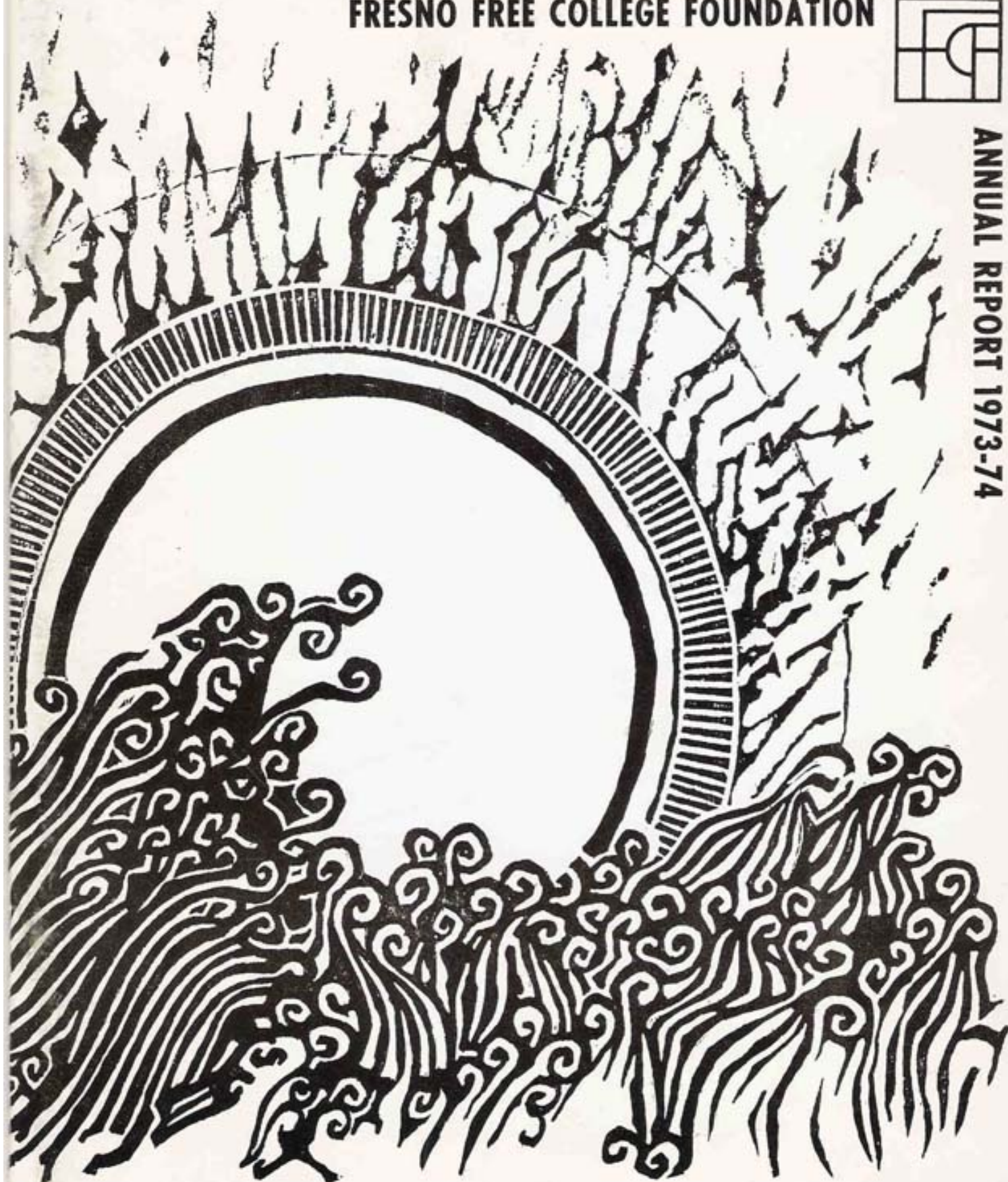


FRESNO FREE COLLEGE FOUNDATION



ANNUAL REPORT 1973-74



ANNUAL REPORT

THE FRESNO FREE COLLEGE FOUNDATION

September 1, 1973 - August 31, 1974



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 social 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 six funds — the General Fund and five special funds: the UPC Academic Freedom Legal Fund, the Caroline Cooper Student Fund, the Student Legal Fund, the Arnold Goldman Legal Defense Fund and the Sam Wellbaum Legal Defense 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 four special funds are under the guidance of special committees which operate under the authority of the Board.

