

LAW OFFICES

1018 REAL ESTATE TRUST BUILDING

BROAD AND CHESTNUT STREETS

PHILADELPHIA

HENRY PRESTON ERDMAN

1907-1936

**JOHN HARPER
WILLIAM M. BUCHANAN
PHILIP B. DRIVER, JR.**

May 1, 1942

Mr. Gordon Clark
610 Howard St.
Wheaton, Illinois

Dear Gordon:-

I represent a Pennsylvania Corporation and also am a member of its Board of Directors. Three years ago, a matter involving this corporation came to my attention and I investigated it rather carefully. As a result, I came into possession of unquestioned evidence showing that one of the Board members was an embezzler of the corporation's funds. With this evidence on hand, I called a meeting of the Board without notice to the defaulting member, placed my evidence before them and then was treated to a series of speeches by the various members of the Board as to the firm, forceful manner in which the situation should be handled; what each of them felt about the defaulting member, what an outrage it was etc, etc, etc.

We then called a meeting of the full Board of Directors to give the defaulting member a chance to give any explanation he cared to make. This he tried rather foolishly to do, then I awaited the explosion -- which never took place. I rather enjoyed the discomforture of these strong minded fellow members of the Board who could not find a word to say and eventually the task became mine to speak.

I realize I have given you rather a poor analogy in one sense because you are not being charged by the Board of Trustees of Wheaton College or by the Faculty with any improper action. Your Board members, therefore, have more reason to be quiet at an open meeting than in my case.

Assuming that the officers or the Board of Directors have determined to sever your connections with the college and assuming that I have any ability to analyze the situation which is 1,000 miles from me, I would definitely come to the conclusion that the Board members have been averaging out their silence at an open meeting with a great deal of talk elsewhere and that they have probably made up their minds to

May 1, 1942

to find some method of indirectly terminating your teaching position at Wheaton College. Even if they are not trying to terminate your position, I believe that they are going to make it distasteful for you to stay at Wheaton College.

I believe your position in the future would be much stronger if you resigned from Wheaton College voluntarily. This, of course, you probably would not want to do until you first had another position open. It would, therefore, appear to me to be most wise to immediately try to locate another college which will be more to your liking, not only in respect to the atmosphere but also probably from a financial viewpoint.

I do not know too well what the issues are between you and the President and Registrar but if they involve a matter of principle or honor, I am certain you will not give ground so that it is pointless for me to give you any advice on such a question. If the issue is something else, sometimes a little give-and-take will smooth out the situation, at least temporarily, and time may be of some importance to you until you can find more satisfactory surroundings.

I do not envy you your situation. Being responsible to one person or one group for all of the work that you do has its disadvantages. Personally, I prefer my position being responsible to several hundred clients, no one of whom can have sufficient of my time or work to make any serious difference.

I do not know that I can add much more to your situation except to say that your friends who know of your ability and your moral honesty will undoubtedly give you 100% moral support which, under some circumstances, is a help.

The notions which the residents of Wheaton may have concerning your Christianity are quite unimportant. In criminal law, a man's reputation is important but his Christianity is a matter between himself and his Creator and his reputation one way or the other is of but passing moment. I frequently am quite certain that fundamentally you and I believe in the same thing.

Keep your chin up.

Sincerely yours,



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HENRY PRESTON ERDMAN
1907-1936

May 4, 1942

Mr. Gordon H. Clark
610 Howard Street
Wheaton, Illinois

Dear Gordon:-

I should be nearer Wheaton, Illinois or your situation should be much closer to Philadelphia, because I do not have much confidence in the advice which I must give on a situation which is so far removed and whose details I am not at all acquainted with.

For this reason, I hope you will not follow any of my advice unless the reasons therefor appeal to you.

