



FRESNO FREE COLLEGE FOUNDATION

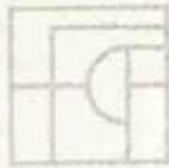
ANNUAL REPORT 1972-73



## **ANNUAL REPORT**

### **THE FRESNO FREE COLLEGE FOUNDATION**

September 1, 1972 - August 31, 1973

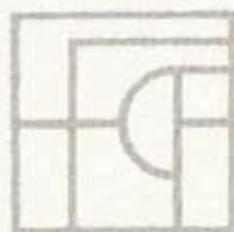


## THE FRESNO FREE COLLEGE FOUNDATION



The Fresno Free College Foundation was created in the Spring of 1968 by a group of Fresno State College professors to raise legal funds to defend the academic freedom of their colleague, the poet Robert Mezey, who was fired from his teaching position because of his exercise of free speech. Since that time repressive forces both on the campus and in the larger community have proscribed constitutionally guaranteed rights of expression. Consequently, the Foundation has had to devote most of its resources to the support of other professors and students who have sought to "speak truth to power" by challenging conventional wisdom and traditional academic values. Yet the Foundation realizes that intellectual freedom in institutions of higher learning cannot be preserved without the understanding and support of the community at large.

For this reason, the Foundation has sought to stimulate and enrich the intellectual environment for the people and communities of the San Joaquin Valley. The Board of Directors has been expanded to include business and community leaders, students and professors, and representatives of racial and ethnic minorities. The Board realizes that ideas have consequences—that the exercise of free speech is a precondition for effective action on both academic and societal problems—and that an organization must exist which is committed to the expression and development of ideas which otherwise might not be heard, or acted upon, because of institutional inertia, fear, prejudice, or the arbitrary exercise of established power.



The Fresno Free College Foundation accepts and disburses monies through five funds — the General Fund and four special funds: the UPC Academic Freedom Legal Fund, the Caroline Cooped Student Fund, the Arnold Goldman Legal Defense Fund and the Student Legal Fund. The Board of Directors has sole authority for the General Fund and other funds which it may establish, e.g., the Student Legal Fund. The other three special funds are under the authority of advisory groups who operate within the policies of the Foundation and the Board distributes these funds at their request.

**FRESNO FREE COLLEGE FOUNDATION**

P. O. Box 4364  
Fresno, California 93744

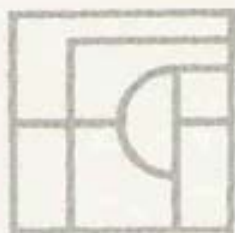
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POEM: APRIL FOURTH by Robert Mezey

Layout of Report and Cover Design by Frank Laury





## FRESNO FREE COLLEGE FOUNDATION

Box 4364

Fresno, California 93744

### I. STATEMENT BY THE PRESIDENT

The supreme test of a democratic society is its ability to protect its members from repression by those who arbitrarily and unreasonably exercise legal power. For a free and open society this fundamental test defines the ethical and legal accountability of established authority. It was this consideration which motivated the founding of the Fresno Free College Foundation and which has sustained it for the past six years.

The Foundation was born when established power groups in the academy and in the community sought to punish Professor Robert Mezey for his expression of controversial ideas on the social and political issues of the day. This was accomplished by their bringing sufficient pressure on the president of California State University, Fresno (CSUF) to effect Mezey's dismissal. It seemed clear to the members of the first Board of Directors that we all lose some of our freedom when any member of the community is silenced by such politically motivated firing. The act itself intimidates other members of the community and the people are thereby less free to pursue their own interpretation of the truth. Such acts of intimidation cannot be ignored and must, whenever possible, be resisted and stopped.

Over the past six years the Foundation has shown an ability to respond to such acts, and this has been made possible through the loyal support of a small number of persons. In concrete terms this translates into helping some 40 individuals with a disbursement of more than \$34,000. This amount constitutes 85% of all contributions received by the Foundation.

In the past year the increased capacity for the Foundation to serve the community has been demonstrated by two different groups. First, the black faculty and staff at CSUF have established within the Foundation the Caroline Cooper Student Fund. This fund is named after an extraordinary black woman who received her bachelor's degree at the age of 82 while confined to a wheel chair. The fund will provide financial assistance to minority students at CSUF who encounter unanticipated economic difficulties. Second, faculty members at California State College, Stanislaus in Turlock, California opened the Arnold Goldman Legal Defense Fund. This fund is named for a faculty member who was fired by the College administration. A number of faculty members became alarmed when they discovered that their College's personnel procedures resulted in discriminatory practices against colleagues who were Jews, women, and members of ethnic and racial minorities. Dr. Goldman has taken his case to court and he will be assisted by this fund.

Part of the success of the Foundation results from its availability to groups and individuals who need it. It is in a crisis situation that people become aware of the need for an organization like the Foundation. If at the time of the crisis the Foundation did not exist, then it would have to be invented. For example, the Arnold Goldman Legal Defense Fund was established this past May, but if Goldman's supporters had not been able to turn to the Foundation they would very likely still be trying to develop a non-profit organization to collect and disburse funds for his case. Instead, they have at this writing raised some \$1,400 which is being used in the preparation of Goldman's defense. The fact that the Foundation exists is perhaps sufficient



reason to support it, and the founders of the Foundation must be commended for their initiative and foresight.

