facts. All agreed that the University of California should not insist on its rights to the point of judicial action unless this is necessary to relieve itself of legal liability resulting from the publication of the MSS by Chicago.

Respectfully,

Jacobus tenBroek

Edward N. Barnhart

We, therefore, recommend that when the Tyler reply reaches you a letter be prepared to be sent to Tyler and perhaps the Chancellor or President of the University of Chicago in which the case for and interests of the University of California be fully stated, covering the facts in the present memorandum and emphasizing the points suggested in VI, The University's interests.

If, after that the University of Chicago is adamant in its position, we then suggest that the University of California should withdraw from the controversy if the Attorney for the Regents advises that this step can be taken without incurring any legal liability.

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THE UNIVERSITY OF CHICAGO PRESS

5750 Ellis Avenue - Chicago 37, Illinois

October 29, 1948

Professor Jacobus tenBroek
Department of Speech
University of California
Berkeley 4, California

Dear Chick:

As a member of the Board of University Publications, I have just become acquainted with the correspondence between you and my colleagues. I wonder whether I can help clear matters up. Mr. Couch has asked me to write to you, and he will see this letter before it goes. We have talked the whole matter over with Ed Levi who, as you know, is teaching in this field, and he agrees with us about the situation.

The discussion has apparently proceeded a good part of the time on the assumption that Morton Grodzins was originally engaged simply as a "research assistant," and that he subsequently obtained permission to use materials which he had assembled, for his thesis. On this assumption, interesting questions could be debated about the status of research assistants and conceivably some question might be raised somewhere about the later permission to use materials for a thesis. On this assumption, I may say, Ed Levi and Mr. Couch and I are in agreement, that we should be inclined to think that no question could be raised about Mr. Grodzins' right to publish the present book.

As I began to inquire into the situation this week, however, I discovered one feature of the situation which seems to have been overlooked and it seems to me to remove any doubt which anyone might feel about Morton's right to publish. As matters may have become somewhat muddled since then, you may well not have received a very accurate account of the original arrangements yourself.

As we understand it, after a preliminary summer with the project, the question arose whether Morton was to spend the following academic year and, perhaps, longer, in the study. He was not a youngster nor without experience at that time. He had opportunities, not only in business but in government, to earn what we should both consider a very good income. He had, moreover, as he tells me, an opportunity to go to South America on a fellowship which would enable him to get forward quickly with the work for his Ph.D. He had left a good business position in Louisville with an academic connection there, to do graduate study; and he was most anxious to get forward with his degree. He made arrangements with Mrs. Thomas which would permit him to prepare for his examinations, including, for example, a specific arrangement which would permit him to tutor in German. He also told her of his opportunity to go to South America and I judge he indicated quite clearly that he would prefer that to routine work in a project such as she was then getting under way. He tells me with considerable particularity that he and Mrs. Thomas agreed at that time that he could use what materials he was collecting, relevant to the subject on which he has since written as it was then defining itself in his mind, for a Ph.D. thesis.

M. B. by DST - SSRC fellowship for which he had applied. No action ever taken!

In the preceding summer, he had been concerned primarily with organizing the administrative work of the study, and had started a few files of newspaper clippings. These apparently did not get him very far, and all the material which he gathered thereafter, and which he has subsequently used, seems to be controlled by his understanding with Mrs. Thomas.

As you know, the only cases which anyone could read as raising a question about Morton's right to use his material, are cases which depend on an "implied understanding" that the intellectual work and production of an author or inventor shall belong to his employer; or---what in effect amounts to the same thing---on a situation where an "implied trust," this time often "implied in law," may be thought to have arisen. Such a clear-cut arrangement as Morton appears to have had with Mrs. Thomas, of course, destroys the foundation for the application of any such doctrines as are used to protect the employer in these cases.

Quite apart from Morton's understanding with Mrs. Thomas, all of us here who now have any responsibility in the matter, would be prepared to insist, I think, that someone who is simply a "research assistant" in an academic enterprise has more rights than your comments recognize. One can imagine troublesome cases about laboratory technicians working for a scientist or someone employed to do research for an eminent and somewhat grasping economist or political scientist. At the same time, a fellow working in such a field as that with which we are concerned, having a senior status in the study, certainly a graduate student as well as a "research assistant," would seem to us prima facie to have very extensive rights in the ideas which he develops in the course of the study, and the information which he accumulates. Some of the information, such as the names of informants, may be gathered with an understanding that it is to be kept confidential; and all of it may be subject to control during the course of a war. Apart from rather clear-cut qualifications of this sort, we see little justification for imposing any limitations on the right of a young scholar engaged in such a project, to develop and publish his ideas.

When, in addition, as your correspondence clearly indicates, there has been a clear-cut permission at any time to use the material for a thesis, we have great difficulty in understanding how any question at all could be raised about Morton Grodzins' position. I think, myself, the explanation probably lies in the disposition to argue questions which are interesting but which are not, in fact, involved in this situation. I hesitate to suppose--and you know how naive I am--that the question of publication is in any way complicated by university, state, or national politics.

As for the scholarship, we have had the judgment of persons whom I am sure you would respect, including two excellent lawyers, one a teacher, and one formerly in the government. We are satisfied about the scholarship, and you could doubtless find an opportunity for friendly argument with Morton or with some of us if we could all take the time to sit down together. I have not, myself, always agreed with extreme criticism of the relocation policy, such as Gene Rostow has published. I would not on that account miss an opportunity to sponsor the publication of any book which Gene might write on the subject.

It is good to hear from you again and I continue to wish that you were in these parts. Remember us to your wife.

Yours,

(signed) Malcolm P. Sharp
Malcolm P. Sharp
Professor of Law

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WESTERN UNION

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JOSEPH L. EGAN
PRESIDENT

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JACOBUS TENBROEK, DEPT OF SPEECH=

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UNIVERSITY OF CALIFORNIA BERKELEY CALIF=

REES

SEE AMERICAN POLITICAL SCIENCE REVIEW 1942 AUGUST PAGE 737
AND CORRESPONDING ENTRIES IN 1943 AND 1944. I UNDERSTAND
GRODZINS' THESIS COULD NOT HAVE BEEN LISTED THERE WITHOUT
CONSENT OF AUTHORIZED CALIFORNIA OFFICER OF INSTRUCTION=

MALCOLM SHARP=

As. 3-1243

ad
L 1255 mail

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To: Pres. Sproul

November 4, 1948

cc: Thomas } 11-6-48
Aiken }
Wellman 11-17
Nisbet "
Cory "
Jones "Analysis of Professor Sharp's Letter of October 29, 1948

1. Professor Sharp shows a disposition to be more reasonable about the whole affair than Mr. Couch. This is important since Sharp is a member of the Faculty Committee on the Press and since Tyler has also entered the negotiations, thus suggesting that the matter has been taken out of Couch's hands.
2. Sharp and apparently everybody else at Chicago has accepted Grodzins' fairy tale about the motivation of the University of California (Cf. reference to "...university, state, or national politics.>").
3. The alleged agreement between Grodzins and Professor Thomas at an early stage of the development of the Study is not nearly as important as Sharp asserts. If the agreement is established on other evidence than Grodzins' statement it still would only show that Grodzins had earlier than we thought received permission to use the materials he was collecting for his doctoral thesis; not that he had permission to publish independently; not that his materials were not planned to be embodied in a monograph published as a part of a total project.
4. We are agreed pretty well as to what the cases hold with respect to the rights of research assistants, that is that they say there must be an "implied understanding" that the material collected will belong to the employer. In the case of such a broad, institutional study, however, one carried on under central supervision and control by as many as fourteen research assistants, the understanding would be easily implied and the right of the fourteen research assistants to publish their segments independently and thus raise havoc with the total study easily denied.
5. On these grounds and because of the University's relations with the contributing foundations and with the informants, justification for the limitation of the rights of research assistants is abundant. But purely aside from the justification, the matter is controlled by University policy laid down in President Sproul's directive and by the project's policy laid in an early meeting of the senior members.
6. Sharp has put his finger on the weakest point in our case, namely, the permission that was granted (early or late) to Grodzins to use the materials collected by him for a doctoral thesis. The weakness, however, is not necessarily fatal. The best that can be said for Grodzins' side is that it is unclear what the rights of a doctor are in his thesis. In this case,

November 4, 1948

of course, Grodzins agreed to the limitations under which his thesis was placed, limitations which the University of California have not yet removed. If understandings between Professor Thomas and Grodzins about his thesis are to be relied upon, this one should not be overlooked.

Jacobus tenBroek

Jt:im

November 9, 1948

President Robert G. Sproul
University of California
Administration Building
Campus

Dear President Sproul:

Re Grodzins affair, I have received the following telegram from Malcolm P. Sharp, Professor of Law at the University of Chicago Law School:

"See American Political Science Review 1942 August page 737 and corresponding entries in 1943 and 1944. I understand Grodzins' thesis could not have been listed there without consent of authorized California officer of instruction. Malcolm Sharp."

The page in the American Political Science Review cited carries a list of doctoral dissertations in political science in preparation at American universities. The relevant item reads:

"Morton M. Grodzins; A.B., Louisville, 1940; A.M., ibid, 1941. Japanese Evacuation on the West Coast: A Study of Pressure Group Activity, Intergovernmental Organization, and Constitutional Problems. California."

This item establishes pretty conclusively that as early as 1942 Grodzins had an agreement with Professor Dorothy Thomas by which he was to be allowed to use materials collected by him as a paid research assistant of the Evacuation and Resettlement Study in his doctoral thesis. Such an agreement, however, does not in any way imply a further understanding that Grodzins would be allowed to publish these materials without further approval or decision on the part of the Study. On this latter point, additional evidence is now coming to light.

It turns out that identical thesis agreements were entered into with from four to six other research assistants and with one other employee who was more than a research assistant and who became joint author with Professor Thomas on the first main volume published by the Study. The last named person was Richard Nishimoto. In the past few days Barnhart and I have had extensive conversations with Nishimoto. He says that the thesis agreements were entered into with any employee of the Study who was interested in a thesis as a deliberate added inducement to work for the Study, that all of these agreements were oral between Professor Thomas and the prospective thesis writer, and that Professor Thomas made it plain to each such person that any decision with respect to publication would be made by the Study. We have sent out a letter of inquiry

President Sproul

- 2 -

November 9, 1948

designed to elicit information on these points from the other employees who planned to produce theses. If and when the answers arrive, we shall send them on to you. If the answers corroborate the statements of Nishimoto, they will substantially eliminate what until now we have felt to be the principal weakness in the case of California, namely, the permission given to Grodzins to use the Study materials for a doctoral dissertation. If that permission was limited, as above indicated, then Grodzins' rights in his thesis are correspondingly limited by agreement.

Yours sincerely,

Jacobus tenBroek

Jt:im

UNIVERSITY OF PENNSYLVANIA
PHILADELPHIA

4

WHARTON SCHOOL OF
FINANCE AND COMMERCE

November 8, 1948.

Dr. Jacobus TenBroek
2652 Shasta Road
Berkeley 8, California

Dear Jacobus:

I am sorry you are having so much trouble with the Grodzins matter. I am enclosing a number of documents which may throw some light on my agreements.

It is perfectly clear that I encouraged all the research assistants to work on their theses. It is also clear, however, that no assistant had the right to use any material without my permission, and, that in spite of my laxness as an administrator, I never deviated from this standpoint either orally or by letter.

In regard to Sharp's letter, it is, of course, not true that Grodzins' status changed, ~~or that he was given any permission~~ nor was there any implied agreement that he could use material in any way he saw fit. It was also understood that I was to have the final say on this matter in consultation with the senior members of the staff, which we specified in several of the memoranda which I am sending. *Cherwin & Kidner dropped out while Aikin, Lovie & I remained as "senior staff" whose names*

Yours sincerely,

Dorothy

Dorothy S. Thomas

P.S. Grodzins never had "senior status" on the staff, nor was it ever planned that he should. Even the weakest point in my negotiations, i.e. when I urged that he be made "Research Associate" carried no such implication.