FRESNO FREE COLLEGE FOUNDATION

P. O. Box 4364
Fresno, California 93744

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POEM: THIS WAR (May 1972) by Philip Levine



FRESNO FREE COLLEGE FOUNDATION

Box 4364

Fresno, California 93744

I STATEMENT BY THE PRESIDENT

During the past year the Board of Directors has steadfastly guided the Foundation toward fulfillment of its commitment to the enrichment of the intellectual environment of the Fresno community. It also continues to give support to the legal protection of individuals and groups who are threatened because of their exercise of free inquiry, free speech, and legitimate social action.

The strength and vitality of the Foundation is demonstrated by its capacity to reach out into new areas of activity. This past year, for example, the Foundation has committed itself to the establishment of an educational radio station in the Fresno area (p. 5) and to two other new projects: an academic freedom archives proposal to the Carnegie Corporation, and a proposal for a film on the handicapped to other fund-granting agencies. This capacity for growth depends on the support of the members of the Foundation and on our ability to attract new members by appealing to different constituencies. For example, the two student cases (p. 17) and the new faculty case from California State College, Stanislaus (p. 19) introduced us to people who had never before contributed to the Foundation. The combination of new activities and new constituencies has enabled the Foundation to expand its contribution to the San Joaquin Valley community dramatically, and the Board wishes to thank all contributors who have made this possible.

Past and contemporary events indicate that the political environment will always require constant vigilance to be sure that civil liberties of all individuals remain inviolate. As we said in the 1972-73 Annual Report, "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 responsibility of established authority." It was this conviction which motivated the establishment of the Foundation. It is this consideration which inspires the Board to continue its support of the faculty legal cases, and to undertake the various educational projects outlined in this report.

Alex Vavoulis

September 1, 1974



II BOARD OF DIRECTORS

ALEX VAVOULIS, President

Professor of Chemistry at California 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.

LESLY KIMBER, Vice President

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.

JAMES M. SMITH, Treasurer

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.

DOUGLAS C. BROTEN, Secretary

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

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.

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 EDUCATIONAL PROJECTS



1. Radio Station

The Foundation has submitted an application to the Federal Communications Commission for the purpose of establishing a non-commercial, educational FM radio station in the Fresno area. If approved, the station will begin by broadcasting the radio signal of KPFA-FM, a listener-sponsored station in Berkeley, California.

KPFA is one of five radio stations throughout the country operated by 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 it free from commercial and special interest control. An open forum such as KPFA's programming is a necessary ingredient for a free and open society. The Board of Directors believe that KPFA programming will enrich the cultural and intellectual environment of the San Joaquin Valley.

The FFCF application has been accepted for filing by the FCC staff, and the application will be processed by December, 1974. The application has the support of the KPFA management and of the Pacifica Foundation. The FFCF is now negotiating with KPFA and Pacifica a variety of details that must be agreed upon before operation of the radio station can begin.

2. Academic Freedom Archives Project

A grant proposal has been submitted to the Carnegie Corporation of New York. The proposal includes a budget of \$359,000 over a three-year period.

The purpose of the proposal is to obtain funding for the collection and systematic analysis of archival materials on academic freedom and due process cases in the California State University and Colleges (CSUC)

system. The project will include searching for, and collecting, case briefs, hearing transcripts, documentary evidence, and legal reports from academic freedom cases in the CSUC system. It is anticipated that over 200 documented cases can be assembled for archives. The archival material will be deposited in the Meiklejohn Civil Liberties Library in Berkeley, California. The project is budgeted to take three years and will be a highly valuable archival collection which would enhance scholarship and be a major contribution to the literature on these subjects. Dr. Dale Bush prepared the proposal for the Foundation with the assistance of Professor Nancy McDermid and Dr. Ross Y. Koen. If the proposal is adopted by the Carnegie Corporation, Dr. Koen will be full-time administrator for the project, and Profs. Bush and McDermid will serve as part-time consultants.