In meeting the commitment of the Foundation to the legal protection of individuals and groups who seek to serve their fellow men through the exercise of free inquiry, free speech and social action, the Board of Directors has supported the following cases in the past year: **Zumwalt vs. The Trustees of the California State Colleges; Toney, et al. vs. Reagan, et al.; Mabey vs. Reagan et al.; Frost vs. The Trustees of the California State University and Colleges; Toney vs Walker; and Toney vs. Baxter et al.** Besides these specific cases involving faculty members who are unable to carry the financial burden of litigation without assistance, monies were disbursed by the Board from the Student Legal Fund for the following purposes: (1) To prevent deportation of two Vietnamese students who were fearful of political reprisals from the Thieu government; (2) To provide legal counsel for a former foreign student at CSUF who has been threatened with deportation by the U.S. Immigration and Naturalization Service because reactionaries in the community disapprove of his publicly stated political views; (3) To prevent unfair treatment of a CSUF student by a member of the staff at CSUF; and (4) To obtain due process for a minority student at CSUF who was subjected to disciplinary action.

The legal actions supported by the Foundation have performed an important educational function. The litigation of constitutional issues raises the level of awareness in the community. Court proceedings expose the arbitrary and repressive use of legal power by those in authority, particularly University administrators, who otherwise escape public scrutiny. Hopefully, these cases will establish legal precedents so that basic constitutional rights of students and faculty will be better protected in the future. Many of the cases supported by the Foundation have been quite successful: students charged with criminal conduct in the expression of dissent have been exonerated; faculty members who were fired from CSUF for political reasons have been

reinstated and professors throughout the state in similar situations have been assisted through the experience gained from these Fresno cases.

The Foundation also engages in educational projects of a more traditional kind. Lecture programs and publications form part of the on-going activities of the Foundation. Also, the Board has decided to contribute archival materials to the CSUF library. The Board has collected legal briefs, hearing transcripts and articles over the past six years which it will bind and donate to the library for the development of a section devoted to academic freedom.

The Foundation is continuing its efforts to bring the KPFA-FM radio signal from Berkeley to the Fresno area. The station is one of a number of stations throughout the country within the Pacifica Foundation — a non-profit corporation committed to public service broadcasting. KPFA has a tradition of informative and challenging programming and its listener support has kept the station free from commercial or special interest pressure. An open forum such as KPFA's programming is a necessary ingredient for a free and open society, and the Board believes that KPFA will enrich the intellectual environment of the San Joaquin Valley.

Contributions to the Foundation since 1968 now exceed \$40,000, and considering that the money was raised primarily through small contributions, the amount is impressive. The Board of Directors wishes to thank the Foundation's supporters, and it extends an invitation to new contributors who wish to participate in the work of the Foundation. All contributions are tax-deductible and placed in the General Fund unless specifically requested by the donor for placement in one of the other funds.

Specific activities for the past year are outlined in the pages that follow. We invite you to become acquainted with the Foundation's work by reading this entire report.

Alex Vavoulis

September, 1973



## II. BOARD OF DIRECTORS

### DOUGLAS C. BROTEN

Cofounder of Ananda School, a non-traditional school experience for ages 12-18; teacher at Ananda School; member of the Fresno Community Council.

### LESLEY KIMBER

Publisher of the California Advocate, a minority newspaper in Fresno; founder of the Central Valley Printing Company; Chairman of the Political Action Committee of the Fresno Branch of the NAACP; Chairman of the Board of Directors of Minority Advisory Council for KFSN-TV.

### BLANCHE NOSWORTHY

Nursery school director; former president of the Women's International League for Peace and Freedom; active in the Committee for Responsible Government; former worker at the North Avenue Community Center, a public service facility in the black community.

### WILLIAM T. RICHERT

Attorney at Law; formerly active in Fresno County Democratic Party; member of the executive Board of the Fresno Branch of ACLU, San Francisco and State Bar Associations, Commonwealth Club of California, and the American Academy of Political Science.

### JAMES M. SMITH

Professor of Philosophy at California State University, Fresno. President of the Fresno Branch of the ACLU; member of the Audubon Society, Committee for Responsible Government, Fresno Democratic Coalition, and the Center for the Study of Democratic Institutions.

### ALEX VAVOULIS

Professor of Chemistry State University, Fresno; member of the Executive Board of the Fresno Chapter of ACLU, the Committee for Responsible Government, the Fresno Democratic Coalition, and the Center for the Study of Democratic Institutions.

### AL VILLA

Attorney at Law; member of the Fresno City Council, the Democratic National Committee, the County and State Bar Association, the California Association for Mexican-American Elected Officials, and the Torreon Optimist Club.



### **III. UPC ACADEMIC FREEDOM LEGAL FUND**

Immediately after six faculty members were fired for political reasons in December, 1970, the Foundation and the Fresno local of the United Professors of California (UPC) established the Fresno State College Legal Fund. The fund was first used to financially support the faculty members in their class action suit seeking reinstatement and a permanent injunction against the grievance procedures which denied faculty due process. The fund has also been used for the Zumwalt Case.

Recently, at the request of UPC, the name of the fund was changed to its present name.

UPC has designated a committee to act as an advisory group in the disbursement of funds and the following cases are now supported through this fund.

#### **1. The Federal Court Suit on Grievance Procedures**

When six faculty members were fired from California State University, Fresno (CSUF) in December, 1970, they undertook a class action suit seeking reinstatement and a permanent injunction against grievance procedures which denied due process to some 15,000 faculty members in the California State University and Colleges system. A temporary injunction was granted but later revoked by the Federal Court in San Francisco. The Court ultimately ruled that the grievance procedures were consonant with due process. Subsequently four of the six faculty members were reinstated. The two remaining professors continued the suit by filing a petition for a Writ of Certiorari with the U.S. Supreme Court in an effort to overrule the lower court's decision. The San Francisco firm of Penrod, Himelstein, Savinar and Sims was retained in this suit, as it has in other legal actions in which the Foundation is involved. The Supreme Court refused to review the case, terminating this particular piece of litigation. The legal fees and costs amounted to \$5,406. This effort has helped to solidify faculty opposition to the current grievance procedures. Negotiations are now in progress between the United Professors of California, a faculty



## Fresno Free College Foundation aids academic rights on campus

Dr. Alex Vavoulis, president of the Fresno Free College Foundation (FFCF), said yesterday that the organization will continue to work for academic freedom of speech, association and academic due process on the CSUF campus.