The matter of Grodzins' "Senior American appointment" is interesting. As I remember, he was to apply for an SSRC fellowship, but certainly was never awarded one. He made no "conditions" about not doing "routine work" for the (and

Study & in fact he cooperated admirably
on all dirty jobs that had to be done.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
OFFICE OF THE ATTORNEY
910 CROCKER BUILDING
SAN FRANCISCO 4, CALIFORNIA

JNO. U. CALKINS, JR.
A. H. CONARD

November 10, 1948

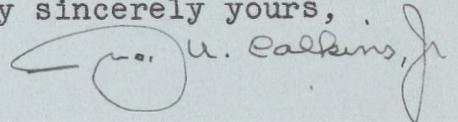
Professor Jacobus tenBroek
Department of Public Speaking
University of California
Berkeley 4, California

Dear Professor tenBroek:

I was sorry that I was not able to reach you on the telephone before I left on my trip to Los Angeles, from which I just returned. On my desk I find a copy of your letter of November 4th written to President Sproul on the Grodzins' affair.

I am rather impressed with what Professor Sharp has to say in the matter and I must concede that he may be right, though on the basis of facts which I had in my possession, I felt it proper to advise Dr. Sproul that we could likely maintain an action at law or in equity with some hope of success. I would prefer, of course, to settle the matter without legal procedure, if possible. In any event, should we decide to have recourse ~~in~~ the courts, we should have, as I told Dr. Sproul, the advice of Illinois counsel, since it seems to me that the case would have to be instituted and tried in that state.

Very sincerely yours,

 J. N. U. Calkins, Jr.

JUC-JR:ar

JACOBUS TENBROEK
2652 SHASTA ROAD
BERKELEY 8, CALIFORNIA

November 12, 1948

Dear Dorothy:

The enclosed letter to President Sproul is self-explanatory.

The attorney for the regents has now got his opinion in together with a suggested letter for the President to send to Tyler. Johnson brought both the opinion and the letter over to me. The opinion says that almost all of the law is on the side of California, that we could probably get an injunction if we wanted one. The letter was a fairly perfunctory summary of the main bases of California's position, in tone it was very tough.

Johnson and I agreed that the letter should not be sent, that what we need is a very full and reasonable statement of all of the evidence we have collected and the reasons why California cannot give its consent to the publication. Johnson got a message in to Sproul to this effect.

In going through the President's file we dug out all of the stuff dealing with the Rockefeller Foundation. It looks to us as if Rockefeller has given reasonably good assurance that they will come through on a match basis with the cost of publication of the monograph when and as the costs can be estimated.

The outcome of this affair will be interesting even though the farther we get into our study the less interest do we have in what Grodzins does.

Cordially,

Jacobus

Jt:im
Enc.

Professor Dorothy S. Thomas
4104 Locust Street
Philadelphia 4, Pennsylvania

November 17, 1948

Asst. Professor Robert A. Nisbet
23 Wheeler Hall
Campus

Dear Professor Nisbet:

Herewith some evidences that the last chapter in the Grodzins affair is yet to be written.

The opinion of the attorney for the Regents has now been received by the President's office. It maintains that most of the law is on the side of the University of California.

A long letter encompassing all of the data thus far collected and the analysis of them has now been completed. It has already been sent to the University of Chicago or soon will be over President Sproul's signature.

Barnhart and I have been in touch with two of the other research employees of the Study and have written to still others. Our hour of dissolution as a committee accordingly is not yet at hand, though we hope it is not too far away.

Yours sincerely,

Jacobus tenBroek
Associate Professor

Jt:im
Enc.

THE UNIVERSITY OF CHICAGO
CHICAGO 37 · ILLINOIS
THE COLLEGE

cc: Aikin

Type run
Send D. Thomas
copy

November 23, 1948

Mr. Jacobus ten Broek
University of California
Berkeley, California

Dear Chick,

Almost three months have passed since we both expressed the wish that the controversy over publication of my manuscript would be settled in short order. I am glad that negotiations here have been centralized in the hands of Malcolm Sharp, whom you know and who shares my feeling of respect for you. And I write now only because I think I owe you some response to your note of October 1 and because of some information I heard in the East last week.

The latter point can be briefly said. Dorothy Thomas is apparently telling people in both Chicago and New York that I have accused her and you and others at California of "race prejudice;" and that I have attributed this as the cause of your desire to prevent publication of my manuscript. Dorothy's statements are apparently based on Mr. Couch's letter to Mr. Farquhar.

I hope it is unnecessary for me to say this to you, but I do want to make it clear, very explicitly, that (1) I have never, in any way, indicated this as a motive of the people at California; (2) I do not believe this motive has any relevance in explaining your stand; and (3) I have carefully explained this to all concerned. I confess I was a little shocked to hear these statements attributed to me. I am not so much concerned that the reports of my alleged statements are probably libelous (in their context) as with the fact that they are so unintelligent. After all, the record of Dorothy, President Sproul, and the University of California is very clear with respect to the Japanese evacuation. Why anybody would believe I would spread stories that are clearly inconsistent with that record is beyond my understanding.

I cannot, of course, control what Mr. Couch writes to Mr. Farquhar or others. I did not see the letter in question before it was mailed, and I can understand how Dorothy and others reacted to it. But I do have the impression that what he wrote was meant only to illustrate a point with respect to publication freedom -- and not meant to indicate any belief on his part that race prejudice was motivating your actions. In any case, the letter's contents do not represent my views in any way.

Page Two

I would appreciate it if you would make this clear to President Sproul and to Dorothy Thomas.

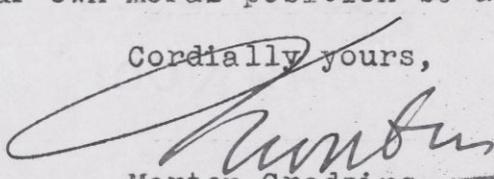
My second point -- which is in answer to your note -- is prompted by the fact that recently I was given the readers' reports on my manuscript that were collected by the press. Each of these readers, I understand, is a qualified scholar, and each submits his opinion anonymously so that there is no impediment to complete candor.

I am enclosing herewith copies of the readers' reports. I send them to you because of the commentary they make on your position. You have said that you consider the legal issue of little importance, and indeed we have competent advice, including that of Mr. Sharp and Ed Levi, that our legal position here is the stronger one. You have further written me that you think my collection of data is "terrific," but that my "write-up, integration and handling of the material falls far short of scholarship" and that, because of this latter opinion, you feel justified in attempting to suppress the publication.

This seems to me a new and dangerous academic ethic. I cannot believe that you would support it in the abstract. I would argue, and I think you would agree, that even a poor manuscript should be published if it can find scholarly support; and that certainly the adverse opinion of one person with respect to another person's work should not be sufficient to suppress the manuscript.

You have said, in effect, "I think this is a lousy book, therefore I will stop its publication." The attachments to this note indicate that other scholars do not think the book a lousy one. But even if it were, would not your own moral position be a poor one?

Cordially yours,


Morton Grodzins

Chuck

A fifth report -
perhaps the most
favorable of all -
was also received &
Unfortunately, I was
unable to get a copy
of it.

M, —

Please return reports
when you have no further need
for them. M,

1572
April 30, 1948

Morton Grodzins

Americans Betrayed

I have indeed read Mr. Grodzins' manuscript entitled Americans Betrayed. I am greatly impressed with its scholarly qualities, its original approach, and the analytical ability of the author. There can be no doubt, that the intrinsic qualities of the manuscript justify publication. I should also add that the style of the manuscript is vivid and excellent, and should easily appeal to the general public.

What is still more important is the general importance of the topic for the moral and political future of the United States. This manuscript presents the first comprehensive and objective analysis of the first experience which the United States has had with concentration camps. I think that it is of the utmost importance for the United States that the facts of this experience and its implications for the future be presented clearly, objectively, and convincingly to the public. The book does this and I consider it to be greatly in the public interest that it be published at the earliest possible moment.

JUN 8 1948

Morton Grodzins: AMERICANS BETRAYED - Politics and the Japanese Evacuation

April 6, 1948

I read the manuscript rather meticulously in the Fall and had a number of discussions concerning it with the author and with publishers to whom I recommended it.

As you know, the book is a rather unique record of a disastrous political decision. Except for occasional Congressional investigations, I don't recall any literature in the field of political science which shows in such detail the formation and inside operation of pressure and propaganda. Mr. Grodzins seems to have an astonishing gift for getting officials to talk freely, even boastfully, and to have followed the trail of the decision in all of its ramifications inside the government and out.

I had myself some very slight experience with the problem, since I was, shortly after Pearl Harbor, a consultant to the Enemy Alien Unit in the Department of Justice and since I know rather well some of the principal actors in the Department who were concerned with halting the hysteria on the West Coast and with the problems created by DeWitt. There is nothing in Grodzin's book which runs counter to my own much more limited impressions. On the contrary, I believe his accounts entirely accurate insofar as I know what went on.

I am sure I need not urge on you the importance of the issue itself with which the book deals and the need for social scientists to rub their noses in it until they grasp its import for civil liberties for the rule of law and for many other exigent matters. I have insisted to Mr. Grodzins that the book is in need of a good deal of re-writing and compression, that it is pedantic in style and that there are other organizations of the material which would be less heavy and at the same time no less rigorous. Perhaps some of these changes have been undertaken since I saw the ms. In any case, the encouragement of definitive publication would seem necessary before the author could be urged to undertake so laborious a task. Of one thing I am certain: having seen other things Mr. Grodzins has written, he is capable of a magnificent style and trenchant organization or sensational material. But perhaps I am wrong in wishing to see the book become a best seller.

July 2
Kane!

May 20, 1948

Author: M. Grodzins

Title: AMERICANS BETRAYED: Politics and the Japanese Evacuation

Aim:

To describe and analyze the process of making the decision to remove Japanese and Americans of Japanese origin from the west coast.

Accomplish:

The mobilization and presentation of data are clear, and the Report well organized, and adequately written. I feel that the appraisal and evaluation of the episode is not quite broad enough. But it is very well done in general, and thoroughly convincing.

Contribution:

Definitely. It is of importance to have a full story of the way in which a democratic government makes an irrational decision, especially on issues so vital and sensitive as security policy, race, citizenship, etc. The field interviews seem objectively taken, and the survey of newspapers, etc., thorough.

Scholarship:

Seems to me to check with the work of other students in the field.

Style:

Straightforward - some repetition - lots of data, and of pet phrases - viz. "squeezed hard."

Audience:

The wide public concerned with public affairs, politics, minorities, "democracy", etc. I have no opinion on book sales!

Competing books:

Not exactly comparable.

Final Reaction:

I would publish the manuscript.

Additional remarks:

I feel that in evaluating the episode, and the failure of the War Department, Biddle, F.D.R., and others to resist General De Witt, Mr. Grodzins may underestimate the power of the image and symbol of the Fifth Column, and of events in France, Norway, Holland, etc. It wasn't only the false reports of Pearl Harbor, but the terrible dangers of 1940-1942 that made even Walter Lippmann shake in his shoes. I argued against the decision in Washington at the time: but I feel Mr. Grodzins doesn't give enough emphasis to the reality of the nightmare of the time. In the second place, these officials

were just beginning to run a hard, losing war. They had no confidence in themselves, especially in relation to generals. It takes a lot - a very big lot - for a civilian minister to throw a general around. At the outset of the war, no one in Washington was ready to do it, where the whole structure of Army-civilian relations was at stake, or might be. Churchill, in two wars, had to save up the luxury of overruling his technicians. Not even Stinson or FDR was ready for it in May, 1942. By the way, I think p. 587A is too kind to FDR on this. Therefore, I should put more emphasis - in the total moral picture - on the Supreme Court. That chapter could do with a thorough revision. In its present form it is too vague, and needlessly so.

The forces of hate-aggression, sadism, etc. - are always there, but generally kept in some sort of social equilibrium. What prevented the normal forces of repression from working? How could the California racists break through to get national backing for their pet forms of fascism? The deep fears and uncertainties that made everyone unable to say no to General DeWitt, Mc Cloy, Stinson, Biddle, FDR - went beyond Pearl Harbor to the whole contest of the Thirties, I believe.-- the apparently inexorable march of Hitler, the experience of Western Europe, etc.

Don't forget either the compensatory (guilt) reaction which FDR, Stinson and Mc Cloy put through - the organization of Nisei fighting forces, to which enormous publicity was given. I believe that was the device which in the long run restored the balance of public opinion on the whole matter.