THE FRESNO BEE

Thursday, June 13, 1974 Page A25

FM Radio Station Is Sought For Fresno

An application for a non-commercial, publicly supported Fresno FM radio station designed "to enrich the intellectual and cultural life of the community" has been filed with the Federal Communications Commission by the Fresno Free College Foundation.

The application calls for setting up a low-power transmitter antenna at the 4,200-foot elevation near Meadow Lakes. KARM-FM and KKNU-FM already have antennas on the site.

In the application, Fresno State University professor Alex Vavoulis is listed

as foundation president and manager of the proposed station. The foundation's officers and board of directors include Douglas C. Broten, Lesly Kimber, Blanche Nosworthy, William T. Richert, James M. Smith and Al Villa.

The proposal is for heavy emphasis on public affairs programming with speeches, discussions, panels, art, music and theater presentations. The foundation also has received tentative permission from the Pacifica Foundation to broadcast programs originating on Berkeley's KPFA-FM.

And the application includes a commitment for a \$6,500 loan from Security Pacific National Bank to put the station on the air. The application pegs the startup cost at just over \$6,000 and says existing capital is \$2,331 with donations of \$820 month.

The Pacifica Foundation wants a share in any money contributed to the Fresno station because it is broadcasting KPFA programs. Pacifica directors will make a final decision on the Fresno permission later this month.

One of the principal aims

of the station, the proposal says, will be to provide programming "to serve the politically and socially concerned, the intellectual, the women, the Spanish and Chicano, the American Indian, the black, the oriental and the other constituencies in the (San Joaquin) Valley who are not adequately served by commercial media."

The application says the station's existence is "especially urgent . . . given the continuing absence of any educational television channel in this area."



Dr. Ross Y. Koen

3. Special Lecture

A special lecture program on May 3 featured Dr. Ross Y. Koen as speaker. Dr. Koen earned a Ph.D. in political science at the University of Florida in 1958. His areas of interest have been comparative government and international relations. Dr. Koen was a member of the Political Science Department at California State University, Humboldt until 1963. At that time he became Executive Secretary of the Association of California State College Professors, a position he held until 1970. During this time, Dr. Koen became an expert on California higher education.

Dr. Koen completed a book in 1960 entitled "The China Lobby in American Politics," published by Macmillan. However, its distribution was enjoined because of pressure from the China Lobby (see next page). The book has now been published by Harper & Row and is available at most book stores. Dr. Koen's lecture was based on the book. Nine other campus and community organizations assisted in sponsoring the program. He was interviewed by all the media during his stay in Fresno, and on June 9, a 30-minute interview was aired on the KJEO-TV Dougherty Report. Dr. Koen was also interviewed by KPFA for a one-hour program.

The following is a reprint of a letter which appeared in the October, 1965 issue of **Ramparts**:

Sirs:

I read your article "The Vietnam Lobby" in the current RAMPARTS with perhaps a bit more than the usual interest.

You referred to a book titled *The China Lobby in American Politics* by Ross Y. Koen, reputedly published by Macmillan. At the time that book was "published" I was a salesman for Macmillan.

It was a very difficult book to sell to the stores in advance of publication for one reason — almost total lack of interest on the part of the booksellers.

Several weeks before pub date I received a galley which I read with great attention. It seemed to me to be one of those books "which every thinking American should read," to use that tired encomium.

After I had read the galley we were notified by the firm that some minor changes would be made in the finished book. Then, after several more weeks and shortly before pub date, the finished book appeared.

Very soon after I got my copy, frantic notes from the publishing house notified me to send it back. The few stores which had already been shipped were asked to return the book, as were the reviewers who had been sent copies. No explanation was forthcoming, but some prying on my part elicited a letter from one of the office personnel with instructions to immedi-

ately burn said letter after reading — and for God's sake, to get the book back pronto.

The gist of the letter was that the publishing house had been threatened with suit by the Nationalist Chinese government if publication was not halted. There weren't many particulars, except a reference to one paragraph, which I believe was in the galley, but not in the finished book. That paragraph said that the Nationalist government on Formosa had connived in the smuggling of opium onto the Red mainland. The writer of the letter cited this to me as an example of what the Nationalists had objected to.

The point seemed to be that the documentation, supposedly obtained from United States Department files, was no longer in the files.

