

CALIFORNIA STATE UNIVERSITY, EAST BAY

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DATE SUBMITTED: March 11, 2008

TO: The Academic Senate  
FROM: The Executive Committee of the Academic Senate  
SUBJECT: Resolution on Loyalty Oath Controversy  
PURPOSE: For Action by the Academic Senate

**ACTION**

REQUESTED: That the Senate endorse the following resolution:

1. RESOLVED, that the Academic Senate of California State University, East Bay applaud the positive resolution of the controversy involving Ms. Marianne Kearney-Brown, a graduate student instructor, who sought to modify the state-required Oath of Allegiance in accordance with her Quaker beliefs to indicate that she could only "support and defend" the federal and state Constitutions "nonviolently," which has permitted her to return to the classroom without compromising her personal convictions; and be it further
2. RESOLVED, that the Academic Senate gratefully acknowledge the efforts of members of the CSU, East Bay faculty and administration, the CSU General Counsel's office, and the United Auto Workers Union, that facilitated the favorable resolution of this controversy; and be it further
3. RESOLVED, that the Academic Senate reaffirm its dedication to the principles of academic freedom and freedom of conscience and declare that all members of the CSU, East Bay community – faculty, students, staff, and administrators – are free to speak and act in accordance with the dictates of their own convictions, so long as their actions do not violate the rights of others and conform to the laws of the United States and the state of California; and be it further
4. RESOLVED, that the Academic Senate call upon the California Legislature to eliminate the requirement that state employees sign the Oath of Allegiance, which is anachronistic, unnecessary and counter-productive; and be it further
5. RESOLVED, that the Academic Senate express its continued confidence in and support for CSU, East Bay President Mo Qayoumi and his administration, and urge the faculty and staff leaders of CSU, East Bay to work with President Qayoumi and his administration to improve any policies and practices that may have exacerbated this controversy; and be it further
6. RESOLVED, that copies of this resolution be sent to President Mo Qayoumi, CSU Chancellor Charles Reed, CSU General Counsel Christine Helwick; the Academic Senate CSU, the California Faculty Association, the United Auto Workers Union Local 4123, the Associated Students, Inc. of CSU East Bay, the San Francisco Chronicle, Daily Review, and Pioneer newspapers and members of the California Legislature representing Alameda and Contra Costa counties.

**BACKGROUND**

**INFORMATION:** On February 28, a part-time remedial mathematics instructor, Ms. Marianne Kearney-Brown, was terminated from her employment at CSU East Bay because, when asked to "swear (or affirm)" that she would "support and defend" the U.S. and state Constitutions "against all enemies, foreign and domestic," she inserted revisions, adding "nonviolently" in front of the word "support" and crossing out "swear" and circling "affirm" in order to conform with her Quaker beliefs. On March 4, the California Attorney-General's office issued an opinion upholding the University's handling of the situation but also confirming that the wording of the oath as interpreted by the U.S. Supreme Court does not commit anyone who signs it to "bear arms" or otherwise take violent action in defense of the Constitution. While the Attorney General's Office declared that the actions of the University were legally correct, many faculty members were disturbed by this incident and believe it violated established principles of intellectual and academic freedom. On March 7, the University announced that an agreement favorable to all parties had been reached with Ms. Kearney-Brown and that she had been rehired with full back pay and would return to her teaching immediately.