June 8, 1948

UNIVERSITY OF CHICAGO PRESS--MANUSCRIPT REPORT

Author: Morton Grodzins

Title: AMERICANS BETRAYED: Politics and the Japanese Evacuation

Purpose:

Mr. Grodzins tries to explain how and why the war-time evacuation of 110,000 Japanese-Americans became the policy of the United States Government. He considers the degree to which the policy was born of regional pressures on the west coast of the United States. He analyzes the role in this policy-making played by the west coast, the Western Defense Command, the Army, the Department of Justice, the President, the Congress and the Supreme Court. He attempts both to describe how the policy came to be adopted and to assign degrees of responsibility to each contributing force.

Accomplished:

Extraordinarily well. The data summarized in the report are voluminous, but they are marshalled with a very firm hand, and the reader does not get lost among the trees. The argument is coherent and persuasive. On each major point enough evidence is presented to satisfy the hard-to-convince. The unfolding of the argument is unusually well handled.

Contribution:

I believe that it is. There is a large mass of newspaper stories and magazine articles on the whole subject of the evacuation and the relocation of the Japanese-Americans--but they are almost exclusively concerned with reporting on particular events. About a dozen law review articles have discussed the various constitutional questions raised by the evacuation, the detention and the particular method of relocation that the Government adopted. So far as I know, however, no other writer has addressed himself to the question of what forces caused the Government to decide upon the evacuation and to carry it through. I understand that Dr. Dorothy S. Thomas, of the University of California, has been studying the same problem that Mr. Grodzins discusses in his book. (Remarks continued at bottom of P. 2) →

Scholarship:

On everything that I am able to evaluate, Mr. Grodzins' scholarship is thoroughly sound. I am also familiar with much of the literature he discusses. I found no misinformation in the manuscript, and nothing that strikes me as erroneous in fact. I do not, however, feel competent to judge the soundness of the statistical measurement of pressures as revealed in the analysis of editorials and letters: I know nothing about statistics.

Style:

Mr. Grodzins has an excellent literary style--clear, forceful, dynamic, persuasive. I think he has succeeded to an extraordinary extent in making interesting and readable material that is both difficult and complex.

Grodzins -2-

Audience:

I gather that Mr. Grodzins hoped to interest in his book not only all practicing social scientists but a general cross-section of readers of non-fiction. I think he has succeeded, from the point of view both of length and of style, in aiming his book accurately at this larger audience, although I suspect that few who are not social scientists will be interested in the material dealing with the charts and tables. (I would strongly recommend, nevertheless, that this material be retained in the book.) I have no experience in estimating what part of a potential audience actually buys a given book. I shall buy it, for one.

Final reaction:

I would strongly urge that the manuscript be published.

Suggestions:

I have only two minor suggestions:

Chapter XIV on the role of the Supreme Court strikes me as being less carefully written than any other chapter in the manuscript. I believe the comments are sound and the ideas worthwhile, but the writing seems uninspired, and in that respect is markedly different from the rest of the manuscript.

My only other comment is that the very last paragraph of the last chapter falters, and needs rewriting. The last two sentences only approximately say what they are trying to say. That would be less serious if they were not the final sentences in the book.

It is refreshing to read a manuscript that is courageously concerned with the defense of civil liberties at a time when the dominant mood of the country (or, at least, of the Congress and of influential parts of the country) is repressive. I suggest that this makes the book all the more timely.

Contribution: - Remarks continued from P. 1 --

I do not believe she has yet published her material. I would add that detailed description and discussion of the sources of Government policy is very much needed and extremely rare. I believe Mr. G's book, therefore, will make a distinctly valuable contribution to the study of human affairs.

I am convinced that even close students of the evacuation will find novel and interesting this demonstration of ~~DeWitt's Final Report~~ the dependence of DeWitt's Final Report on Warren's testimony before the Tolson Committee; his discussion of the conflict between the Justice and War Departments on the question of whether a mass evacuation should be undertaken; his discussion of the early opposition by the Western Defense Command to the evacuation of Eastern Calif., and the subsequent reversal of position on this point by the Western Defense Command; his analysis of the reasons given in DeWitt's Final Report, and his demonstration of the insufficiency of the review of DeWitt's recommendation by the President and by Congress. These are extremely important issues.

UNIVERSITY OF PENNSYLVANIA
PHILADELPHIA

4

WHARTON SCHOOL OF
FINANCE AND COMMERCE

November 26, 1948

Dear Jacobus,

I've had several kick-backs(to be accurate, two) from the letter you wrote the research assistants. Frankly, it does seem to put me " on trial", although I am sure this was not your intention.

Since the "evidence" you collect will not be any good if there is any implication of coaching from me, I am enclosing a letter received today from Charles Kikuchi plus my reply. Since Charlie's letter was personal, please return it. My other correspondent had already answered your letter before writing me, so I won't have to send his letter along. Please be prepared to get two sorts of prejudiced replies, one from those who think I am under attack and want to "protect" me; the other from those who may have been coached by Morten, i.e. Hankey and possibly Shibutani.

Ret. Dec 2, 48 ✓

I am also enclosing two letters from the Kikuchi file which may ~~throw~~ throw some light on the nature of the restrictions set up. If you can find the missing folder, there will be further comments about his thesis in late 1947 or early 1948.

I hope things are moving along. I talked briefly to Harold Jones on the telephone and he reported that you are doing a magnificent manipulative job. I trust you are also finding it possible to write: all during the study, I found these manipulative activities highly distracting and a terrible impediment to creative activity.

My best to Hazel and Barney,

Sincerely yours,

Duorty

4104 Locust Street
Philadelphia 4, Pa.

November 26, 1948

Dear Charlie,

Thanks for your letter of November 23. May and I had a wonderful time at your house, and we agreed that Susan is the most beautiful little girl we have ever seen. Of-course she inherits it, but I won't say from whom. If you can get hold of a car, why don't you bundle the family up and come down here for a week-end, bringing Mrs. Amemiya with you and I can take her out to a golf course. So far, I don't see much difference in the Philadelphia and California weather(except for a few hot days in September) and I am assured they play golf all year except for brief periods when the course is under snow.

In regard to the letter from ten Broek, just write frankly about your agreements with me in regard to the data you collected, and the restrictions I set up in regard to publication. I thought I brought my complete file of letters with me, but yours end abruptly in 1945. That means that I must have left one folder in the office, and I am suggesting that ten Broek go through that folder. There is some correspondence about your thesis, and one letter in particular when I warned you about publication(not that you needed warning). If you can find that letter, you might send it along to him. I am sending a letter of yours dated June 4, 1945 and also one you wrote to Sdamic in which you mention the general nature of the restrictions.

With love to Yuriko and Susan and regards to Mrs. Amemiya,

Sincerely yours,

7 him


The University of Chicago Press
5750 ELLIS AVENUE • CHICAGO 37 • ILLINOIS

November 27, 1948

Dear Chick:

As a result of our conversation on November 12th I thought we might have by now a full statement of the position which President Sproul wishes to take for purposes of discussion. I think, however, that I have sufficient understanding of some of the matters which require further clarification so that a memorandum at this point may help expedite a settlement of this rather bothersome question.

We both see the significance of the circumstance that the original arrangement with Grodzins provided for his use of his materials and his ideas in a thesis. It is of considerable significance in the same connection that the director of the study insisted in 1944 that if he wanted to write the thesis then, he must take a leave from the study, without pay, in order to put it into form for submission. He tells me that during this time, when he was not in any sense working for the study, he organized the thesis, and wrote most of it, using memoranda already prepared in about their original form for perhaps a quarter of the text.

You tell me that some other members of the project understood that they might use the work in the project for thesis purposes, but at the same time they recognized that there was to be some "control" over publication on the part of the project administration. As I understand it Grodzins was a person of some experience, and we both recognize that his position was such as to give him some specific choices about his future, so that we cannot really draw any inferences

from the understanding which other members of the staff may have had. Moreover, as I understand it, Grodzins was working to a peculiar extent on a type of problem with which he alone was concerned, so that he was not in the same position as other members of the staff who were working on problems which in each case were being handled by groups of students. In any case, as I will suggest later, the impression of some other staff members that there would be some "control" by the administration of the project seems likely at best to be somewhat ambiguous. The arrangements which concern us were doubtless designed to accomplish a number of purposes and serve a number of interests at one time, and the possibility of later conflict among the purposes and interests was not considered.

I have now read with some care the letters included with your letter of September 24, and that letter itself. I do not find there anything which seems to me to be of much help in clarifying matters. Everything which may read to someone in California as an admission that the California project has rights inconsistent with the publication of Grodzins' thesis seems to me explicable more naturally on quite different grounds. Grodzins was quite naturally friendly to and appreciative of a friend and teacher, deferential to a superior, disposed to work things out if possible in agreement with her, reluctant to embark on controversy, at times simply polite. I can understand how in an atmosphere which may well have been created in some circles there, the statements you refer to might be read differently, but to me they are completely neutral.

In view of the possibility that you might expect some further

discussion of our problem, I spent some time last week looking at the cases. I do not want to be ponderous or tiresome about the matter, but since I must satisfy our administration that our position is fair, and try to satisfy you and your administration as well, you will perhaps bear with me if I indulge in a little discussion of the authorities. I have pretty well studied the authorities cited in Amdur's Copyright Law and Practice, and in the Corpus Juris article on the subject, and I have looked at some other cases as well. In fact, unless I have quite overlooked something, I feel confident that the approach which we are taking here is quite consistent with the authorities. I cite them of course as an indication of what is fair and right rather than in any anticipation of any real legal controversy over the matter.

Among the cases commonly cited on this subject there are two groups which may serve as an introduction to the more particular discussion of our problem. In the first group are cases holding, as one would expect, that an employer, particularly when the employer is an association or corporation, may under suitable circumstances acquire exclusive rights in the literary products of its employees.

Thus in *Bleistein v. Donaldson*, 188 U.S. 239 (1903) the plaintiff was an unincorporated joint stock association organized under a New York statute. The plaintiff's employees produced and the plaintiff copyrighted some chromolithograph circus advertisements. So far as appears the plaintiff's employees asserted no rights whatsoever in the advertisements, and the defendant, without any authority from the plaintiff or its employees, copied the advertisements. In an

action for a statutory penalty, a directed verdict for the defendant was based on the ground that the advertisements were not within the copyright laws. Judgment on the verdict was affirmed, and on writ of error, with two judges dissenting, the Supreme Court held that the advertisements might be copyrighted and that the plaintiff had properly copyrighted them. The judgment below was reversed. It will be seen that the employees were not contesting the plaintiff's rights to the copyright, and that the only occasion for mentioning the plaintiff's rights in relation to them was apparently a suggestion of a jus tertii argument on the part of the defendant which might properly have been disposed of without any mention of the problem of employers' rights in general. In fact, all that was said, was a recognition that under modern conditions there will be cases, as no one doubts, where the employer may have the right to copyright materials produced by his employee; and that he need not plead, or have the burden of proof, in a contest with third persons, that he rather than his employee has properly copyrighted material of this sort.

National Cloak and Suit Company v. Kaufman, 189 Fed. 215 (Circ. Ct. Pa., 1911) is a similar case. Here the plaintiff corporation copyrighted a fashion book prepared by its employees, who were not otherwise involved, and the defendant copied it. In a suit for an injunction the defendant demurred to a complaint stating these facts. It was observed that a corporation may frequently copyright its employees' products; and thus the court implied that the complaint was not defective in failing to eliminate any possible claims by third parties, to the copyright in question. The point which occupied most of the discussion was that the fashion book was properly a subject of

copyright. The defendant's demurrer was overruled.

Bleistein v. Donaldson, supra, cited among other cases, Gill v. U. S., 160 U. S. 426 (1896). The citation reminds us of the relationship between cases discussing copyright problems on the one hand and those concerned with patent problems on the other. In this case the plaintiff was an arsenal employee who made some foundry inventions in time paid for by wages under a contract with the United States. He stood by while these inventions were used by the arsenal and then brought an action for the value of their use against the United States. His action was dismissed by the Court of Claims and on appeal the Supreme Court held that he was "estopped" to assert any claims against the Government. The judgment of the Court of Claims was affirmed. As will be noticed later, many patent cases are favorable to employees in contests with their employer, and in fact the patent question has been more fully litigated than the copyright question so far as reported cases go.