Vavoulis, a chemistry professor at CSUF, said that the FFCF was created in the spring of 1968 to provide funds for the legal defense of Robert Mezey. Mezey was an English professor at CSUF whose contract was not renewed by President Fredric Ness because of remarks Mezey had allegedly made about the use of marijuana.

Vavoulis said that the FFCF helped provide funds and assistance to a number of CSUF teachers and students who have been either fired, demoted or have had criminal charges filed against them by the administration.

After the foundation's inception in 1968, the group provided legal funds to the La Raza program which was defending Chicano students involved in an incident during a demonstration on campus.

FFCF also provided funds to help reinstate six faculty members fired because they were "outspoken critics of the CSUF administration" in Dec. 1970, Vavoulis said.

Four of the six faculty members, he said, have been reinstated, one has left California and the other's case is still pending.

The foundation has been engaged in other activities on campus besides legal aid, said Vavoulis. The FFCF established a Merit Scholarship Fund which provided a \$200 per month grant to CSUF student Carol Bishop in the spring of 1972. The grant enabled her to complete graduation requirements.

The foundation has also collected over 450 books and 300 magazines, Vavoulis said, to help create a library at the Tulare County Correctional Center.

The group has been active in trying to lower foreign student tuition in the state, he said.

Dr. Vavoulis outlined future programs that he said will be of benefit "not only to the students on campus, but to the community as well."

Negotiations are now under way, he said, that may bring radio station KPFA-FM, Berkeley, into the valley. Vavoulis said the station carries no advertising and relies only on subscription.

The station, he said, programs art, music, readings and social and political commentary.

The foundation is also planning to publish a journal of art and literature that would focus on San Joaquin Valley residents.

Films, plays and lectures are also being planned by the foundation, said Vavoulis.

FFCF is a non-profit organization, Vavoulis said, and it must

rely on "private contributions" if it is to survive.

Since the foundation's beginning in 1968 it has received \$34,371.66 in contributions. 1971 was the peak year for contributions with a total of \$12,810.58, according to Vavoulis.

Vavoulis did admit that contributions appear to be cyclical in nature. Administration/faculty troubles were at their highest level in 1971 which accounts for the large amount of contributions, he said.

To date this year, only \$4,829.52 has been received by the foundation.

Vavoulis said the foundation must "get out into the community" if it is to be successful.

He pointed out that the present board of directors for the FFCF includes Fresno residents who are not professors or administrators at CSUF. This is a "major shift" from past years, he said.

Vavoulis said the foundation will keep an eye on future administration actions that concern faculty members.

He said the multiple faculty firings of 1970 have "intimidated" faculty participation on the campus.

"We have a long way to go before we recover from the impact of the purge we underwent," Vavoulis said.

union, and the Chancellor for the purpose of changing the procedures so that basic constitutional rights are not denied to faculty members.

## 2. The Zumwalt Case

Thirty one months have passed since Dr. Eugene Zumwalt was removed as chairman of the English Department at CSUF under bizarre circumstances which are unique in the history of institutions of higher education. On Friday afternoon of December 4, 1970, Dr. Zumwalt was descended upon by the Acting Dean, maintenance personnel, and campus police. The Dean read the President's letter removing Zumwalt as chairman while locks on the office doors were being removed, welded plates were put in the place of the locks, boards were placed across the doors, and file cabinets were sealed. Uniformed campus police were placed on guard outside two doors for the entire weekend which followed. The Third District Court of Appeals of the State of California recently decided that the University administration denied Dr. Zumwalt due process of law by the manner in which it removed him from the chairmanship. The decision said: "Although no charges were made, Dr. Zumwalt's removal was accomplished in a manner damaging to his reputation and career. Reassignment or termination of an academic administrative assignment are euphemistic legisms when used to describe an action accomplished by campus police, changed locks and sealed files."

The court has ordered a **de novo** campus hearing: "As a result of the removal procedure selected by the college administration, due process entitled petitioner (Zumwalt) to a hearing at which the administration would be required to prove, if it could, justification for its procedures and at which petitioner might prove, if he could, lack of justification. He has never had that hearing and is now entitled to it." Attorneys Himmelstein and Sims are appealing this decision to the State Supreme Court on the grounds that the Court should have ordered a court trial in which Zumwalt could sue for money damages and



reinstatement to the chairmanship. In any event, Zumwalt will be given a hearing of one type or another and that will require further financial support by the Foundation of approximately \$1,000. Legal fees and costs to date are \$1,601 and the firm of Penrod, et al. will continue to represent Dr. Zumwalt.

### 3. The Frost Case

Dr. Everett Frost was one of the six faculty members fired in December, 1970 and who participated in the class action suit in Federal Court challenging the constitutionality of the grievance procedures used in the California State University and Colleges system. Frost was subsequently reinstated to the faculty of the English Department by order of the Chancellor after he won his grievance hearings at both the campus and state levels. The Foundation agreed to assist him in an effort to obtain back pay for the year during which he sought reinstatement. Frost suffered economic hardship during that time and in addition, he faced heavy costs in carrying his grievance for reinstatement. In a curious ruling, the Superior Court of San Francisco refused to order the payment of his back pay. Attorney Mark Himmelstein has moved for a rehearing of the case, and the matter is still pending.