Like a damn fool I hustled my copy back to the firm. I think it would be factual to say that the book was never officially published. Most of the books never got out of the warehouse, and the few which were shipped were either returned to the publisher or found their way into the stacks of university libraries. A friend of mine in the used book business recently sold a copy to a university library for \$50.

You may already know more about this publication imbroglio than I do, but it is quite a comment on the power of Chiang. We could hear those chains rattling all the way from Formosa. Chiang may be a paper tiger, but evidently his growls were enough to scare off one of the largest publishing firms in the country.

Name withheld

... shortly
before
pub date ...

... the
power of
Chiang ...

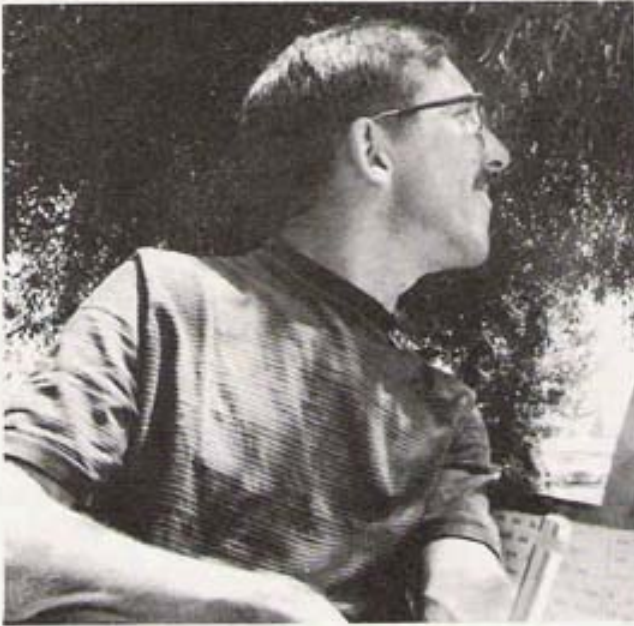
4. Teach-In on Impeachment

The Foundation, in cooperation with the Philosophical Society at CSUF, sponsored the only teach-in in the San Joaquin Valley on various aspects of the impeachment of the President of the United States. Congressman Jerome Waldie (D-Calif.), a member of the House Judiciary Committee, spoke on the responsibility of the House of Representatives in the impeachment process. Professor John Van Dyke of Hastings Law School presented a historical perspective on the constitutional provision for impeachment. The third participant, Truman Campbell, attorney and chairman of the Fresno County Republican Central Committee, spoke on the implications of impeachment for local politics.

The teach-in was conducted in the Amphitheatre at the campus of CSUF, with Dr. Freeman Wright, Chairman of the Political Science Department at CSUF, as moderator. About 300 persons were present, and the teach-in received extensive media coverage.



Congressman Jerome R. Waldie



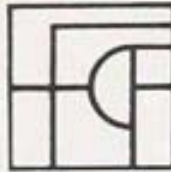
Phil Stephens

5. Rehabilitation Film

In January, 1973, the Board authorized a grant to three students at CSUF for the production of an 8mm film on the problems of the handicapped consumer. The film, "No Place for Wheels," was a project in an Economics Department course which was considering consumer problems. Phil Stevens, a severely disabled student pursuing an M.A. degree in economics, plays the lead role. The film illustrates the difficulties a person confined to a wheelchair has as a consumer in a supermarket. Most of these problems are a result of a failure to design or arrange displays so that the handicapped can use them. The film is designed to heighten sensitivity to the problems of the handicapped so that discrimination against them is ended.

The Foundation is now assisting the students to obtain funds so that "No Place for Wheels" can be produced on 18mm and 35-mm with sound tracks. Approximately \$6,000 is required for the project. The Board has submitted a proposal to the Fresno Regional Foundation for this purpose.

IV UPC ACADEMIC FREEDOM LEGAL FUND



The UPC Academic Freedom Legal Fund functions as a legal fund for the Fresno local of the United Professors of California, AFL-CIO. This faculty organization at California State University, Fresno (CSUF) has undertaken responsibility for the various cases reported on below. Monies for this fund are received from the UPC treasury, from individual contributions, and by transfer from the General Fund with the approval of the Board of Directors. These monies are used for academic freedom cases involving faculty members.