Another group of cases which may be disposed of at the start, recognizes that a writer, though financed and employed by another to do the writing, will be given rights to produce and publish his literary product if his work is of a creative nature, in the absence of a clear cut agreement to the contrary. Thus in Roberts v. Meyers, 20 Fed. Cas. 11906 (D. Mass. 1860) the plaintiff was the assignee of an author who wrote his play while in the employment of another. The plaintiff sued to enjoin performance in violation of a copyright secured by the author. It was held that the author had the right to copyright the play and the injunction was granted. In another case involving

the same play and slightly different circumstances, the plaintiff was the author and the defendant was an alleged infringer through productions who claimed his right to produce the play by virtue of a permission from the person who was the plaintiff's employer at the time the play was written. The plaintiff in an action for damages won a verdict, and on a motion for a new trial it was held that the plaintiff had properly copyrighted the play, and the motion was denied. *Boucicault v. Fox*, 3 Fed. Cas. 1691 (S.D.N.Y., 1862). *Shepherd v. Conquest*, 17 C.B. 427 (1856) is to the same effect. Cf. *Massine v. de Basil*, 82 Sol. J. 173 (C.A., 1938) where the apparently rather clear cut terms of an agreement, together perhaps with the circumstances of the theatrical financing involved, led to a recognition of the right to the choreography of a famous dancer, in his almost equally famous employer. The English cases, which involve some interesting distinctions, will be discussed a little more fully in another connection.

The cases thus recognize that a contract of employment may be so framed as to give an employer rights, sometimes exclusive rights, in the literary products of his employee; and that on the other hand, particularly where creative work is involved, the terms and circumstances of employment may be such as to give the employee a right, sometimes the exclusive right, in his literary production.

The cases which you might consider favorable to the position taken by California, seem to me instructively distinguishable from the present case. In some of them the terms of the agreement, as reported or as referred to in the reports, are particularly clear cut, though of course not so clear cut as to prevent litigation. In these

cases, and in others as well, it seems to be a circumstance of some importance that the employee is paid as one of the incidents in financing a commercial enterprise. If a literary enterprise must be financed out of earnings, that will itself be something of an indication, although not always a sufficient one, that the employer is to have an exclusive right to help him in covering his costs and making his hoped-for profit. Another circumstance which appears in most of the cases protecting the employer is a lack of originality and creative work in producing the literary product in question. A number of the influences which play their part in classic philosophies of property may be noticed here. The creative writer will be contributing more to the result in comparison with his employer's contribution than will the writer who has done a routine task largely under supervision. The incentive of a chance to publish his work will have more effect on the creative writer than on the one who writes under direction. In the cases protecting the employer at the expense of the employee, the work done is always simply a part of that agreed upon and paid for by the employer.

The only case which I have found dealing with the relationships between members of an academic community is favorable to the employee, who was a research assistant in astronomy at Hamilton College. *Root v. Borst*, 142 N. Y. 62 (1894) cited with approval in *Fisher v. Star Co.*, 231 N. Y. 414, 432 (1921).

We may look first at some of the cases unfavorable to the employee and favorable to the employer. *Colliery Engineer Company v. United Correspondence Schools*, 94 Fed. 152 (S.D.N.Y., 1899) was a

controversy between two commercial correspondence schools. The plaintiff copyrighted instruction and question sheets used in its instruction and prepared by its employee. The bulk of the question and instruction sheets dealt with mathematics. The employee in question apparently became associated, after the termination of his employment by the plaintiff, with the defendant. The evidence indicated that the defendant was simply reproducing the publications in question and using them for instruction purposes. There was also evidence that the employee's original contract with the plaintiff made it his duty "to compile, prepare and revise" such instruction and question sheets as those involved in the litigation. In a suit for an injunction, a motion for a preliminary injunction was granted. The court depended partly on the terms of the original contract of employment, but it observed that the employee was at perfect liberty to use his experience and knowledge in preparing new sheets for his own enterprise or for a new employer.

In *U. S. Ozone Co. v. U. S. Ozone Co. of America*, 62 F. 2d 881, 884, 887 (7th C.C.A., 1933) a "research chemist" had been employed by the plaintiff company, among other things, to prepare a treatise on the use of ozone on the purification of water in swimming pools. He had prepared the treatise, registered it in his own name, and subsequently assigned his interest to the defendant. The plaintiff secured an injunction against the defendant's publication of the treatise. On appeal it was held that the injunction was properly granted. In a long opinion, devoted to a considerable number of other questions, the court implied that the terms of the

contract of employment in question gave strong support to the employer's position. The terms of the contract are unfortunately not set forth, and it is perhaps worth noting that again we have apparently a rather routine and uncreative job done for a business corporation.

In *Jones v. American Law Book Company*, 125 App. Div. 519 (First Dept. 1908) the contract was clear cut. Here the plaintiff was to write for the defendant publisher, part or all of some of the legal articles, of a sort with which we are all familiar, to appear in the *Cyclopedia of Law and Procedure*. The contract was in writing, and contained the following terms among others: The plaintiff expressly reserved "no right to republish . . ." any of the articles later. The defendant publisher was to be "sole owner" of the copyright. The plaintiff was to work from 9:00 to 5:00 less $\frac{1}{2}$ hour for lunch every day for a five day week and from 9:00 to 1:00 on Saturday. The defendant reserved the right to edit the articles submitted. An article submitted by the plaintiff was extensively edited and the defendant proposed to publish it without giving credit to the plaintiff by naming him as the author. The plaintiff sought to enjoin the publication of the article except under his name. A judgment was given for the plaintiff but on appeal this judgment was reversed. The terms of the contract were held to preclude the plaintiff's right to insist on publication under his name. The contract provided for writing articles, or even parts of articles, under the defendant's direction. The contract was contrasted sharply with a contract to write a play. The plaintiff failed to establish any usage entitling him to credit for his article. The case was remanded for further

proceedings.

The case seems clearly sound; but in cases coming from a somewhat related field of literary activity interesting distinguishing features appear. Thus it has been held that a court reporter, though a state employee, may copyright his contributions to his reports. *Callaghan v. Meyers*, 128 U. S. 617, 647 (1888). It has also been held that an employee of the state, who prepared an index to statutes and who copyrighted it, with the approval of the Attorney General, had a right to his copyright protection. *W. H. Anderson Co. v. Baldwin Law Publishing Co.*, 27 F 2d 82, 88-89 (6th C.C.A., 1928).

The British cases bring out in an interesting way the significance which the commercial character of an employer may have for present purposes. A leading case is *Lawrence and Bullen, Ltd. v. Aflalo* (1904) A.C. 17. Here an article for a cyclopedia of sport, prepared by an employee, was held properly copyrighted by the employer. The publication was for profit, and the court properly observed that in such a case, where the terms of the contract are not clear, there is an inference that the employer is to receive financial protection by an exclusive right to publish. *Massine v. de Basil*, supra, apparently was influenced by similar considerations, though here apparently the terms of the agreement also tended strongly to support the employer's position. It has already been observed that even in England the author of a play has received the protection which commonly, though not indeed universally, has been accorded to theatrical writers. The case involving *Massine* is perhaps a sufficient reminder that circumstances may alter results even where a theatrical writer is involved. As a further corrective to a simple impression of

the English cases, it may be worth noting that a translator and condenser of a speech for use in a financial advertisement in his employer's financial paper, was held to have exclusive rights in the product in a controversy with third persons. *Byrne v. Statist Co.*, (1914) 1 K.B.622.

In an interesting case involving an official in the Interior Department, the employee was held to have no right which he could protect against a third party. Here the employee directed the preparation of a map as part of his regular duties. The work appears to have involved little creative skill, though it contained one "original and novel feature." The employee's copyright was held invalid, with an alternative opinion that if he had a copyright it must be held in trust for the United States. *Sawyer v. Crowell Publishing Co.*, 142 F. 2d 497 (2d C.C.A. 1944) cert. den. 323 U.S. 735 (1944). It will be noticed that with respect to duties in public employment the case is to be distinguished from the cases already referred to recognizing the exclusive rights of a court reporter and of the compiler of an index to statutes. In the *Sawyer* case the court narrowly distinguishes *U. S. v. Dubilier Condenser Corp.*, 289 U. S. 178 (1933) an important case in the long line of cases showing on the whole a favorable attitude toward employee claims to patent rights. See *Williston on Contracts* (Rev. Ed.) Secs. 1025 A, 1643 A.

As was suggested at the start of this discussion, the cases favorable to employers themselves indicate instructively the factors on which a decision one way or the other will be made to turn. As I have already observed, the only case which I have found involving a relationship between the members of a community in a non-profit making

educational institution, is favorable to the right of the employee.

In *Root v. Borst*, supra, the right of a research assistant in astronomy at Hamilton College to publish a catalogue of stars prepared while he was working under the direction of the director of the observatory was in effect recognized. It is true that the decision of the Court of Appeals simply reverses the decision in favor of the director of the observatory on the ground that evidence had improperly been admitted. The case was sent back for a new trial, but with what appear to me to be strong indications of the court's opinion that the evidence which could properly be admitted could hardly be expected to support the right of the director of the observatory to prevent the publication of the catalogue by the research assistant. While there are of course distinguishing features in the situation in that case, I think a careful reading will bring out many points of similarity to the situation with which we are concerned, and help to indicate the fairness of the position which I am disposed to advise the University here to take.

There are of course, a good many matters which might be considered in an extended treatment of this situation. There are, for example, factors here which are comparable not only to those involved in the patent cases but also to those involved in the cases narrowly construing or disregarding the agreements of employees not to compete after the termination of a period of employment. See *Williston on Contracts* (Rev. Ed.) Secs. 1025, 1643.

As Grodzins' agreement not to publish would, on his death, bind his personal representatives and successors not to use his

manuscript, it could not by its terms be performed within a year.

In the absence of an adequate memorandum you could not enforce it against him. On the other hand, if you look at the proprietary aspects of the situation, our evidence would be an adequate answer to any proceeding based on a theory of unjust enrichment or restitution. Cf. *Collas v. Brown*, 211 Ala. 443 (1924); *Gottschalk v. Witter*, 25 OH. St. 76 (1874); *Massion v. Mt. Sinai Congregation*, 40 Wyo. 297 (1929). See Williston on Contracts (Rev. Ed.) Secs. 495, 497, 534-536. The point is not as technical, in an objectionable sense, as it may at first sound. There is some reason for asking that a man shall at some time have signed a memorandum, if he and his successors are to have their freedom of action, in an important respect, restricted forever. In some situations, performance on one side may indeed have conferred benefit on the party protected by the Statute which it would be inconsistent with controlling principles of wealth getting or "property", to permit him to keep. That is not the case here, quite apart from difficulties created by lapse of time and change of position. In the light of principles sometimes distributed under the headings of contract, property, quasi-contract, constructive trust, tort, and restraint of trade, the result seems fair. Of course, the more convinced one is that the absence of a memorandum has permitted unwarranted claims to be made on your side, the more appropriate will seem resort to the protection of the Statute of Frauds.

In any protracted discussion of our problem, careful consideration would have to be given to the question whether in some

academic relationships of the sort here involved the proper analogy may sometimes be to associates, rather than to employer and employee, and the proper solution a recognition of several, common or joint rights in literary products. No one of course would argue that a senior member of a staff is limited in his right to publish his work by any implied understanding with his University employer. Cases dealing with business corporations are somewhat analogous, but the relationships between members of groups within an academic community will require separate examination in each particular case.

In any extended discussion of our problem we should further have to consider seriously and separately the effect of the study director's refusal to let Grodzins do much of the writing on the study's time, and her acquiescence in his taking a leave without pay in 1944, to put his thesis into shape, at his own expense. Here, among other things, cases dealing with waiver and estoppel, as well as the practices and law governing licenses to use literary material, would need to be considered.

For present purposes it may be enough to conclude this discussion of the cases with a little further examination of the situation in *Root v. Borst*, supra.

In this case the plaintiff director of the observatory brought an action to recover possession of the manuscript catalogue of stars, which the defendant, his assistant, had compiled during his employment as an assistant in the four or five years following his graduation from college. The director had encouraged the assistant to do this work and indicated the importance to the

assistant of making a professional reputation by work of this sort. On the other hand the assistant's duties were such that he was treated as a subordinate and almost as a servant of the director. A donor had made provision for paying him because the director was over-burdened and underpaid himself. One passage in the court's opinion indicates its approach to the case and the basis for its decision that a judgment for the director should be reversed and a new trial granted.