The firm of Penrod, Himmelstein, Savinar and Sims has been retained on a contingency fee basis by Dr. Frost. The Foundation is underwriting other costs in the litigation, which has amounted to \$135.

### 4. The Mabey Case

Professor Rendell Mabey, Jr. is the last faculty member in the group of six fired in December, 1970 by the CSUF president who has not had his case resolved. Everett Frost, Joe Toney, Erving Ruhl, and Elton Hall have been reinstated and Edwin Dutton has taken a position with the University of Kansas. Mabey filed a suit in the U.S. District Court of Northern California in which he alleges that the CSUF administration illegally terminated him in retaliation for his radical political beliefs and his public criticism of the administration at a meeting of the Academic Senate. He is asking for reinstatement, back pay for the 1972-73 academic year, and the costs of litigation, including attorney's fees. Attorney Mark Himmelstein is representing Mr. Mabey.

In support of this litigation, the Foundation has disbursed \$2,045 for legal fees, the typing of the grievance hearing transcript and other expenses. The case was heard by Judge Sweigert this past summer and a decision is expected in September. It is estimated that about \$800 will be required if the decision is appealed. The ACLU of Northern California has taken an active interest in this case and may undertake full responsibility for any appeals that might arise in this case.



#### IV. THE TONEY SUITS

In the spring semester of 1970 the Black Student Union at CSUF became aware of the fact that the administration was about to reduce or eliminate the Ethnic Studies program. Some 50 students and a faculty advisor met with the acting Dean of Arts and Sciences to press for equitable treatment for ethnic and racial minorities on campus. The tense meeting ended with the Dean filing criminal charges against the students and the professor with the District Attorney. He also filed campus disciplinary charges against both the students and the professor. A campus hearing took place for the five students named in the charges. It was necessary for these students to have legal counsel for the hearings and the Foundation provided financial support. The hearing panel ruled that the students did not hold the Dean captive, as he (Dean) has charged, and a Municipal Court Jury subsequently also found the students innocent of that charge. The faculty member, black chemistry professor Dr. Joe Toney, was suspended for 30 days from the classroom. Several months later the Municipal Court requested that the District Attorney dismiss all charges against Toney on grounds of lack of evidence and in the interest of justice. The campus disciplinary charge was ultimately withdrawn after it became clear that the charge against Dr. Toney was totally lacking in substance. Both the State Fair Employment Practices Commission and the Civil Rights Division of the U.S. Department of Health, Education and Welfare cited the CSUF administration for racial discrimination in its handling of these charges against Dr. Toney.

Toney filed a damage suit against the acting Dean after the District Attorney dismissed the charges. The suit alleges that the Dean should have known that the charges were false, and asserts that Toney's reputation has been damaged due to the wide publicity given these false charges. This case goes to trial September 24th.

Dr. Toney was given a letter of non-retention by the CSUF president in December, 1970.

After Toney was notified of the College's intention not to rehire him and while he was pursuing a grievance for reinstatement he sought a teaching position with Atlanta University. Atlanta University responded favorably to Toney's inquiry and sent him a contract to sign. But the president of Atlanta abruptly changed his posture on Toney's hiring after receiving a call from CSUF administration. Dr. Toney alleges that the CSUF violated provisions of the California State Labor Code when it attempted to interfere with his contract with Atlanta University. Toney filed a suit against several members of the CSUF administration. The case goes to trial in November. Dr. Toney will be represented by attorney Donald C. Thuesen in both of these cases on a contingency fee basis. The Foundation, is, however, providing financial support to cover extraordinary costs in these cases.





## V. THE MEZEY CASE

The first act of the Foundation in 1968 was to absorb the Mezey Defense Fund initiated by students at CSUF who reacted to the dismissal of Professor Mezey. In the first year that followed the dismissal Mezey and his family were supported by Foundation funds, and the American Civil Liberties Union undertook the legal responsibilities in the court suit filed by Mezey. The Board supported Mezey because it strongly believes it is unlawful for an employee to be fired because he exercises free speech rights guaranteed him by the United State Constitution. The suit is seeking reinstatement and back pay. Mezey received a negative decision in Superior Court and the ACLU has appealed that decision. The State Appellate Court in Fresno will hear arguments in the case on September 13th.

The ACLU is carrying the legal costs in the case and the Foundation has no further financial responsibilities except for incidental costs such as reproducing legal briefs when necessary. Beginning this Fall Professor Mezey has accepted a faculty position at the University of Utah.



## VI. THE ARNOLD GOLDMAN LEGAL DEFENSE FUND



**Dr. Arnold Goldman**

This fund was opened at the request of faculty members at California State College, Stanislaus in Turlock, California. A list of state-wide sponsors was developed and three persons were named to a committee and given authority for the operation of the fund and to act as an advisory group to the Foundation.

Arnold Goldman was fired from his faculty position and he has filed a suit for reinstatement, claiming that his termination was based upon a deprivation of his constitutional rights to free speech and due process. He also alleges that he was discriminated against as a Jew. The UPC State Council is underwriting the legal fees in the case and the fund will be used to finance other costs of the litigation.

An investigation by a special committee of the UPC State Council has revealed that the employment and retention practices of the College resulted in the non-comparable treatment of Jews, women, and ethnic and racial minorities. The California Fair Employment Practices Commission and the U.S. Equal Employment Opportunities Commission are now conducting investigations of the College's personnel practices. Arnold Goldman is one of a number of faculty members who has suffered under these personnel procedures during the past several years. Hearings on his case will take place this Fall in Federal Court (Sacramento).





## ***Faculty Charge***

# **Bias Probe at Stanislaus State**

*By Ron Moskowitz  
Education Correspondent*

The State Fair Employment Practices Commission has launched an investigation into whether Stanislaus State College is discriminating against minorities on its faculty.