1. The Mabey Case

Judge Sweigert of the San Francisco Federal Court has ruled that CSUF could not terminate Professor Rendell Mabey for his exercise of free speech before the CSUF Academic Senate without violating his first amendment rights. In addition, Judge Sweigert ruled that if the University had indeed terminated Professor Mabey because of lack of work in the Philosophy Department (as it asserted), then the University had violated his constitutional right to due process by failing to follow legally mandated separation procedures. The Judge ordered a hearing before a Federal Magistrate to clarify certain issues before rendering a final decision. The Magistrate's report has been sent to Judge Sweigert and it reaffirms that overstaffing in the Philosophy Department was not the primary reason for Prof. Mabey's termination and that proper termination procedures were not followed in any case. The State requested and was granted another hearing before the Judge and the hearing took place in the first week of September. THE JUDGE HAS ORDERED THE REINSTATEMENT OF MABEY AND THE PAYMENT OF HIS BACK PAY.

The Fresno Bee

FRESNO, CALIFORNIA, Saturday, September 14, 1974

Judge Tells FSU To Reinstate Mabey; Free Speech Violated

By RICHARD HALL
Bee Staff Writer

A federal district court judge has ordered that Rendell N. Mabey Jr. be reinstated as a teacher at Fresno State University, and receive back pay.

Mabey was among eight faculty members who were fired in 1971 by FSU President Norman A. Baxter. The latest ruling means five of the eight have been rehired. Three have left the area.

US District Court Judge William T. Sweigert of San Francisco found the state violated Mabey's free

speech rights, and failed to comply with legal procedures in firing him because the philosophy department allegedly was overstaffed.

Persons close to the situation at FSU said they expect the decision to be appealed by the state.

A spokesman at the California State University and Colleges (CSUC) Chancellor's Office in Los Angeles said the judge's ruling had not been received, so there would be no comment.

Mabey's attorney, Mark Himelstein of San Francisco, said Mabey could resume his work as an assis-

tant professor even if the case were appealed, unless the state sought and won a court order to keep Mabey from working.

Judge Sweigert did not set an amount of back pay. It apparently could be for either two or three years. Mabey had applied for a leave of absence the year he was fired, but Himelstein said his client might seek a full three years back pay because the leave never was granted.

Mabey's salary was about \$11,000 a year. Deducted from any back pay would be an amount "port" as



Rendell Mabey, Jr. (center) is welcomed back to the CSUF faculty by the local UPC president, Gerald Johnston (left) and the former local UPC president, Warren Kessler (right).

2. The Zumwalt Case

Judge Gallagher of the Sacramento Superior Court has ordered an administrative hearing for the sole purpose of allowing Dr. Zumwalt to clear his name. In such a hearing the CSUF administration would be required to show reason for removing Dr. Zumwalt as Chairman of the English Department with security and maintenance personnel. Judge Gallagher makes it clear that in removing an administrator or in personnel matters involving a faculty member, the administration of the University cannot violate constitutional rights. On the other hand, Gallagher's decision reaffirms that the chairman serves at the pleasure of a president and can be removed summarily without a hearing.

Attorney Mark Himmelstein has negotiated with the State to be sure that fair procedures are followed in the hearing. Dr. Zumwalt, though, is apprehensive about the administrative hearing because the Board of Trustees of the California State University and Colleges system has final jurisdiction in the case. The Trustees can require additional evidence to be heard after the hearing is completed and can make an independent judgment after the hearing officer has submitted his findings and recommendation. Since the Trustees supported the manner in which President Baxter removed Dr. Zumwalt as chairman, Dr. Zumwalt's concern is well justified. Mark Himmelstein is therefore making an effort to end the case without the administrative hearing. He is seeking a written statement from President Baxter absolving Dr. Zumwalt of any unprofessional conduct, malfeasance or illegal actions during his tenure as chairman.