"It is possible to see that Dr. Peters, regarding the defendant as his servant, in the habit and custom of appropriating Borst's work as done for him, might be mistaken in his memory and understanding of the facts relating to the star catalogue, but no such explanation will do for Borst. Not only must falsehood be charged upon him, but also a deliberate purpose and plan to take from the director what was his and deprive him of well-earned reputation. That is a solution of the conflict which should only stand upon clear and strong proof. That Borst, as a mere assistant of Peters, should not only help him during observatory hours, which we might very well expect, but should devote to his service all time of his own, working late into the night and absorbing every spare moment; that he should bring his two sisters to Clinton and demand of their love for him an enormous amount of labor and patient industry, only to magnify the reputation of Peters, and on a salary of six hundred dollars a year; that he should

have asked Peters to write a preface to the latter's own work; that he should have kept the results of his labors steadily and as a rule in his own personal possession instead of leaving it at the observatory and in the director's control; all this we must believe on the basis of the findings; and in connection with an amount of treachery and falsehood quite painful to contemplate. Of course we are not to review the conclusions of fact, but we are at liberty to say that the title in Peters to Borst's work was not so established as to make immaterial the receipt of illegal evidence bearing upon the result. Obviously, distinterested and patient judgments might differ as to the correct and proper inferences to be drawn, and comparatively slight matters might turn the scale."

The opinion seems a strong one. And the parallels to the present situation are striking. Like Borst, Grodzins bought the paper for his thesis. He wrote it largely on his own time, indeed he completed it at a time when the study director insisted he should take a leave from the project if he wanted to write it up. His pay was so modest that he spent the substantial savings from his previous employment while working on the project and while doing the writing. Like Borst's sisters, Grodzins' wife worked hard and freely in helping to put the thesis in form. As with the jury in the New York case, our understanding of the situation at the time of the agreement

between Grodzins and the study may be distorted by later claims on the part of the director.

No clear and uncontradicted account of the terms of the agreement at all favorable to the study exists. The final work on the thesis was not routine; it was relatively creative. It was not paid for by the study, but done on Grodzins' time and at his expense. His rights in it are in no way inconsistent with the right of the project to use his data and publish its own study and conclusions. A special monograph may be published without prejudice to the general study. The enterprise is not a commercial one, in which an exclusive right is a natural means for the protection of an employer in meeting costs and making a profit.

On the contrary, it is an enterprise which is the work of a profession interested in the spread of knowledge and the free discussion of ideas and issues. The thesis is the work of a young man, belonging in a group of academic workers which greatly needs every legitimate encouragement. The young in our universities need freedom to develop their careers and their resources, which means freedom to compete with the old. The assistant is at a bargaining disadvantage with his employer. The considerations which often lead to the interpretation of a business transaction in a light favorable to the weaker and less well represented party are here supplemented by considerations peculiar to an academic enterprise. The sharing of ideas in academic society is inevitable in any circumstances; and it is normal and desirable within rather wide limits. The standards of the community in this respect may well affect our understanding of the original agreement.

As I suggested at the beginning of this letter, Grodzins and his employer sought at the time of that agreement to serve purposes and interests which at the time they expected to be harmonious, and which have since been found to be involved in a certain amount of conflict. The implications of the original understanding in the situation that has arisen, can perhaps, however, be reconciled. In the first place the agreement seems to mean that the data collected by Grodzins are to be available for the purpose of the study. In the second place, what I take to be the rather general recollections of some other members of the project about the "control" to be exercised by the director, might in a view favorable to the position of the project mean that it would have the opportunity to publish whatever studies dealing with the subject of the project the members might produce. For the purpose of planning publication, "control" might mean further that the director of the project could, within reasonable limits, control the time of publication. Anything more than this seems to me, in the circumstances as I understand them, quite inconsistent with the right to use the material collected for the purpose of writing a thesis. Whatever may be the case with other members of the project, junior to him, and working together in common problems, it seems to me likely that the case of Grodzins is somewhat peculiar. A man of some experience, he worked by himself on a phase of the project's activities with which he alone was concerned. Any right on the part of the director to control his activities, beyond that just specified, would seem quite inconsistent with permission to him to use the material for a thesis, and with the later insistence

of the director that he write the thesis on his own time and at his own expense. Grodzins himself recognizes no limit except the limit imposed with respect to confidential information and the limit with respect to publication during war time. Something rather convincing would be needed to overcome the implication that he would be free to publish, implied from the permission to write a thesis, and subject only to a possible right of the project to a first chance at his manuscript. An option to publish and the right to use the data collected seem to me all the project can ask for.

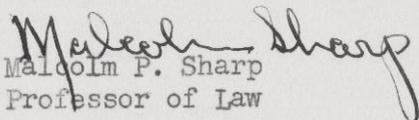
We have in our files a careful, detailed and rather long statement by Grodzins about the facts of his employment and the matters which have occasioned the present discussion. I have talked with him now on various occasions at considerable length. He has given among other things an account of the views of some other members of the study staff, which apparently differ from those of the staff members about whose first responses you spoke two weeks ago. He categorically denies that there was any limitation on his right to publish his material, except that the names of those giving confidential information should not be disclosed, and that he should not be free to publish during wartime while hostilities were still in progress. Except for the one spontaneous movement in self defense, which I think you and I can both understand, I have found him in all respects careful, accurate, and circumstantial. He is also cool and good natured. His statements and his attitude have been at times distorted in transmission between people here concerned with this matter. He should not, for example, be in any way prejudiced by the

emphatic tone of some of the statements, however justified, which have been made on his behalf. His memory, judgment, coolness and character have made a very good impression on me, and it would take a great deal to shake my confidence in him.

As time is passing, I am inclined to advise the authorities here to make a decision, if they feel they can, before the year goes much further. I appreciate the difficulties you may feel, coming into this tangled situation where some of the information is old and ambiguous. At the same time it seems to me hardly fair to Grodzins to hold matters up very much longer. I hope these cases will help clarify our thinking. I rather doubt whether the sort of information of which you spoke the other day is going to throw much light on the total situation.

With best wishes,

Sincerely yours,


Malcolm P. Sharp
Professor of Law

jkt

Mr. Jacobus ten Broek,
Department of Speech,
The University of California,
Berkeley, California.

cc: Aikin
Dorothy

December 1, 1948

Dear Morton:

The comments upon the manuscript which you submitted to the Chicago Press, written at the solicitation of the Press, enclosed in your letter of November 23 are both interesting and confirmatory. One of them expresses very exactly my judgment on the scholarship of the manuscript; still others are more routine than enthusiastic.

Incidentally, we do not, of course, have a copy of the version of the manuscript submitted to the University of Chicago Press. Why not send us one?

The latter portion of your letter misrepresents both me and the issue. I never have said, thought or implied that a book should not be published because I judged it to be unscholarly. If you had a book which belonged to you, which you had produced while not under restrictions from data which were yours, then I should say that no matter how good or how bad you would be entitled to have it brought out by any publisher whom you could induce to take it. The issue in this case, however, is quite different, it is whether the data and the book are yours to do with as you please. So the question is when and in what circumstances should the University of California fail to object to the publication by an outsider of a book which belongs to it and which is produced from data belonging to it? For my part, I would answer this question by saying that the University should fail to object if the book is a work of scholarship, competently and responsibly done---providing always that such implied consent on the part of the University does not involve the University in a failure to discharge its own responsibility to other contributors to the project, does not impair the integration of a coordinated study, does not involve the University in a breach of faith with informants and does not render the University legally liable to authors of letters whose work has been used without permission.

On the legal side, Malcolm and Ed Levi are, of course, wrong. Doubtless the source of their error is that they were not in possession of all of the relevant facts. But whether this is so or not, the right to be wrong is even more inalienable among lawyers than it is among laymen.

All of what I have said is in one sense neither here nor there. President Sproul has taken this matter into his own hands for its further conduct. On November 17, after a long and thoroughgoing investigation designed to elicit

December 1, 1948

the facts, he sent a long letter to Dean Tyler embodying the facts discovered and stating the position of the University of California. This is not to say that I have not made recommendations in the case and for these I am perfectly willing to accept full responsibility.

Cordially yours,

Jt:im

Professor Morton Grodzins
University of Chicago
Department of Political Science
Chicago 37, Illinois

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JACOBUS TENBROEK
2652 SHASTA ROAD
BERKELEY 8, CALIFORNIA

December 2, 1948

Dear Dorothy:

The Grodzins fracas gets more rather than less arduous as time goes along. The enclosed correspondence will give you an idea of the present state of affairs. Sharp's memorandum is about twenty pages long double space typing, but deals almost entirely with the numerous cases on or somewhat on the subject. Since Johnson's morale is high, for he and it seem to improve with the progress of the battle, no early end is presently in sight. He is now talking of sending me off to Chicago during the Christmas vacation for direct negotiations with Malcolm Sharp, perhaps with a third person to sit in as arbitrator. It was easy for us to anticipate that the reactions of the research assistants to our letter would be based on various and perhaps irrelevant motives, but on the other hand so is Grodzins' testimony and if Chicago is to rely on his, the replies of the other research assistants should be at least of equal weight. We didn't send one of the letters to Hankey on the theory that she is a Grodzins henchman. The research assistants have been confoundedly slow in answering.

Barney and I have been pushing ahead at reasonable speed. Most of our time has been spent on the additional research which is necessary for our first chapter.

By the way, give me the story on the Nishimoto draft. It is certainly a much better job of integration than Grodzins'. It is also much duller. Was this plan of organization produced by Milt Chernin? How did Nishimoto go about the rewrite job? Did he do it alone? The pattern of development with more or less modification fits in pretty well with the lines that we are laying down in the first chapter. Are we free to use the pattern?

I am returning Charlie's personal letter.

Cordially yours,

Jacobus

Jt:im
Enc.

*Recd.
Sharp's
Assn.*

December 2, 1948

Dear Malcolm:

This will follow up my telegram of yesterday.

You and I are old friends, but even if we weren't we probably would not be as concerned about protocol as some people are. The people in the President's office are miffed about Chicago's treatment of President Sproul. The particular circumstances in mind are these: Dean Tyler wrote President Sproul requesting his intervention in the Grodzins affair. President Sproul replied immediately to Dean Tyler saying that he would conduct an investigation and requesting Dean Tyler do the same at Chicago. Dean Tyler did not acknowledge this letter from President Sproul nor, apparently, did he set in motion any investigation. A considerable time later Dean Tyler spent several days in the Bay Region. He apparently made no effort whatever to get in touch with us when it might have been possible to sit down together and thresh the whole matter out. I reported our telephone conversations which helped some, but did not wholly satisfy the amenities. When you secure President Sproul's November 17 report to Dean Tyler please reply directly to the President.

There is another matter, this time not of protocol. We out here have spent a whale of a lot of time attempting to dig the facts out in this case and no small amount of conscientious effort to be fair to both parties. We interviewed at length in person or by mail all of the original faculty directors, except Lowey, and many of the research assistants. We plowed through endless files of these directors, of the project itself and of the President's office. The facts discovered are set forth in President Sproul's November 17 report to Dean Tyler where all the cards of the University of California are laid on the table. You say in your memorandum which arrived yesterday that you have a lengthy statement from Grodzins. Why hasn't this been sent us? I urge you to enclose it in your reply to the President.

These are the two points I wish specifically to call to your attention, but I cannot rush this letter on to you without a hurried comment or two upon your memorandum. Your discussion of the cases is, indeed, interesting as a Sharp analysis always is. Some of the points you make, however, are weakened because their relationship could not be shown to some facts which were not then in your possession. Our disagreement, so far as there is one, is not about what the law is in a hypothetical fact situation. It is about what the facts are in this situation.

December 2, 1948

Once we can straighten out the facts to mutual satisfaction everything else, I feel, will be easy.

Being one of them myself, I can certainly sympathize with your general position that young scholars should be given every opportunity to produce and get ahead; should not be exploited by universities or senior staff members. This is not to say that a university does not have a legitimate interest in maintaining the integrity of a comprehensive and coordinated study into which it has poured thousands of dollars and into which it has induced others to do likewise. If each of the fourteen research assistants who worked on the Evacuation and Resettlement Study were to be allowed to write up and publish the data collected by him, there would be no Study but only chaotic fragments --- no atomic bomb but only fourteen firecrackers fuming and popping at scattered points. The Evacuation and Resettlement Study is still in progress. Once the Study has completed its use of the materials collected then certainly no one will object to any research assistant using the data collected by him in any way that his abilities and opportunities permit. There was nothing unique about Grodzins's connection with the Study. He was not more mature or experienced than others who were hired and some who did field work in the camps exposed themselves to peril and prejudice by their continued employment in the Study. The thesis agreement, moreover, was the same one that was entered into with a considerable number of the other research assistants.