Both the United Professors of California, which brought the complaint, and Stanislaus President Carl Gatlin, the man to be investigated, said they welcomed the probe.

But they differed sharply on whether the charges are valid.

Arnold Mechanic, president of the faculty union group, said he believes the investigation "will be an important first step in the elimination of employment practices which we believe have resulted in the non-comparable treatment of Jews, Blacks, Chicanos and

women on the Stanislaus faculty."

Gatlin said the charges are "unfounded," and added he is "delighted that an unbiased agency like FEPC is coming in to settle this dispute."

FEPC officials would only acknowledge that the study of the college's employment practices has been authorized, adding, "obviously there are problems or we wouldn't authorize it."

The charges against the Gatlin administration were filed last November with FEPC by Paul D. Bush, an economics professor on the Fresno campus, who is a

member of the union's academic freedom committee.

"It is our belief that this information (in the complaint) establishes probable cause for a charge that the Gatlin administration engages in both overt and covert forms of discriminatory practices against Jews, women, Blacks, Chicanos and members of other ethnic and racial minorities."

Specifically, Bush charged that Gatlin has refused to hire, retain, promote or grant tenure to Jews and has carried out "a series of controversial firings of highly qualified Jewish members of the faculty."

Gatlin has also maintained a low percentage of women and minority faculty members and has "discouraged the hiring of fully qualified women PhDs," he charged.

Gatlin said the complaints are "completely unfounded and completely false" and are "part of a union campaign against the integrity of our personnel processes."

"All of this started last year when I terminated the president of the union, Michael Klein, as an assistant professor of English," he said.



## Gathering Storm

United Professors has revealed that a request of the Fair Employment Practices Commission was made in November to investigate a complaint of anti-semitism at Stanislaus State College. In that request, Fresno Professor Paul Dale Bush, speaking in behalf of UPC's Academic Freedom Committee, outlined some of the evidence supporting a charge of discrimination against Stanislaus during the Presidency of Carl Gatlin, who arrived there during the Fall of 1969. While discrimination against various minorities and women also were outlined in the November statement, the main thrust was to the issue of anti-semitism.

Bush was one of a three-member fact finding commission which last year investigated personnel practices at CSCS at the request of the Stanislaus Central Labor Council and the Stanislaus College UPC Local Chapter. The panel also included Professor (and attorney) Nancy McDermid of San Francisco State, and Mrs. Kennan H. Beard, a distinguished community leader in Modesto.

While evidence of anti-semitism was presented to the investigating panel, the issue was not raised in the final report of the panel; instead, the report dealt with procedural violations and arbitrary actions in personnel considerations. According to Bush, it was hoped that the anti-semitism issue could be dealt with effectively at an informal level. After it became clear that this was not to be the case, Bush requested the FEPC to initiate an investigation.

Since the time of this re-

quest, President Gatlin has refused to reverse his decision to terminate Jewish Professor Arnold Goldman. A Grievance Committee at Stanislaus, after a lengthy hearing, had previously recommended that Gatlin reconsider his decision. Bush, and the Academic Freedom Committee, seeing that the FEPC investigation was not deterring President Gatlin, decided to make public the information now, in hopes of gaining public scrutiny and forestalling additional administrative abuses in the near future when next year's personnel decisions are expected to be announced.

Stanislaus is a small campus of about 150 faculty. Located about midway between Fresno and Sacramento, it came into existence as a liberal arts college in 1960. Adverse tenure or retention decisions in part because of the newness of the college and the small size of its faculty, have been rare. In the period from when President Gatlin arrived until the end of the last academic year, ten probationary faculty had actually left as the result of invol-

untary termination (denial of tenure or denial of retention).

Of these ten, three were Jews. While who should be classified a Jew is a matter of contention between administration and some of those bringing charges against it, an estimate of 11.2 % of probationary faculty as Jewish would be fair. Relative to their numbers, almost three times as many Jews as non-Jews were terminated by the college. But this is not the whole case.

An additional Jew in 1969, Gatlin's first year, was denied retention. After a strong protest by the department and its chairman, Gatlin reversed himself; but by that time this instructor had

found employment elsewhere.

In 1971-72, still another Jew was told that he would not be rehired for another year if he failed to complete his doctorate. He resigned.

Two Jews are now serving terminal years. At the moment it is not known how many non-Jews are serving their terminal year, or how many additional Jews and

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non-Jews will be terminated at the end of this academic year. But it is known that several Jews have been given warnings about future personnel considerations.

In the last five academic years, then, seven Jews have either been terminated by negative tenure or retention decisions, or, they will shortly be terminated, or else, they have resigned under the clear threat of termination in order to seek employment elsewhere.

In addition, data have been collected and presented to the FEPC concerning the treatment of all Jews, tenured, and probationary, with respect to the types of personnel considerations including tenure, retention, and promotion. While, again, disputes have arisen concerning who is and who is not a Jew, these data reveal that of thirteen Jews on the Stanislaus campus during the Gatlin administration, ten had personnel problems of some severity.

President Gatlin refused to comment to *The Advocate* on these charges.

A representative of the FEPC told *The Advocate* that these charges had been discussed with the Chancellor's office, and that an audit by the Chancellor of personnel practices at Stanislaus would take place within the next thirty to sixty days.

The Academic Freedom Committee next meets in San Francisco on April 6 to discuss the Stanislaus case.



## VII. THE STUDENT LEGAL FUND

The Foundation Board of Directors has established this fund as a long-range commitment to college and university students who require legal assistance. The problems involved range from the foreign student who finds himself facing deportation because of his exercise of civil liberties to the student who is unfairly denied his rights to a degree or a teaching credential. Under the auspices of this fund four specific cases are or have been supported by the Foundation because of the merits of their cases and because the individuals involved are unable to carry the financial burdens of retaining legal counsel.