I gather that you have definitely concluded you are going to resign as a member of the faculty of Wheaton College, and that your present problem is now one of method. I can only suggest that you be very careful that you do not go on the defensive as I believe it will hurt your situation not only at Wheaton, but at any other college where you may try to get a position. As an illustration, I would suggest that the procedure of the faculty be not described as "underhanded procedure". This indicates that you are complaining about something that the Board of Trustees or the Officers have done to you. Again I have suggested that you cross out the phrase, "I have been denied the right to acquaint the students" and have suggested the wording, "An attempt is being made to deny the students the right to become acquainted". Again my position is to avoid language that you are complaining or on the defensive.

I do not know that my substitute wording has completely accomplished the purpose I had in mind, but my general thought is that you are an employee of the college; the officers and directors have the right to run the college as they see fit without complaint from you; and your strongest position is that if you do not agree with it, you should, with dignity, step out. I most certainly believe that your reasons for so doing should be set forth.

Enclosed I am returning to you your suggested wording of two paragraphs of a resignation by you. I hope you are able to read my scribbling. Twice I have used the wording "Trustees" and I am not sure that it is the

May 4, 1942

Trustees to whom you are referring. I have indicated this uncertainty with a question mark.

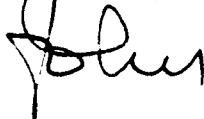
You are angry and undoubtedly properly so, but do not show it any more than you must and be very careful not to do anything which looks as though you were trying to "show up" the Trustees or strike back at them. If you do and it becomes known, I am afraid you will find your opportunities to find a new position much more limited.

As for printing the letter and sending it to the philosophers of the country: if your purpose in sending it, and if the reaction of the recipients will be that you, with as much dignity as possible, stepped out of a situation which was against your principles, I would send it. If, however, the recipients are likely to get any idea that you have been given a "raw deal" or that you are trying to show up Wheaton College for what you believe it to be, I would not send it.


I feel the same with respect to sending the letter to the college constituency.

I am afraid that I cannot suggest anything else which will be of any help to you, but you certainly have my very best wishes and if I can be of any other service, by all means call upon me.

Sincerely yours,



JH:em

P. S. I have just had my secretary re-read this letter to me and in spots it sounds as though I was preaching to you or being unduly harsh with your suggestions. I did not intend to be; I am sure you will not take it except as I intended; and I am, therefore, not going to re-dictate the letter (which brings a smile of relief to my secretary's face). 

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1907-1936

JOHN HARPER
WILLIAM M. BUCHANAN
PHILIP B. DRIVER, JR.

June 8, 1942

Mr. Gordon H. Clark
610 Howard Street
Wheaton, Illinois

Dear Gordon:-

I have your letter of June 5, 1942 asking that I pump you "full of wisdom and information". This makes a big assumption, to wit: I have both in sufficient quantity to spare some. I'll do my best, but please do not take my advice too seriously because I am too far removed from the scene of battle to be much good as an advisor.

I do not see how you have the right to attend a meeting of the Trustees or make any motion thereat. Yet you speak in several places in the letter as though you would be permitted to be present and argue your side of the case. If you personally are not permitted to be present at the Trustee's meeting, I do not believe Dr. Edman's handling of the motion at the Committee meeting can, at this time, be interpreted as more than a firm effort to prevent a decision on your status until a meeting of the Trustees could be held when the matter would be decided adversely in your absence and therefore with less embarrassment. This would be in keeping with the character of the man as I have understood it.

On the other hand, if you are going to be permitted to attend the Trustees meeting then Dr. Edman's action at the committee meeting may indicate either (a) he is out of sympathy with Dr. Thiessen or (b) he is not only out of sympathy with Thiessen but is in sympathy with your position in part. In either event, drive the wedge between the two deeper if you get a chance.

As I understand it, there will be two questions presented to the Trustees (1) Do we want to keep this fellow Clarke for another year? (2) Who is going to teach the major in Philosophy? The first question will, as is usual, be decided affirmatively, as a matter of course, unless some charges are made successfully. The burden will be on the person bringing the charges and a motion at any time to "lay the matter on the table" will be in order; if successful, will end all discussion; and the burden will not be met.