Cordially,

Chick tenBroek

Jt:im

Professor Malcolm P. Sharp
University of Chicago Law School
Chicago 37, Illinois

December 4, 1948

Dear Chuck:

Enclosed are four billet-doux in the Grodzins affair. You can see that as time goes on the possibility of saying anything shortly is disappearing.

The University of California report was, according to a notation in the President's office, dictated and sent on November 17. It was sent all right, but only to the Attorney for the Regents. He returned it yesterday, i.e., after two full weeks of consideration. He made a couple of very minor changes in wording. Meanwhile, of course, the thing was not signed and Sproul had gone off to the East. It is now being sent on to him in New York for his signature.

Sharp and Johnson have both been talking about the University sending me to Chicago during Christmas vacation for direct negotiations. If this plan develops, I will see you at the Poli Sci meeting, otherwise not. Of course, if the President asks me I will have to go, but I am trying to stifle the plan before it reaches him.

After the first few weeks of high welcome, Odegard's popularity is rapidly in the decline. The teaching assistants tell me that the freshmen are wearying of a diet of nothing but jokes. The dosage in his too numerous public appearances is perforce thin. Administratively nothing gets done in the department.

Larson took his written constitutional some time ago. I passed him but the work was far from sensational. Ned Joy took his test two weeks ago and did quite a good job. The following ten days he spent in the hospital with pneumonia relapse. I had a long talk with him about teaching constitutional law in which I attempted to dispell what is a growing feeling of weakness in the field. He thought that your argument was pretty unanswerable that if he couldn't deal with the Constitution of the United States it would seem doubtful that he could deal with the constitutions of a half dozen countries in comparative government.

The distraction of work on promotion committees is in season. Among other oddities, I have discovered that Bellquist is chairman of a committee on one of our Speech Department people. You may also have heard that Bellquist is now Assistant Dean of Students---no doubt a job for which his qualities of personality fully prepare him.

Cordially,

*Professor Charles Aiken
1526 - 29th St. N.W.
Washington 7, D.C.*

JACOBUS TENBROEK
2737 FOREST AVENUE
BERKELEY 5, CALIFORNIA

December 4, 1948

Dear Dorothy:

Since Chicago apparently is going to rest its case mainly on the proposition that Grodzins is merely publishing a thesis which he produced on his own time, it has become important for us to have a clearer picture of just how and when the thesis was written. We know from Grodzins' statements and from the accounting office's records that he took off a week each in November and December, 1944, and the whole month of January, 1945. Still seven weeks is far from enough time in which to write a 700 page manuscript. Did he do any of the writing on Study time? Did he prepare a systematic report for the Study covering the political data? If so, was this report incorporated in his thesis in whole or in part?

Of course, our stand is that no matter when he wrote the thesis, he used in it almost exclusively data belonging to the University and secured the use of that data for thesis purposes under limitations with respect to other uses including independent publication. But, at the same time, if some of the writing which was done on Study time was incorporated in the thesis, Chicago's position will be further weakened.

We would greatly appreciate it if you could give us a statement on this very soon.

It now turns out that the long awaited University of California report which I have been saying to Sharp was sent on November 17 was sent all right but only to the attorney for the regents. He returned it yesterday and it is now on its way to New York to get Sproul's signature.

If Sharp sends the Grodzins statement which he says he has, I shall try to send a copy to you forthwith for your comments.

Cordially,

Jacobus
Jacobus tenBroek

Jt:im

WHARTON SCHOOL OF
FINANCE AND COMMERCE

December 10, 1948.

Dear Jacobus,

I hope you will follow-through
on that plan to go to Chicago at Christmas.
I shall be there - at the Sociological meetings -
from Dec 28 to Dec. 31 (Congress Hotel). I do not
want to be involved in the Chicago controversy
but I do think you should interview me and
try to straighten out some of these points.
How about asking Tom Yang (now General
Director of Russell Sage Foundation, 130 E. 22 St,
New York 10) to sit in on the conference between
you & Sharp. He is, of course, a close
personal friend of mine but this would not
influence his judgment. He will be in
Chicago Dec. 28-30. Perhaps Aikman will be
there, too, in which case we can really
go to town.

Like Charlie (and certainly the latter)
I suffer from inability to remember all the
details. However, this is straight; the news
that formed Godwin's thesis was worked up
over a period of two years, on study time.
It was part of an enormous report (outlined)

WHARTON SCHOOL OF
FINANCE AND COMMERCE

in some 20 chapters) including WCA and
 WRA administrative through to revision of
 executive order. The typing of the thesis,
 in innumerable versions and of the
 remainder of the report was paid for out
 of study funds. You may wish to get
 the testimony of Mrs. Mary Wilson, who
 was Secretary of the Study throughout the
 whole period. She has just moved & has
 no telephone, but a letter to 2833 Minna St,
 Oakland 2, will be forwarded. Her
 testimony will be important.

Woodson's "leave of absence" was
 granted because he insisted on writing
 "interpretations" which I deemed had no
 relevance to the Study, e.g. that trips on
 "Congressional tour" and I wasn't willing
 to use study funds for that purpose. No
 data were collected during that period
 and the major writing had been completed
 long before. Check with Calkins on this
 but above all check with Mrs. Wilson. *

3.

UNIVERSITY OF PENNSYLVANIA

PHILADELPHIA

4

WHARTON SCHOOL OF
FINANCE AND COMMERCE

Nishimoto's revision came about as follows: Kenzie would do nothing and we decided we would have to write it up. The organizer was Dick's, with my advice. I was to do the rewrite job, and perhaps a dozen pages of the ms. are mine. Both of us felt we couldn't do justice to the matter since we weren't solid scientists. That's why Graham & eventually you were approached.

Sincerely yours,
Dewey

* As I remember, I needed the WRA stuff for my own purposes. He wanted ^{instead} on combining with his "interpretations" of pre-evaluated material. He threatened to get papa to support him if I wouldn't let him spend the time that way. I called his bluff & papa came through.

December 10, 1948

Dear Jacobus,

. . . .

Like Charlie (and certainly like Morton) I suffer from inability to remember all the details. However, this is straight: the ms. that formed Grodzins' thesis was worked up over a period of two years, on Study time. It was part of an enormous report (outlined in some 20 chapters) including WCCW and WRA administration through to rescission of evacuation orders. The typing of the thesis, in innumerable versions and of the remainder of the report was paid for out of Study funds. You may wish to get the testimony of Mrs. Mary Wilson, who was Secretary of the Study throughout the whole period. She has just moved and has no telephone, but a letter to 2833 Minna Street, Oakland 2, will be forwarded. Her testimony will be important.

Morton's "leave of absence" was granted because he insisted on writing "interpretations" which I claimed had no relevance to the Study, e.g. that tripe on "Congressional Sanction" and I wasn't willing to use Study funds for that purpose. No data were collected during that period and the major writing had been completed long before. Check with Aikin on this but above all check with Mrs. Wilson. As I remember, I needed the WRA stuff for my own purposes. He insisted instead on continuing with his "interpretations" of pre-evacuation material. He threatened to get papa to support him if I wouldn't let him spend the time that way. Called his bluff and papa came through.

. . . .

Sincerely yours,

Dorothy

Dec 12, 1948

WHARTON SCHOOL OF
FINANCE AND COMMERCE

Dear Jacobus,

I turned up Mrs Wilson's ^{new} address; it is 226 Bristol Blvd, San Leandro. If she will consent, I suggest you get a stenographic record of her testimony.

The silliest red herring of all is this allegation that the thesis was written on author's own time. The writing covered a very long period indeed. The first draft of every chapter was dictated to Mrs. Wilson. It then went through several rewritings. The "chapters" used in the thesis were part of the larger report for the study on "political aspects of evacuation and resettlement." The remaining chapters are, I think, in Transfer (see 33). [I wish, incidentally, that you would, at your convenience, send me the ones on internment control, Relocation and Revocation of Loss Exclusion. Also, from Transfer (see T, Nishimoto's report on Exclusion Orders.]

Re Nishimoto's draft of author's ms, naturally you may use it freely. It was turned over to you for that purpose, although both Dick and I were rather discouraged and pessimistic about its possible usefulness. We shall be happy if it serves some purpose.

UNIVERSITY OF PENNSYLVANIA
PHILADELPHIA

4

WHARTON SCHOOL OF
FINANCE AND COMMERCE

The longer this goes on, the more Alger Hiss-ish I feel. You'd note that he starts all his testimony with "To the best of my memory" - or "As far as I can remember" - whereas Whitaker Chambers' memory is quite remarkable. I hope I'm not identifying myself with the wrong horse.

If you care to Chicago - and I do hope you will - please bring all important documents along.

Stubbs wrote me to say that Chicago had asked him for a statement and that he'd written the same thing he wrote you, whatever that was. I suggest that they get a statement from Hankey, too. I wonder if they are writing to the others. You might ask Jimmy, from whom, incidentally, I have not heard. I sympathize with the assistants in their reluctance to reply; after all, you put them on the spot - and how!

Regards to all -

Sincerely,
Dwight

P.S. Your secretary is spelling Louis's name wrong.

December 14, 1948

President Robert G. Sproul
Administration Building
Campus

Dear President Sproul:

I am sending you herewith relevant portions of two letters from Professor Dorothy Thomas which bear on an issue in the Grodzins case. Professor Thomas' letters are in response to an inquiry made by me.

Yours truly,

Jacobus tenBroek
Associate Professor

Jt:im
Enc.

December 12, 1948

Dear Jacobus,

. . . .

The silliest red herring of all is this allegation that the thesis was written on Morton's own time. The writing covered a very long period indeed. The first draft of every chapter was dictated to Mrs. Wilson. It then went through several re-writings. The "chapters" used in the thesis were part of the larger report for the Study on "political aspects of evacuation and resettlement." The remaining chapters are, I think, in Transfer Case 33.

. . . .

Sincerely,

Dorothy

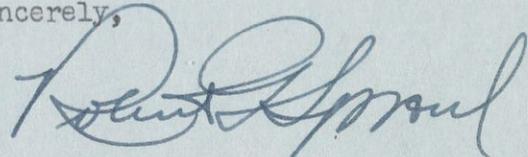
January 10, 1949

Professor J. ten Broek
210 Eshleman Hall
Campus

Dear Professor ten Broek:

Herewith I send you a copy of a letter to Dean Tyler, University of Chicago, with reference to the Grodzins' controversy. This letter was written after consultation with the Attorney for the Regents, and on instructions from the Regents.

Yours sincerely,



Enclosure

C
O
P
Y

December 30, 1948

Dean Ralph W. Tyler
University of Chicago
Chicago, Illinois

Dear Dean Tyler:

I am glad to have been able to discuss with you, on the occasion of my recent visit in Chicago, the matter of the proposed publication by the University of Chicago Press of Professor Grodzins thesis on the Japanese evacuation. I regret very much that I still find myself unable to withdraw my objection to such publication. The considerations which led the University to the position which it has asserted have been carefully reviewed, and our people remain convinced that this position and the reasons which have been given you in its support are sound.

In closing, may I say that it is neither our desire nor our intention to pursue this controversy further. We can only hope that your decision will accord with our views.

Yours sincerely,

Robert G. Sproul

GL:fb

JACOBUS TENBROEK
2652 SHASTA ROAD
BERKELEY 8, CALIFORNIA

January 14, 1949

Dear Dorothy:

The Grodzins affair apparently has now been brought to its permanent condition of impasse. For the last six weeks I have been pretty well in the dark about what was happening. As I now put together various bits of information, apparently what has been happening is this. The elaborate letter of explanation which had been prepared through a number of editions was finally sent on to Sproul in New York. With it in hand he spoke to Dean Tyler, Grodzins and perhaps Sharp on his way back through Chicago. The discussion with Grodzins and Tyler convinced him that this was one of those situations in which it would be good if he could make everybody happy. He did, however, present the objections to publication of the University of California and on returning to Berkeley was told by the attorney for the Regents that no matter what he would like to do he would simply have to continue objections to publication in order to make absolutely certain that the University of California was not opening itself up to legal liability. After hearing from Dean Tyler again by mail, he therefore sent the enclosed and final reply.