1. Two Vietnamese students are seeking political asylum in the United States. They have been opposed to the role of the U.S. in the Vietnam War and the government of General Thieu. The U.S. government is seeking to deport them and the students fear retaliation by the Thieu regime if they are forced to return to South Vietnam. J. V. Henry, Esq., of Fresno, and Frank S. Pestana, Esq. of Los Angeles have been retained as legal counsels in this case.

A hearing will take place on October 10th in San Francisco. Approximately \$1,000 will be required for legal fees and costs.

2. A former foreign student at CSUF has applied for permanent residency in the United States and it has been denied by immigration officials in San Francisco. This student has been harassed by immigration officers in Fresno and San Francisco since 1969 because of certain activities he was involved in as an officer in Student Government at CSUF. As a student leader he made speeches and expressed views of which the Fresno immigration officials did not approve. Despite the fact that this individual's mother, brother and sister have been granted permanent residency in the U.S. the Immigration and Naturalization Service (INS) persists in denying him this privilege.

The individual's immigration file contains many newspaper articles reporting on stu-

dent demonstrations at CSUF but none makes direct or indirect reference to the student in question. The file also contains several defamatory letters from persons in the community and one professor at CSUF. Seymour Mandel of Los Angeles, an attorney who specializes in immigration law, has been retained and he has succeeded in getting the regional office of INS to direct the San Francisco office to hold hearings at which the student's attorney may cross examine these adverse witnesses and at which the student may present character witnesses on his behalf. The hearing will take place in Fresno this Fall.

3. A student whose teaching credential has been placed in jeopardy by the arbitrary actions of a CSUF instructor has sought and been granted Foundation support in attempting to resolve the matter. J. V. Henry, Esq. of Fresno has been retained as legal counsel in the case.

4. The Board has supported a black student at CSUF who was accused of assaulting a member of the staff on the campus. A faculty member acted as counsel for the student represented him in preliminary hearing before the Dean of Students. Attorney Donald Glasrud of Fresno was brought into the case for legal consultation. The Foundation has disbursed funds to cover the attorney's consultation fee.



## VIII. THE CAROLINE COOPER STUDENT FUND



Mrs. Caroline Cooper (Bee Photo)

This fund was established at the request of black faculty and staff at CSUF. The purpose of the fund is to assist minority students on the campus who encounter unanticipated financial difficulties. A successful kick-off luncheon was held on campus on June 1, 1973 and was well attended by the academic community. Contributions will come mainly from the black faculty and staff although others will be requested to contribute. The Foundation will seek support from other fund-granting foundations to assist in this project.





## Caroline Cooper Inspires Fund to Help Minority Students at FSU

A group of black faculty and staff at Fresno State University, inspired by Mrs. Caroline Cooper, has established the Caroline Cooper Student Fund to provide financial assistance to minority students at FSU who experience unpredictable financial difficulties.

Mrs. Cooper was presented with a corsage on June 1st at a luncheon on the Fresno State campus, which was attended by 60 persons. Robert Mikells of the Ethnic Studies faculty was the Master of Ceremonies for the event which was the first money raiser for the Fund. Mikells said that "the fund is named in honor of Caroline Cooper, a black sturdy-minded woman with such determination that she received her college degree from State at the age of 82 even though she was confined to a wheel chair."

The Fund is established within the Fresno Free College Foundation, (FFCF), a non-profit educational

foundation. The Foundation has offered its services to the Student Fund and it will administer and distribute the monies in the Fund as it is directed by a special committee of faculty and staff at FSU. Dr. Alex Vavoulis, president of the foundation, was one of the speakers at the luncheon and pledged the foundation's "full support and cooperation in making the Caroline Cooper Student Fund successful in assisting minority students to complete their education."

The faculty and staff at FSU are actively seeking the support of the entire Fresno Community. Contributions to the Fund are tax-deductible and checks are made payable to the Caroline Cooper Student Fund (FFCF) and mailed to: Fresno Free College Foundation, P.O. Box 4364, Fresno, 93744.

For further information about the Fund persons are asked to contact Robert Mikells (487-2979) or Dr. Alex Vavoulis (222-2619).

AN INDEPENDENT VOICE OF THE SAN JOAQUIN VALLEY

**the california** **ADVOCATE**

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PHONE 281-1100

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Thursday, June 7, 1973



## IX. EDUCATIONAL PROJECTS

One of the purposes for which this corporation was formed is to foster the cultural enrichment of the San Joaquin Valley community by promoting programs and activities designed to stimulate intellectual development and inquiry. In fulfilling this commitment to the community the Board of Directors has sponsored the following activities in the past year:

1. The Foundation sponsored its first lecture program on November 18, 1972. Dr. Phillip Shapiro, Senior Visiting Psychiatrist at Mt. Zion Hospital in San Francisco, spoke on medical services in China with emphasis on acupuncture and herbal therapy. Dr. Shapiro was interviewed on television and then spoke at the Community Hall in Fashion Fair Shopping Center. An audience of 120 persons enjoyed his interesting and informative talk.



Dr. Philip Shapiro

2. At the request of the U.S.-China People's Friendship Association, a student organization at CSUF, the Foundation provided travel expenses and publicity for a talk given by Frank S. Pestana, Esq., an attorney and an authority on the Chinese legal system. He spoke on "The Legal System in China". Mr. Pestana was interviewed by the press and television and then spoke in the lounge of the Student Union at CSUF. About 100 persons, mostly students, heard a short lecture and then engaged in a lively question-answer session with the speaker.