3. The Frost Suits

a. Dr. Everett Frost is seeking back pay for the year following his improper dismissal from the faculty at CSUF. He was reinstated by order of the Chancellor after receiving favorable recommendations from a campus grievance panel and from a statewide grievance panel of peers. The Superior Court in San Francisco denied the back-pay suit and did not change its decision after a rehearing. Mark Himmelstein, Frost's attorney, has appealed the decision to the Court of Appeal, First District. In the meantime, Frost has been granted tenure at CSUF.

b. Dr. Frost's second suit is against Ralph Rea and the State of California. He is asking \$620,000 damages. In the suit Frost alleges slander, misrepresentation to prevent his employment at other institutions, and intentional fraud. Ralph Rea was acting Dean in the School of Humanities when Frost was terminated in December, 1970. (For more details see the Annual Report 1972-73.) Frost's suit alleges Rea, without Frost's knowledge, placed a letter containing an adverse recommendation into a job placement file for Frost at the University of Iowa in May, 1971.

The State of California demurred in an attempt to have the case dismissed. The State is trying to separate itself from Ralph Rea, arguing that the State and the University administration aren't responsible for what a Dean did. The demurrer has been argued and the Court's decision is favorable to Frost. But the decision has created procedural problems and Frost's attorney is waiting for a response from the Attorney General's office.

4. The Toney Suits

a. Dr. Joe Toney, a Chemistry Professor at CSUF, filed a defamation suit on November 18, 1970, against acting Dean Phillip Walker and the State of California. He is seeking damages for slander, false arrest and imprisonment. (For more details see the Annual Report, 1972-73.) A jury trial began on September 24, 1973 in Fresno. On October 10, the jury returned a verdict against the State of California and awarded Dr. Toney \$10,000 plus court costs. The jury verdict exonerated Mr. Walker of slander as alleged by Dr. Toney.

The jury verdict has been appealed by the State. Dr. Toney's attorney, Donald C. Thuesen, is now responding to the State's appeal brief. At the same time, Mr. Thuesen is appealing the jury's verdict in regard to Mr. Walker.

b. Dr. Toney's second suit was filed in March, 1972 against several members of the CSUF administration. Dr. Toney alleges that these administrators violated provisions of the California State Labor Code when they attempted to interfere with a faculty contract he was negotiating with Atlanta University. Trial is scheduled for November 4, 1974.

Donald C. Thuesen is representing Dr. Toney on a contingency fee basis in both suits. The Foundation, however, is providing financial support to cover extraordinary costs in these cases.

The Fresno Bee

Thursday, Oct. 11, 1973

Page C1

Jury Awards Toney \$10,000 In FSU Confrontation Suit

Dr. Joe David Toney was awarded \$10,000 damages by a Superior Court jury in a civil suit over injury to the black chemistry professor's reputation following a 1970 campus confrontation.

The verdict was returned against the State of California, presumably because of administrative decisions to suspend Toney from his job for 30 days after the incident and his subsequent release from the FSU faculty.

Toney lost his job when FSU President Norman Baxter chose not to rehire him, but Toney was rehired on orders of California State Colleges Chancellor Glenn S. Dumke following proceedings before a grievance committee.

The jury's verdict in effect exonerated Dr. Phillip

Walker of slander as alleged by Toney in his suit. It also had the effect of clearing Toney of charges he was responsible for intentional infliction of mental and emotional distress towards Walker or for Walker's claim he was held against his will in a meeting with black students.

The civil suit and Walker's cross complaint stemmed from a March 19, 1970 meeting of black students with Walker.

The students became dissatisfied with Walker's handling of the meeting, according to testimony, and Walker claimed he was prevented from leaving the meeting when students blocked the door.

Walker claimed Toney assumed leadership of the students when he asked

some questions about procedure. He also accused Toney of dereliction of duty in allowing him (Walker) to be subjected to what he termed indignities. This consisted of name calling and obscenities.

Toney denied he assumed leadership of the group, saying the black students would not tolerate any faculty member as their leader. He also denied he threatened Walker as the latter claimed.

The reason given by the college administration for Toney's suspension following the meeting was that his presence on campus was considered a danger and a threat.

Criminal charges of false imprisonment and disturbing the peace against Toney were dismissed for lack of evidence.

V THE CAROLINE COOPER STUDENT FUND



The Caroline Cooper Student Fund has assisted three CSUF students during the Spring semester, 1974. Fifty dollars was requested and granted to a student who was confronted with a financial problem because of her mother's illness. A second case involved a loan of \$141 to a Nigerian student who needed money so as not to jeopardize graduate school plans. Another loan of \$100 was arranged for one who otherwise would not be able to continue her studies.