On the second question, I doubt the Trustees will consider it, but if they are willing to do so, let them, rather than have the matter referred back to the head of your department. Your chances on this question will be better if decided by the Trustees rather than by Dr. Thiessen.

If you lose out on this fight and are asked for your resignation, I do not know what to advise you to do. There are two main factors involved and, until you are able to evaluate them, I would stall. These factors are:

(1) Your position in trying to obtain other employment. Normally a resignation makes it easier to secure other satisfactory employment because you do not have to state you were "discharged". How much weight this will have in the case of a professor of philosophy, you can judge better than I. Do not forget however that employment produces a monetary return year after year and adds up to a large amount in the course of years.

(2) Your chance of recovering salary by a law suit. I cannot advise you what your rights are under Illinois law. Here in Pennsylvania, we have a very strong presumption that, in the absence of a written contract to the contrary, an employment is at will and may be terminated by either party at any time and without notice. I should think (without looking up any decisions) that the employment of a professor to teach a course or courses would be for such a length of time as the course or courses were to run and that the ordinary presumptions of an employment at will would not apply to your case. A more important question would be, when are you so employed? Sometime in 1941 you were employed for a semester or a year which has now ended. Have you been employed for next semester or next year? If not, you would have no right to recover any salary. Under such circumstances the Board of Trustees probably would not "fire" you but would fail to renew your employment.

When you are "employed" may not be an easy question to answer in your case, because there may be come "custom of the trade" involved (e.g. if by the end of May you are not notified to the contrary, the employment is understood to continue for an additional term). When you are free to do so, consult an Illinois lawyer if you believe your legal rights are important. Assuming you have legal rights, do not follow any lawyer's advice in trying to enforce them unless you are certain that the attempt will not substantially affect your efforts to obtain employment elsewhere. (Lawyers frequently like to bring suits -- it's their unconscious reaction to an infringement of their injured and innocent client's rights). You can bring a law suit after you have obtained employment elsewhere, if it seems advisable.

Having obtained advice on your legal status and having determined the wisdom of trying to enforce such legal rights as you have, you may then advise the Trustees whether or not you will resign.

Personally, I think that anyone who can successfully maneuver the situation so as to isolate the fundamental question for an unequivocal answer, who can drive a wedge between his superiors and who can begin to see a faint glimmer of hope in the situation does not need advice. If you can't get a steady job next fall, come in to see me. Perhaps I can get some helpful hints from you on how to solve some of my problems. My congratulations on the job you have done so far.

The best of luck and remember me to Ruth.

Sincerely,



JH:em

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JOHN HARPER
WILLIAM M. BUCHANAN
PHILIP B. DRIVER, JR.

September 3, 1942

Mr. Gordon H. Clark
610 Howard Street
Wheaton, Illinois

Dear Gordon:-

Your friend, Mr. Ryan of the Westminster Theological Seminary, has been in to see me today and we have discussed your difficulties at Wheaton. I gathered that your general position is deteriorating rapidly at Wheaton College and that, in part, the position of the Trustees is ridiculous, e.g. You are permitted to state your religious views as a philosopher but not to explain the reasons in support of them. This is an amazing statement to me and the first time I have ever heard that philosophy could be taught without explaining the reasons for the views which are propounded.

Mr. Ryan and I reached certain conclusions concerning advice which we could give you and to these I give my wholehearted support.

The first conclusion we reached was that it would be much better for you to resign from Wheaton College rather than be fired. If, after you are engaged to teach for another semester or another year, you are discharged from your position, your legal position will be good, in that, if you sue for the balance of your salary, the burden will be upon the college to show that there was legally sufficient cause for your discharge. However, if you assert your legal position you will greatly impair your chances of obtaining a position elsewhere. The attitude of other institutions would probably be that "this fellow Clark had a scrap with Wheaton College and sued them. Why should we take such a troublemaker into our midst". I am afraid that you will never get the chance to explain your position and show that you are not a troublemaker. Your ability to earn an income in the future is more important than your legal position with respect to one year's or one semester's salary.