3. The Board has made a commitment to contribute archival materials to the CSUF library. The Board has collected legal briefs, hearing transcripts and articles over the past six years which it will bind and donate to the library for the development of a special section on academic freedom and academic due process. An approximate estimate of the present cost of this project is \$300.

4. The Board is continuing its efforts to bring the radio signal of KPFA-FM from Berkeley to the Fresno Area. Application forms for submission to the Federal Communications Commission are now being prepared.

KPFA is a station of the Pacifica Foundation—a non-profit, non-commercial station. All stations of the Pacifica Foundation are committed to public service broadcasting and are financed through listener contributions and other grants. KPFA maintains an exceptionally high standard in arts programming, reviews of cultural events, live and recorded music, news and public affairs, lectures, discussions and documentaries. KPFA is, in the best and broadest sense, an educational station devoted to the public's right to be informed on all important issues.





daily

# COLLEGIAN

Thursday, Nov. 16, 1972

California State University, Fresno

Vol. 78 No. 41

## Acupuncture talk to be presented

Dr. Phillip Shapiro, a San Francisco psychiatrist, will discuss acupuncture and herbal therapy in an illustrated talk on "Medical Care in the People's Republic of China" Saturday at 7:30 p.m. in the Fashion Fair Community Hall.

Dr. Shapiro has traveled extensively in mainland China as a delegate of the Medical Committee on Human Rights. He observed the combined use of these two Oriental healing arts with Western medicine at six hospitals and several grassroots health stations. More than 200 interviews were conducted with Chinese physicians, hospital administrators, health department officials, dentists and patients to evaluate the treatment applications and their effects.

During the past year, physicians in the United States have given serious consideration to using acupuncture as an anesthetic for major surgical operations and as a pain reliever for persons suffering from ailments such as arthritis, ulcers, migraine headaches, and rheumatism.

Dr. John W. C. Fox, an anesthesiologist at Downstate Medical

Center in Brooklyn, believes acupuncture works on the "gate control" theory.

According to this theory, sensations traveling along peripheral nerve fibers must pass through a figurative gate in the spinal cord before they are transmitted upward to the brain. Pain is transmitted along relatively thin fibers and tends to keep the gate open.

By inserting thin needles at various angles into these fibers, the acupuncturist produces a vibration stimulus that closes the gate and blocks the transmission of pain to the brain.

In herbal therapy, patients are treated with certain dried and pressed herbs which have been proven to a certain degree to relieve some major ailments.

Dr. Shapiro is a senior visiting psychiatrist and psychoanalyst at the Mount Zion Hospital and Medical Center in San Francisco. His talk is sponsored by the Fresno Free College Foundation, a non-profit educational group.

The talk is open to the public. Admission is \$2 for adults and \$1 for students.



# Free College Fund Will Sponsor Community Programs

By Beverly Tompkins

The Fresno Free College Foundation, which has confined itself primarily to campus issues, is aiming for "total community involvement" through a number of new programs and projects.

The foundation was created in 1968 by a group of professors at Fresno State University to raise funds to defend Robert Mezey, a poet who contended he was fired as an assistant professor because he defended the use of marijuana.

The foundation absorbed the "Mezey Defense Fund," started by a group of FSU students, and through fund-raising efforts was able to provide a writing

fellowship of \$600 per month for Mezey for a year, while the Mezey case was in court.

The foundation has provided either financial or legal support to a number of other faculty members and students at FSU including Dr. Eugene Zumwalt, who was fired as English Department chairman and put back in the classroom.

Although Zumwalt won his case in Superior Court, he has not been reinstated as chairman because the California State University-College system has appealed the decision.

"Our ideal is academic freedom," said foundation President Alex Vavoulis, an

FSU associate professor of chemistry and one of the founders.

"Since the Mezey case, repressive forces both on the campus and in the larger community have proscribed constitutionally guaranteed rights of expression. Consequently, the foundation has had to devote most of its resources to the support of other professors and students who have sought to challenge conventional wisdom and traditional academic values. Yet the foundation realizes that intellectual freedom in institutions of higher learning cannot be preserved without the understanding and support of the commu-

nity at large.

"Actually, there was a time we thought the foundation would have nothing to do after the Mezey case."

Since its inception, the foundation has spent 87.5 per cent of its funds on campus grievance hearings and court cases, 6.5 per cent on educational projects and the remainder on operational costs.

Funds are obtained through fund raising activities, individual contributions, community organizations and the United Professors of California, a faculty organization.

"Obviously there are other things the foundation can involve itself in besides

litigation," said Vavoulis.

The foundation recently established a merit scholarship fund of \$1,000, and last spring 450 books and 300 magazines were collected by the foundation and sent to the Tulare County Correctional Center to help stock a new library. It also presented 160 textbooks to the Universidad de Aztlán in Fresno.

The foundation also assisted Dr. Heyward Moore Jr., who was fired from the Fresno County Planning Commission, in preparing affidavits in his suit against the Fresno County Board of Supervisors. Moore won the case and has since been reinstated.

"We're trying to get out in the community more," said Vavoulis. "At first the board was composed of all faculty members but now only two professors sit on the board of directors with the rest of the members representing the community at large."

"Part of the accent has shifted, with more emphasis on what we conceive to be things that need to be done in the community. We want to sponsor lectures and certain films that would raise the level of consciousness of the community about some very important issues, like freedom of speech."

Projects the board is con-

sidering include bringing into the Fresno area the radio signal of KPFA, an FM station in Berkeley which carries programs on art, music and social and political commentary.

The foundation also plans to publish a journal of art and literature which would focus on the creative talents of individuals in the San Joaquin Valley.