This Fund was formed by Black faculty and staff at CSUF to assist minority students who are confronted with unexpected financial problems during the academic year. A special committee of Black faculty and staff operates the Fund under the authority of the Board of Directors.

IN MEMORY

On August 29, 1974 Mrs. Caroline Cooper died at the age of 84. Mrs. Cooper became well known in the Fresno community when she completed her Bachelor of Arts degree at California State University, Fresno at the age of 82. THE CAROLINE COOPER STUDENT FUND will continue to assist students with financial support to ensure the completion of their education — a goal which Mrs. Cooper pursued with such determination in the late years of her life. The FUND will be a fitting memory of her persevering and creative spirit.

VI THE STUDENT LEGAL FUND



John C. Walke

1. Deportation Case

John Walke, a former foreign student from Pakistan, won his long-fought deportation case. Walke was active in student government at CSUF. As a student officer he made speeches and expressed views which marked him as a "troublemaker" to the Fresno Immigration and Naturalization Service (INS). Several defamatory letters were sent to the INS and these letters were made part of Walke's file. Despite the fact that members of Walke's family were granted permanent residence status in the U.S., the INS district office in San Francisco denied Walke this privilege.

Mark Himmelstein, Walke's attorney, successfully argued for permanent residency status for Walke.



2. Political Asylum Case

The Foundation, through the Student Legal Fund, has also supported Khai and Phuong Nguyen in their effort to seek political asylum in the United States. They have been opposed to the role of the U. S. in the Vietnam War and to the government of General Thieu. They fear retaliation by the Thieu regime if they return to South Vietnam at this time.

A hearing on their case was scheduled for October 10, 1973, but the INS cancelled the hearing. The INS requested that the Vietnamese couple submit special forms seeking political asylum in the U. S. At this time it doesn't seem likely that the INS will deport Khai and Phuong.

VII THE ARNOLD GOLDMAN LEGAL DEFENSE FUND



The Arnold Goldman Legal Defense Fund was authorized by the Board of Directors at the request of faculty members at California State College, Stanislaus in Turlock, California. Dr. Goldman, a member of the English Department, was terminated by the College administration in the Spring of 1973.

Dr. Goldman 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 alleged that he was discriminated against as a Jew. The United Professors of California is underwriting the legal fees in the case, and the facilities of the Foundation are being used to collect contributions for other costs that are involved.

An investigation by a special committee of the UPC 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 has investigated the College, and its conclusions may strengthen Dr. Goldman's chances for reinstatement.

VIII THE SAM WELLBAUM LEGAL DEFENSE FUND



The Sam Wellbaum Legal Defense Fund was established at the request of faculty members at California State College, Stanislaus in Turlock, California. Dr. Wellbaum was denied tenure by the administration of the College even though he was recommended for tenure by the faculty in the Speech and Communications Art Department, the chairman of that Department, and by the faculty College-wide Committee on Retention, Promotion and Tenure.

Dr. Wellbaum is past-president of the campus faculty union, the United Professors of California (UPC). He was faculty counsel to Dr. Arnold Goldman whose case is discussed in Section VII of this Report. The state office of UPC is supporting Dr. Wellbaum because it views the denial of tenure on the part of the administration as being arbitrary, and because the administration's action has elements of "union busting."

Dr. Wellbaum has filed for a grievance hearing and he will be represented by a UPC attorney. Other costs estimated to be \$2,000 must be raised by Dr. Wellbaum's supporters. The facilities of the Fresno Free College Foundation will be used for this purpose.

IX 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 Sections 2055, 2106 and 2522 of the Code.

State

The Fresno Free College Foundation is incorporated under Section 9501 of Part 1 of Division 2 of Title 1 of the Corporations Code of the State of California, also known as the General Nonprofit Corporation Law of California. The Foundation has also satisfactorily complied with the requirements of the Attorney General, Registry of Charitable Trusts, and the California Tax Board has ruled the Foundation exempt under the Revenue and Taxation Code, Section 23701(d).