The second conclusion which we reached was that your resignation, when it comes, should be with as much dignity, quietness and honor to yourself as is possible. This is in keeping with the general thought which we have concerning the favorable attitude which you desire

to generate in other institutions to which you may make application for a position.

The third conclusion to which we came was that you should immediately and strenuously make all efforts to obtain, if possible, a position elsewhere. First, in an effort to accelerate the time when you can resign from Wheaton College and secondly, if you sever your connections with Wheaton College before you obtain a position elsewhere, the period between then and the time you obtain the new position will be as short as possible.

The fourth conclusion we reached was that you keep your position at Wheaton College until you either (a) are discharged because of something over which you have no control; (b) obtain a position elsewhere, or (c) the situation at Wheaton gets to be such that you can no longer see your way clear to compromise with it.

In the event that you obtain a position elsewhere before you are discharged at Wheaton College, will you let me know immediately so that I can help you plan the steps in your resignation. I believe that if these steps are carefully handled, you will not get yourself into a position where the college can charge you either morally or legally with having breached a contract to teach for the balance of the semester (or year).

When it becomes apparent that you are going to get a position elsewhere, I believe it wise to begin to make efforts to dispose of your home at Wheaton as I doubt that you will desire to continue to own real estate there, and I believe that your chances of selling real estate will be much greater while you are still on the ground and able to talk to your real estate broker and also to prospective purchasers.

I am afraid that the conclusions that Mr. Ryan and I have reached are rather general in their nature but I believe that this is the best we can do for you and, as I told Mr. Ryan, I am sure if we help you consider all of the factors in the situation and help you with your mental approach to the problem, you are

Mr. Gordon Clark

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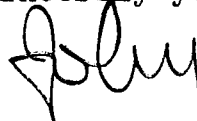
September 3, 1942

eminently capable of thinking the thing out to the correct conclusion in all the details.

You again have my best wishes and if I can be of any possible service to you do not hesitate to let me know.

My very best regards to Ruth.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John H. Emery".

JH:em
C.C. to Mr. Ryan

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1907-1936

JOHN HARPER
WILLIAM M. BUCHANAN
PHILIP B. DRIVER, JR.

September 10, 1942

Mr. Gordon H. Clark
610 Howard Street
Wheaton, Illinois

Dear Gordon:-

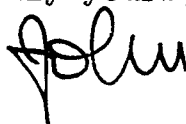
I received your letter of September 7, 1942 and think you have done a grand job. There are one or two minor matters which I would like to call to your attention for further consideration.

In your fourth paragraph you suggest that being required to teach philosophy without stating the reasons for your propositions is the equivalent of requiring history to be taught without reference to events in the past. I doubt that you have made your thought entirely clear and I would suggest that you give consideration to making your illustration a much more concrete one (perhaps I am just a bit too far removed from the last course in history which I had). Would it not be more concrete and perhaps forceful to suggest that the proposal in question is the equivalent of teaching medical students that when someone has a stomach ache, the white pills should be prescribed ~~as~~ a requirement that the reasons therefore should under no circumstance be disclosed. This is a matter which I raise for your consideration only and does not reach the stature of a suggestion on my part.

I do believe that the last paragraph of your letter should explain the reason why you are presently tendering your resignation which is to take effect, not immediately but at the end of the present school year. I would, therefore, suggest that you make your last paragraph read somewhat as follows:

"For these and similar reasons I refuse to comply with the requirements newly enacted by the Trustees and hereby present my resignation from the faculty of Wheaton College. For the reason that the college has made its plans to have me teach for the current school year and for the reason that I have made similar plans, my resignation is tendered to be effective at the end of 1942-1943 school year but until that time I shall consider my contract to teach as being subject to the conditions concerning the above matters on which an agreement was reached when I was first employed."

Very truly yours,



JH:em
C.C. TO Mr. Edward Rian