The up-shot thus apparently is what you, Aiken and I have advised all along, namely, that the University stand pat on its refusal to give permission for publication but take no action to enforce its decision in case Chicago should go ahead anyway. My own guess would be that Chicago will go ahead but not without a feeling of uneasiness. From here on out, obviously, the thing for all of us to do is keep absolutely mum.

The material for our second chapter on the origins on the anti-Japanese feeling in California now has been largely gathered. There are still some gaps, but the history lays down some crucial, pervasive and unorthodox lines.

I will check back and see what materials you have requested and get Barney to send them on their way. We both hope that you won't be using them too long and that you will be sending them back as you get through with them since they are stuff that we will want to examine fairly soon.

Cordially,

Jacobus

DOROTHY SWAINE THOMAS
4104 LOCUST STREET
PHILADELPHIA 4, PENNSYLVANIA

Jan 26, 1949.

Dear Jacobus,

So we have a "permanent
impasse" in the Grodzins' affair!
My chief regret is that you &
Barney were forced to dissipate
your energies in this matter.
I'm glad you're now making
progress on the monograph.

Grodzins tried to see me in
Chicago. In fact, he pursued me
down a long corridor in his
usual aggressive way, insisting
that I "have a talk with him".
I refused three times, and he
rushed off to the telephone at my
third refusal. What the hell?
In view of your advice to
"keep absolutely mum", I think
I do the wise thing.

I can attest to the fact
 that several of the Chicago
 people have a "feeling of
 uneasiness" about the whole
 matter - but I think the Press
 will go ahead and publish
 anyway.

Keep me informed of developments

Sincerely

Duroy

How about the material
 I wanted? I'm also going
 to ask Jimmy to dig out a
 few statistical tables.

cc:

Professor E. N. Barnhart, 424 Wheeler Hall
Professor Donald Coney, 208 Main Library
Professor H. E. Jones, 1075 LSB
Professor R. A. Nisbet, 23 Wheeler Hall
Professor H. R. Wellman, 207 Giannini

February 3, 1949

President Robert G. Sproul
Administration Building
Campus

Dear President Sproul:

Your letter to Dean Tyler of December 30, sent me with a covering letter under date of January 10, indicates that the negotiations between the Universities of California and Chicago over the Grodzins affair have now reached a permanent impasse. Since assisting in that affair was the main business of our special Subcommittee of the Library Committee, the Subcommittee has tendered its resignation and requested dissolution.

The way is now, consequently, clear to proceed with the creation of the administrative committee mentioned in your letter of October 20 to Mr. Coney. Some administrative machinery, in any event, will be necessary to continue the affairs of the Evacuation and Resettlement Study including:

1. Responsibility for gathering or withholding permission requested by former research assistants, prospective thesis writers and scholars to publish or otherwise use the data belonging to the Study.
2. Advising the Library on secrecy commitments with respect to the Study's materials now in the Library's custody.
3. Maintaining contact with persons having in their custody other portions of the Study's materials such as Professors Kuznets, Thomas, Barnhart, tenBroek.
4. Continuing some degree of supervisory administrative responsibility for the production and publication of the three volumes currently being prepared and perhaps for other volumes or articles which might be worked up out of the Study's data.

Yours sincerely,

Jacobus tenBroek
Subcommittee Chairman

Jt:im

February 3, 1949

Professor Edward W. Strong
Chairman of the Library Committee
336 Wheeler
Campus

Dear Professor Strong:

The negotiations between the University of California and the University of Chicago respecting the Grodzins affair have now reached a permanent impasse. The main business of our subcommittee of the Library Committee is therefore at an end.

Acting pursuant to the unanimous vote of the subcommittee and with the agreement of all concerned, I accordingly herewith tender the resignation and request the dissolution of the subcommittee.

Yours respectfully,

Jacobus tenBroek
Chairman

Jt:im

cc:
Professor E. N. Barnhart, 424 Wheeler Hall
Professor Donald Coney, 208 Main Library
Professor H. E. Jones, 1078 LSS
Professor R. A. Nisbet, 23 Wheeler Hall
Professor H. R. Wellman, 207 Giannini

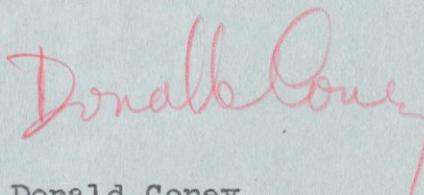
11 February 1949

Professor Jacobus tenBroek
Chairman, Sub-Committee on E & R materials
208 Eshleman Hall
Campus

Dear Professor tenBroek:

Professor Strong has asked me to reply to your 3 February letter to the effect that the resignation of your sub-committee is accepted and that it is thereby dissolved. The Library Committee appreciates the efforts of your group to bring order out of the chaos surrounding l'affaire Grodzins and may I add my own thanks for your group's sympathetic handling of the administrative entanglements of the operation.

Cordially yours,



Donald Coney
Secretary, Library Committee

DC:em

cc: Professor E. N. Barnhart
Professor H. E. Jones
Professor R. A. Nisbet
Professor H. R. Wellman
Professor E. W. Strong

University of Chicago Press Will Publish Grodzins Book On Politics and Evacuation

WASHINGTON, D. C.—The University of Chicago Press this week advised the JACL Anti-Discrimination Committee that Morton Grodzins' "Americans Betrayed: Politics and the Japanese Evacuation," will be published in May.

In describing the forthcoming book, the University of Chicago Press said:

"Citizens driven out of their homes and herded into concentration camps, their places of business searched without warrant, their personal possessions seized, their reputations publicly maligned—could this happen here?"

"This is the story of the wartime evacuation of Japanese Americans from the west coast of the United States.

"Here are the facts. Here are mayors, chambers of commerce and governors stirring up public opinion against Japanese Americans years before war with Japan gave them an occasion to act more decisively. Here are army generals responding to the pressures of these groups and later attempting to justify their 'a Jap's a Jap' policy by the denial of undeniable facts. Here is Congress carrying out the War Department's wishes without investigation. Here is the U.S. Supreme Court upholding a constitutional policy that subverts basic tenets of democracy.

"Mr. Grodzins traces carefully the steps that led to the adoption of evacuation . . . His book is not merely a scholarly record; it is also a warning to each American citizen that the precedent is on the record, that he may some day find himself in the situation of the Japanese Americans after Pearl Harbor — disfranchised, expropriated and confined."

The author of "Americans Betrayed" is assistant professor of political science at the University of Chicago. He was formerly research assistant at the University of California.

March 7, 1949

Professor Jacobus tenBroek
208 Eshelman Hall
Campus

Dear Professor tenBroek:

For the services rendered by yourself and other members of the special committee called upon to investigate the background of the controversy over the work of Morton Grodzins, I am deeply grateful.

The thoroughness with which your committee conducted the investigation, and the consequent personal sacrifice of time and effort, were a real service to the University. Will you kindly convey my thanks to the other committee members, and, in particular, to Professor E. N. Barnhart, who, I understand, with yourself, assumed a great part of the burden.

Accepting your suggestion of February 3, I am appointing a committee to continue the administration of the Evacuation and Resettlement Study. It is my desire that you serve as a member of this committee, the other members of which will be Professors Charles Aikin, chairman, H. E. Jones, R. A. Nesbit, and H. R. Wellman. The duties of this Committee on the Evacuation and Resettlement Study will be to:

1. Grant or withhold permission to publish or otherwise use the data belonging to the Study;
2. Advise the Library on secrecy commitments with respect to materials of the Study now in the custody of the Library;
3. Maintain contact with persons having in their custody other portions of the Study's materials;
4. Supervise the preparation of the three volumes currently in process, and such work in the future as may be presented for publication under the name of the Study.

Unless you find yourself unable to accept this appointment, you need not reply to this letter.

Yours sincerely,



CLASS OF SERVICE

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WESTERN UNION

JOSEPH L. EGAN
PRESIDENT

1220

SYMBOLS

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DR DOROTHY THOMAS

•4.104 LOCUST PHILA=

DELAYED A DAY TO TALK TO PREXY BUT EVEN THEN COULD NOT REACH HIM HEAR CONFIDENTIALLY THAT PREXY HIMSELF SPOKE TO ELKUS STOP PERSONALLY THINK THAT FOLLOWING FOUR POINTS ARE GOOD ONES FOR YOU TO MAKE NO. 1. THOUGH YOU HEARD OF PUBLICATION PLAN ONLY INDIRECTLY YOU WERE OPPOSED TO PUBLICATION IN THE CIRCUMSTANCES NO. 2.

NEITHER U.C. NOR RESETTLEMENT STUDY DID SEE OR READ MANUSCRIPT AS PUBLISHED. NO. 3 U.C REFUSED TO GIVE CHICAGO PERMISSION TO PUBLISH EMPHASIZING THAT THIS WOULD BREACH FAITH WITH THE FOUNDATIONS NO. 4 MATERIALS ARE IN CHARGE OF COMMITTEE HEADED BY PROFESSOR CHARLES A IKIN CORDIALLY=

•JACOBUS=

HOME OF THE FAMOUS VOGUE ROOM

Hotel Hollenden

CLEVELAND 1, OHIO

EXECUTIVE OFFICE

November 4, 1949

Mr. J. Brack, President
National Federation of the Blind
2652 Shasta Rd.
Berkeley 8, California

Dear Mr. Brack:

Would you like to increase the attendance at your 1951 convention?
Would you like to pick a site which would be (Travel-wise)
both convenient to your members and economical? Why not consider
Cleveland and the HOTEL HOLLENDEN for your next convention?

Choosing Cleveland for your convention city will guarantee from
the start a large attendance. Within a scant 500 miles of "Our
Town" lives **more** than half the population of the United States.
And 7 of the nation's 10 largest cities are less than a half
day away from our door. We can honestly say "The best location
in the nation".

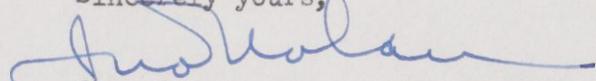
HOTEL HOLLENDEN in the heart of downtown Cleveland close to all
the leading theaters, business district, and but a stone's throw
from the Public Auditorium, is your best located hotel. 1000
rooms, 4 restaurants and our own 300 car garage assures you of
ample housing and dining facilities, and no parking problems.

Our Grand Ballroom will accommodate up to 1000. We have in
addition 14 other meeting rooms ranging in capacity from 25 to
400. Needless to say as much of this space as you would require
would be at your disposal at no charge - plus complimentary
accommodations for members of your official family.

Under separate cover I am sending you a brochure of HOTEL HOLLENDEN,
which will further acquaint you with our facilities and appoint-
ments.

We trust your convention this year was a grand success and we
hope to have the opportunity of serving you at some future date.

Sincerely yours,



John Nolan
Sales Manager
HOTEL HOLLENDEN

JN:ls



PS.

I finally got
an apologetic,
friendly, off-the-
recordish letter
from Sproul.
Kumor has it
he may have to
resign over the
loyalty issue.
Anything to it?

Best to Hazel.

DST

23 November, 1949

Professor Dorothy S. Thomas
4104 Locust Street
Philadelphia 4, California

Dear Dorothy:

The new committee on the Evacuation and Resettlement Study, which President Sproul appointed after the special committee had finished its work on the Grodzins' case, consists of Aikin, Chairman, Wellman, Jones, Nisbet and tenBroek. As comes to the fate of all good committees, we had a meeting the other day and attempted to survey the present state of affairs. Mostly we were concerned about the manner in which the various materials should be handled in the library.

One other question that came up, however, has to do with the present state of the agreement of the University of California Press to publish "The Salvage" and the Rockefeller funds which were allocated for that purpose. As I remembered it, those funds were by some means or other shifted over into the 1948-49 budget but were to be used, as the books stood, by June 30, 1949. Obviously, if this recollection is correct and you have not done something about getting Rockefeller to continue the allocation past June 30, 1949, then something should be done to try to save the funds.

So, the question is, is my recollection correct? And if so, have you been in touch with Rockefeller to get this matter straightened out. If the answer is yes to one and no to two, should we here now take some steps in the matter?

How is "The Salvage" coming along? Were you able to make the progress you had hoped?

Kuznets has done nothing on his monograph. He says that he expects to get a sabbatical starting the first of July and that he may be able to return to work on it then. The political aspects of evacuation have undergone a three months suspension while the political aspects of California's welfare system were being attended to. I unfortunately got myself involved as chairman of a movement to repeal a constitutional amendment which the people of California adopted a year ago raising holy hob with our welfare system. The campaign was terribly arduous, but successful. I am now returning to the evacuation and if no such other acts of God intervene, hope to make some progress.