PAST BOARDS 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, Lesly Kimber, Russell E. Leavenworth, Heyward Moore, Jr., Alex Vavoulis, Al Villa.
- 1971-72: Douglas C. Broten, Lesly Kimber, William T. Richert, James M. Smith, Alex Vavoulis, Al Villa, Janis K. Wallace.

X CONTRIBUTIONS AND INCOME TAX



There are two ways for an individual to make a contribution to the Foundation and reduce adjusted gross income. This reduction may bring a taxpayer into a lower tax bracket.

1. Cash Gifts. This amount is entered as "Contributions" in Schedule A of Form 1040. This cash contribution can amount to 20 percent of 1974 income. (See IRS publication #526 "Income Tax Deduction for Contributions.")

2. Gifts of Assets. In this type of contribution, the individual gets credit for the contribution at its current market value, and does not pay capital gains tax on the asset appreciation. Assets may be stock certificates, paintings, books, etc. An independent appraisal sets the value of the asset and that value is recorded as a gift under "Contributions" in Schedule A of Form 1040.

XI FINANCIAL REPORT

September 1, 1973 - August 31, 1974*

RECEIPTS:

Balance from previous year		\$1,961.80
Contributions to the General Fund	\$3,225.40	
UPC Academic Freedom Legal Fund	1,738.50	
Student Legal Fund	1,881.90	
Caroline Cooper Student Fund	332.30	
Arnold Goldman Legal Defense Fund	217.00	7,379.20
		<u>\$9,341.00</u>

EXPENSES:

Charitable Disbursements:

Zumwalt Case	1,565.46	
Toney Suits	1,437.63	
Mabey Case	84.00	
Frost Suits	383.71	
Shumate Case	125.00	
O'Brien Case	60.00	
Arnold Goldman Case	450.00	
Walke Case	800.07	
Kim Brame	50.00	
Jamiu Ade Odutola	141.00	
Willa Johnson	100.00	
Vietnamese Students' Case	1,065.86	6,262.73

Educational Projects:

Dr. Ross Y. Koen Lecture		
Lodging	28.04	
Publicity & Postage	123.89	
Teach-In on Impeachment		
Travel for Prof. Van Dyke	30.00	
Rehabilitation Film	145.00	
Carnegie Corporation Proposal		
Travel & Telephone	218.14	
Typing & Supplies	160.13	
Radio Station Project		
Legal Fees	250.00	
Radio Frequencies	22.58	
Mailing & Printing	121.58	1,099.36

Operating Costs:

Mail Box Rent	10.80	
Stationery Supplies	91.58	
Printing & Offset	230.90	
Postage	76.93	
Bulk Mailing Privilege	30.00	
Annual Report	429.93	
Bank Charges	7.32	
Franchise Tax Board	5.00	
Foundation News Magazine	10.00	
Miscellaneous	20.00	912.46

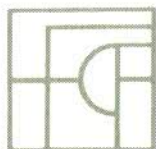
\$8,274.55

Excess of receipts over expenses \$1,082.35

*Beginning with the new fiscal year on September 1, 1974, the FFCF will change its accounting procedures and begin a doubleentry bookkeeping system.

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
1973-74	7,379.20	6,262.73
TOTAL	<u>\$48,309.34</u>	<u>\$41,119.97</u>



THIS WAR

May 1972

*You go down to the grave
and pound on the roof
until the woman answers,
the child cries, until
the man in his coat of fire
opens and you enter
the charred eye flaking
into white streams, the voice
howling in the darkened subway,
the teeth grinding stones,
until a new wind
stirs the thumbs of onions
and the purple chives scatter
on the grass and the wren
comes back.*

*The lights
of the slaughter-house
burn all day.
No one comes. The old mare
waits in the bricked alley
her loose flesh sliding
against flies. She sees
the cloud pass over
the sun and break against
the mountain. You
turn to the foothills
where the day walks
through birch leaves lifting
in surprise.*

*Or no one hears.
Your knees bang down
on the bare floor,
your forehead opens
and the secrets spill out
like mud. No one answers.
The mouth of the grave
closes, the tongue lopped
off at the root, and the last
word comes down
this spring day, pale ashes
overflowing the basin
of Los Angeles, a scum
on the sea of tears
coming down.*