A non-profit corporation the foundation hopes to solicit community support for its programs through donations and memberships. Contributions or membership information may be obtained by writing the foundation at Box 4364, Fresno 93744.



## **X. CORPORATE DATA**

### **LEGAL STATUS**

#### **Federal**

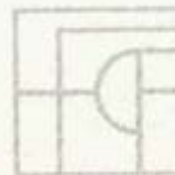
The Fresno Free College Foundation is exempt from Federal income tax under section 501 (c) (3) of the Internal Revenue Code. Donors may deduct contributions to the Foundation as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to the Foundation are deductible for Federal estate and gift tax purposes under section 2055, 2106, and 2522 of the Code.

#### **State**

The Fresno Free College Foundation has satisfactorily complied with the requirements of the Attorney General, Registry of Charitable Trusts. The California Tax Board has ruled the Foundation exempt under the Revenue and Taxation Code, Section 23701 (d).

### **PAST BOARD OF DIRECTORS**

- 1968-69: Benjamin B. Burton, Paul D. Bush, Russell E. Leavenworth, Seymour Mack, Jack Pitt.
- 1969-70: Benjamin B. Burton, Paul D. Bush, Russell E. Leavenworth, Jack Pitt, Daniel Woo, Burke Zane.
- 1970-71: Lee Burtner, Benjamin B. Burton, Lesley Kimber, Russell E. Leavenworth, Heyward Moore, Jr., Alex Vavoulis, Al Villa.
- 1971-72: Douglas C. Broten, Lesley Kimber, William T. Richert, James M. Smith, Alex Vavoulis, Al Villa, Janis K. Wallace.



# **XI. FINANCIAL REPORT** **September 1, 1972 - August 31, 1973**

## RECEIPTS:

Balance from previous year .....		\$ 195.15
Contributions to the—		
General Fund .....	\$3,126.62	
UPC Academic Freedom Legal Fund .....	825.00	
Mabey Fund .....	30.00	
Student Legal Fund .....	425.00	
Caroline Cooper Student Fund .....	443.25	
Arnold Goldman Legal Defense Fund .....	1,666.58	6,316.48
Other income .....		952.03
		<u>7,663.63</u>

## EXPENSES:

Charitable Disbursements			
Federal Court Suit .....	\$1,109.16		
Zumwalt Case .....	339.25		
Toney Suits .....	653.75		
Mezey Case .....	23.14		
Mabey Case .....	767.10		
Frost Suit .....	141.20		
Arnold Goldman Case .....	1,099.36		
Student Deportation Case .....	300.00		
Vietnamese Students Case .....	300.00		
CSUF Student Case .....	50.00	4,764.96	
Educational Projects			
Dr. Phillip Shapiro			
Honorarium .....	100.00		
Publicity and Postage .....	90.75		
Frank S. Pestana, Esq. ....			
Travel Expenses .....	32.00		
Publicity .....	21.79		
KPFA-FM			
Telephone .....	15.30		
Sample FCC Form .....	10.30	270.14	
Operating Costs			
Mail Box Rent .....	10.80		
Telephone .....	5.83		
Stationery Supplies .....	128.71		
Typing .....	30.50		
Postage .....	76.96		
Bulk Mailing Privilege .....	45.00		
Five Year Report .....	113.98		
Annual Meeting .....	31.25		
Communications to Members .....	54.13		
Bank Charges .....	8.00		
Franchise Tax Board .....	10.00		
Copy of Articles of Incorporation .....	1.50		
Foundation News Magazine .....	10.00		
Fund Raising .....	139.97	666.63	5,701.73

Excess of receipts over expenses \$1,961.90



## XII. TABLE OF CONTRIBUTIONS AND CHARITABLE DISBURSEMENTS

Year	Contributions	Charitable Disbursements
1968 .....	\$ 4,251.45	\$ 1,700.00
1969 .....	3,504.36	4,733.05
1970 .....	8,975.75	7,740.64
1971 .....	12,810.58	10,003.52
1972 .....	6,869.64	7,422.77
1973 (to Aug. 31) .....	4,518.36	3,257.26
Total .....	\$40,930.14	\$34,857.24

85% of contributions were used for charitable disbursements.

5% of contributions were used for educational projects.

10% of contributions were used for operating expenses and fund raising activities.



*APRIL FOURTH*

*I throw open the door  
And someone like the night walks in*

*A moist wind in the doorway  
A breath of flowers  
In the wake of this august presence*

*I was sitting for hours  
Watching the coal  
Of the cigarette rising and falling  
Finally one must do something*

*The evening I thought  
The evening was the last evening  
As usual*

*I was thinking of heroes  
Whose knuckles shine as they curl round a rifle  
I was thinking of my brother  
Who brings me my head in a basket  
What is there to do*

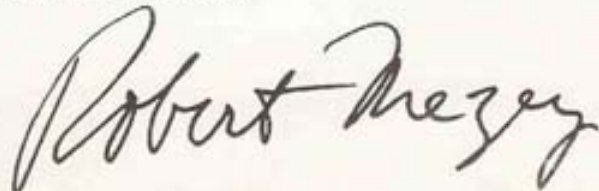
*Let me make myself empty  
I can live without sleeping tonight*

*I can live without dreams of the King  
Awash on his balcony  
Half of his neck and face in another kingdom*

*In the morning I will not understand*

*Mountains surfacing from their mortal darkness  
A scum of yellow flowers  
The great oak crying with a thousand voices*

*All that  
Wrinkles like heat and disappears into thin air*

A large, fluid, handwritten signature in dark ink, reading "Robert Mezey". The signature is written in a cursive style with long, sweeping strokes.

This poem was written by Professor Mezey  
immediately after the murder of Dr. Martin  
Luther King on April 4, 1968.