Cordially

Jacobus tenBroek

DOROTHY SWAINE THOMAS
4104 LOCUST STREET
PHILADELPHIA 4, PENNSYLVANIA

November 30, 1949

Dear Jacobus,

Your letter of November 23 raises a question that can be answered only by referring to the Rockefeller Foundation and the University of California Press folders in the correspondence files of the "Evacuation and Resettlement Study." I left all official correspondence in Berkeley, and took no copies with me.

I certainly hope your recollection of the status of the Rockefeller grant is not correct. My understanding of the matter is as follows:

The Press accepted The Salvage for publication, subject to the usual review of the manuscript by the editorial committee, on the basis of two chapters which I submitted during the late spring or early summer of 1948. The Rockefeller Foundation thereupon released the funds (which were about to lapse) to the Press. As far as I know, there was no termination date set for the use of the grant, although everyone concerned (including especially myself) expected the volume to be in press by the summer of 1949.

Unfortunately, I did not make the progress I had anticipated, particularly during the first months in Pennsylvania. As a result, much of what I had written in Berkeley got "cold", and much had to be rewritten. The new Salvage is somewhat more than half finished. I have every reason to believe that I shall proceed rapidly and efficiently with the second half, but I'm reluctant (or shall I say ashamed?) to set a specific date which I expect to meet.

Will you please have someone examine the files immediately, looking especially for correspondence in 1948 between Farquhar (of the Press) and myself, Frugé (of the Press) and myself, Egans (of the Rockefeller Foundation) and the Press, possibly the President, and myself.

If your recollection is right, and mine wrong, and the grant actually terminated on June 30, 1949, nothing can be done now to "save" it. A new application for funds will have to be submitted to the Foundation, but obviously that should not be done until we have a completed manuscript at hand. As you know, we also have a Gentlemen's Agreement

DOROTHY SWAINE THOMAS
4104 LOCUST STREET
PHILADELPHIA 4, PENNSYLVANIA

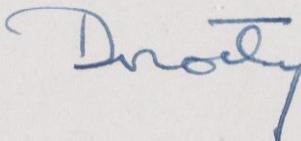
for funds to be allocated to the publication of monographs--meaning yours and Kuznets'. Again, we cannot ask that this agreement be validated until we have manuscripts ready for publication.

I have had no contact with the Press since Sam Farquhar died. Who succeeded him as Manager? Is Frugé still there?

I have also had no "official" contacts with the Rockefeller Foundation since coming east, but I have sound reasons for believing that any proposal we make them will receive prompt and sympathetic attention.

When--and I don't mean "if"--The Salvage is completed, I shall take a week or so off and fly out to California to discuss plans with the Committee.

Sincerely yours,



8 December, 1949

Professor Charles Aikin
Department of Political Science
Berkeley, California

Dear Chuck:

I had assumed that you had carried out your promise to send us a copy of your letter to the President after you had mailed it to him. Hence, did not reply.

The enclosed copy of a letter from Dorothy indicates that The Salvage is "somewhat more than half finished". Also it would perhaps be well to give me a little more leeway. Note the two suggested alterations on your draft.

Will ask Bob Johnson to check the President's file re the funds.

Encls.-2

JtenBroek/pd

15 December, 1949

Professor Charles Aikin
Political Science Department
Berkeley

Chuck:

Of the funds supplied by Rockefeller for the Japanese Evacuation publications, \$3125 remain in the hands of the University. Out of this sum the University Press now has a lien on \$3000. The Press lien was imposed as the Press had accepted a commitment to publish The Salvage. This was done, as I remember it, after the submission to the publication committee of a couple of chapters of the manuscript and the committee's agreement.

Hence, in any event, the money is here and cannot revert to Rockefeller. Accordingly, there is nothing for us to do.

Cordially

15 December, 1949

Professor Dorothy Thomas
4104 Locust Street
Philadelphia 4, Pennsylvania

Dear Dorothy:

I caught the accounting office in the process of moving across the street from the Administration Building. Consequently, there was some delay about discovering what the books show with respect to the publication funds supplied by Rockefeller. However, I now have the answer and it is this. There is a total of \$3124 remaining of the money supplied by Rockefeller for publication purposes. This amount is still in the hands of the University and the arrangement as it exists does not call for a refund to Rockefeller at any time. The reason for this is that a lien has been placed on \$3000 of the amount by the U. C. Press. That lien was imposed automatically after you had secured such commitment as you did by the Press for publication of The Salvage.

So, apparently everything is all right and we don't need now to worry about taking any steps to see that the money doesn't revert nor do we have to worry about taking them in the future.

Cordially

Chick

JtenB/pd

December 15, 1949

Dear Dorothy:

The gossip you hear about the oath fracas and its bearing on the President's position is also heard here. The Academic Senate has continued to take a strong stand against the oath even though now apparently about 80% of the faculty have signed. The Senate has just completed appointing a new committee to negotiate with the Regents about the oath. What success they will have is hard to tell. The Regents are reported to be in a virtual state of hysteria about Communists; indeed, so hysterical that they think the imposition of an oath beyond the standard oath would have the slightest connection with ferreting Communists out.

In all this the President's role is not fully revealed, but is commonly thought to be quite unhappy. Some of the Regents apparently say that the President initiated the additional oath, and the whole board is reported to be furious with him for the mess into which he got them. The faculty, on the other hand, has been largely alienated from the President, partly because of the part he is suspected to have played in the beginning, but much more because of the acts he took later on which wittingly or unwittingly have been regarded by the faculty as an attempt to coerce it into signing.

The whole affair is certainly a terrible mess, and whatever the ultimate upshot, there is little likelihood that anybody connected with it will not have suffered considerable damage before the end.

Greetings and Merry Christmas.

Cordially

J. TenB

DOROTHY SWAINE THOMAS
4104 LOCUST STREET
PHILADELPHIA 4, PENNSYLVANIA

Dec. 19, 1949.

Dear Jacobus,

It was, indeed, good news to know that my memory of the Press situation re Rockefeller funds was substantially correct. Now, maybe if I can get my psycho-soma in good working order, I can really complete The Salvage.

Implications of the loyalty mess at Cal are really disturbing. I'm sort of glad I'm at Penn, but there is no real assurance that "it can't happen here"! Did I tell you that

P.S.
My good friends George &
Jan Melren, whom you
met at my house, now live
at 2701 Shasta Road.

D.

2

The Spoilage was admitted
in evidence and apparently
played a very important role
in the court decision re
~~the~~ renunciation. Joe
Watts, of the Rockefeller
Foundation, is enormously
pleased about the whole thing.

I hope you & Hazel & the
children have a really
fine Christmas and New Year.
and I hope that you &
I & Kenneth produce in
a big way in 1950.

With affectionate regards
to all of you,

Sincerely,
Devotion

BERKELEY: DEPARTMENT OF SOCIOLOGY AND
SOCIAL INSTITUTIONS

Professor Jacobus ten Broek
Department of Speech
Campus

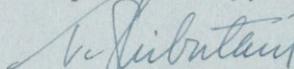
Dear Mr. ten Broek:

The attached memorandum from the President's Office was forwarded to me, probably because I was at one time a research assistant on the Evacuation and Resettlement Study. Since the termination of my appointment in 1944 I have had nothing to do with the enterprise, and I cannot supply the desired information. I am informed that you are currently preparing a volume utilizing the data collected in that study and am sending the memorandum to you.

I have hopes of dropping by to see you sometime at your convenience. Having participated in the initial phases of the study, I am of course curious to see what has happened.

With best personal regards.

Very cordially,


Tamotsu Shibutani

November 15, 1951

Professor Edward W. Strong, Chairman
Department of Sociology and Social Institutions
336 Wheeler Hall
Berkeley Campus

Dear Professor Strong:

My office is now preparing the third in the series of 'in appreciation' booklets published by the University. The first two, you may recall, were entitled "Endowed Chairs of Learning" and "Endowed Scholarships," and paid recognition to the philanthropy of public-spirited citizens whose donations made possible the establishment of professorships, scholarships and fellowships.

The purpose of our current booklet, tentatively titled "Gifts to the University for Research," is to point out the role that business and industry, through their donations to the University, have played in the development of research and its contribution to public welfare.

Space limitations, unfortunately, will enable us to deal only with some of the more vital and interesting research developments. Your assistance and cooperation will be necessary to help us determine these accomplishments. To that end, you will find attached a list of monetary and non-monetary gifts which, to the best of our knowledge, were donated for your department's use. The list has been compiled from the earliest records available through 1950, inclusive.

Will you please select from this list those monetary donations which, in your opinion, comprise the most significant contributions to research development, and prepare a summary of the specific accomplishments which may be credited to such donations? Your description may be as brief or lengthy as the case may warrant. We ask only that it be reasonably understandable to the layman.

It is recognized that the list of non-monetary gifts is far from complete since only in recent years has there been adequate reporting of such gifts. Hence, we will not itemize the non-monetary gifts in the appendix, but simply run the names of firms that have made such contributions at one time or another. Will you please look over the list and add the names of any companies that, to your knowledge, have been left out?

Since this project was originally undertaken in 1942, your department may already have been contacted with respect to gifts donated prior to 1940. I am returning any such information supplied some time ago for you to check any later developments which may have carried over from research started before 1940? If you discover any discrepancies in our list, we would appreciate your informing us.

I realize that this may be a big job, but trust you will agree as to the desirability of publishing such a record, and with your department properly represented.

Your promptness in responding with the requested information will enable us to realize an early publication date. Thank you for your assistance.

Sincerely,

George A. Pettitt
Assistant to the President

DEPARTMENT OF SOCIOLOGY AND SOCIAL INSTITUTIONS - BERKELEY

Columbia Foundation:

1942-45, For the Evacuation-Resettlement Survey - Research on wartime control, \$30,000 -

Rockefeller Foundation, 1942-47:

For the Evacuation-Resettlement Survey - Research on the West Coast program, \$38,750.00

Debit

THROUGHWAY BOND

100,000.00
for the acquisition of [unclear] - recorded on the [unclear] book

TRAC COMPANY U.S.A.

100,000.00
for the acquisition of [unclear] - recorded on the [unclear] book

THE TRAC COMPANY AND SOCIETY INCORPORATED - BOSTON

De Shibusawa
Could you handle
this? EWS

He was never one to duck a controversial issue. And if it is true that he was destroyed professionally because he dared to stand up to Hutchins, the loss to university publishing everywhere is a great one.

What's Happened to Couch...?

When Couch got fired, the U.C. paid him off quickly and quietly. A check in the neighborhood of \$20,000 was sent to him. The endorsement, where he had to sign in order to cash it, read: "In full settlement of all claims." Couch refused to sign.

He wrote Laird Bell, U.C. Board Chairman, "I consider this payment only of my monetary claims against the University. What about my moral claims?"

Bell told him to qualify the endorsement and insert the word "monetary". Couch has retired to a Connecticut farm to get a rest and contemplate the world.

* * *

How a Few Regard Hutchins....

When he got the axe, some of his immediate subordinates on the U.C. Press staff resigned in protest: his associate editor, the editorial assistant, the syllable editor, assistant to the production editor, the sales manager, the assistant to the sales manager, and the trade sales manager.

To quote one of them: "Couch got the dirty deal because he ran afoul of Robert Hutchins' personal dictatorial bent. Hutchins wasn't used to being defied in the Couch manner. Hutchins is a great man, a brilliant scholar--one of the greatest university presidents ever to be corrupted by power. Now that he has a half a million dollars of Ford Foundation money behind him, there isn't a ghost of a chance that anybody at the University will defy him." The man who told me this --one of Couch's former associates, says he expects to lose his present job shortly after the magazine article hits the stands next week.--From the Colorado Times

Name Grodzins New Editor of Chicago Press

Chicago- Morton M. Grodzins, author of a study on the Pacific Coast evacuation of Japanese Americans in 1942, "Americans Betrayed," has been appointed editor of the University of Chicago Press, Chancellor Lawrence A. Kimpton of the university announced this week.

William T. Couch, dismissed a year ago as director of the university's publishing branch, charged then that he lost his job because he approved publication of Grodzins' book which characterized the evacuation and mass detention of Americans of Japanese ancestry as "the worst single wholesale violation of civil rights of Americans in our history."