



ANNUAL REPORT 1975-76

FRESNO FREE COLLEGE FOUNDATION

## **ANNUAL REPORT**

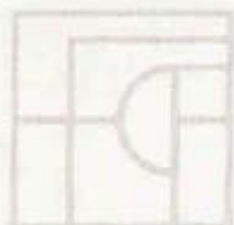
### **THE FRESNO FREE COLLEGE FOUNDATION**

September 1, 1975 - August 31, 1976



Printed by The Central Valley Printing Company • Fresno, California

## 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. During 1970-71, repressive forces both on the campus and in the larger community had proscribed constitutionally guaranteed rights of expression. Consequently, the Foundation had to devote most of its resources to the support of other professors and students whose social and political views were objectionable to the College administration. These events moved the Foundation to the realization 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 and cultural environment of the people and communities of the San Joaquin Valley. The Board of Directors now includes business and community leaders, 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 12 funds — the General Fund and 11 special funds: KFCF Fund, Keyboard Concerts Fund, I Cantori Fund, Academic Freedom Legal Fund (UPC Fresno Local), UPC Affirmative Action Legal Fund, Faculty Legal Defense Fund, Long Beach, California State Stanislaus Freedom Fund, The David S. Bates Fund, Caroline Cooper Student Fund, Fresno Community Civil Rights Fund and the Phillip H. Stephens Handicapped Students Fund. The Board of Directors has sole authority for the General Fund. The other 11 special funds are under the guidance of special committees which operate under the authority of the Board.

## CONTENTS

<b>I. STATEMENT BY THE PRESIDENT .....</b>	<b>2</b>
<b>II. BOARD OF DIRECTORS .....</b>	<b>4</b>
<b>III. EDUCATIONAL AND CULTURAL PROJECTS .....</b>	<b>5</b>
1. Radio Station KFCF .....	6
2. Fresno Philharmonic Orchestra Broadcasts .....	7
3. Keyboard Concerts .....	7
4. ACLU Civil Liberties Award Program .....	7
5. Program on Agribusiness .....	8
6. I Cantori .....	8
<b>IV. THE FRESNO BEE CASE .....</b>	<b>8</b>
<b>V. UPC ACADEMIC FREEDOM LEGAL FUND .....</b>	<b>10</b>
1. Frost Suit .....	10
2. Toney Suit .....	11
3. Mabey Case .....	12
<b>VI. STATE-WIDE ACADEMIC FREEDOM PROJECTS .....</b>	<b>13</b>
1. UPC Affirmative Action Legal Fund .....	13
2. Faculty Legal Defense Fund, Long Beach .....	13
3. California State Stanislaus Freedom Fund .....	13
<b>VII. THE DAVID S. BATES FUND .....</b>	<b>14</b>
<b>VIII. CAROLINE COOPER STUDENT FUND .....</b>	<b>15</b>
<b>IX. FRESNO COMMUNITY CIVIL RIGHTS FUND .....</b>	<b>16</b>
<b>X. PHILIP H. STEPHENS HANDICAPPED STUDENTS FUND .....</b>	<b>16</b>
<b>XI. CORPORATE DATA .....</b>	<b>17</b>
<b>XII. CONTRIBUTIONS AND INCOME TAX .....</b>	<b>18</b>
<b>XIII. FINANCIAL REPORT .....</b>	<b>19</b>
<b>XIV. TABLE OF CONTRIBUTIONS AND CHARITABLE DISBURSEMENTS .....</b>	<b>21</b>



## FRESNO FREE COLLEGE FOUNDATION

Box 4364

Fresno, California 93744

### I STATEMENT BY THE PRESIDENT

The Foundation continues to thrive. New projects continue to present themselves, and old projects remain alive. KFCF, for instance, is making more and more of an impact on the Foundation and the community. Its principal programming has, of course, been KPFA's, but we were able during the past year to broadcast, with KPFA's blessings, all concerts of the Fresno Philharmonic Orchestra, and during the coming season we intend to sustain our Philharmonic commitment. This



kind of broadcasting, together with a number of other programs we have originated, is a credit to KFCF and the Foundation. In addition, we are pleased to announce the establishment of a Keyboard Concerts Fund, which will enable this well-established local musical series to continue bringing internationally known artists to Fresno.

As time goes on, the Foundation seems to be attracting favorable attention to itself outside of Fresno. From Los Angeles, for instance, came the request, which was honored by the Board, to establish a fund to assist a new musical group, I Cantori, in its efforts to bring contemporary music to a variety of audiences. And, of course, our involvement in the case of the Fresno Bee Four has resulted in a considerable amount of good notice.

This year, the Foundation has received monies in connection with two legal cases it has been supporting since 1970. The suit of Dr. Everett C. Frost has been settled out of court, and all costs previously paid by the Foundation have been repaid. Dr. Joe David Toney's trial victory has been upheld on appeal, and all monies disbursed by the Foundation in support of the case have been returned.

The case of Dr. Rendell N. Mabey, summarized in detail later in this Report, seems even further from settlement than it did last year. If the case goes to trial, the expenditure of a considerable sum can be anticipated. Consequently, the monies returned in the Frost and Toney cases will be held until we know what the next step will be in the Mabey case.

The Board of Directors of the Foundation will continue to commit our resources to new, creative, and humane projects. As always, the Foundation seeks your financial support. If you are a regular contributor, please maintain your support; if you are not, please join us in the work of the Foundation.

Alex Vavoulis

August 31, 1976



## II BOARD OF DIRECTORS

### **ALEX VAVOULIS, President**

Professor of Chemistry at California State University, Fresno; member of the ACLU, NAACP and United Nations Association.

### **LESLEY KIMBER, Vice President**

Publisher of The California Advocate, a minority newspaper in Fresno; founder of the Central Valley Printing Company; Chairman of the Board of Directors of Minority Advisory Council for KFSN-TV; recipient of the 1975 Fresno ACLU Civil Libertarian award; and co-chairperson of the Fresno County California Criminal Justice Committee.

### **EDWARD P. LESTER, Secretary**

Bioanalyst; Director, Lester Medical Laboratory; Diplomat of American Board of Bioanalysis; Certified by American Association of Bioanalysts; former Vice President and Chairperson of Western Region AAB; and Chairperson of Fresno County National Foundation, March of Dimes.

### **ALLEN B. SKEI, Treasurer**

Musicologist; Associate Professor of Music, California State University, Fresno.

### **BLANCHE NOSWORTHY**

Nursery School Director; Ananda School Board, Board member for Greater Fresno Area Hometown Plan; and recipient of the 1974 Fresno ACLU Civil Libertarian award.

### **WILLIAM T. RICHERT**

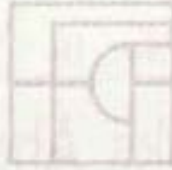
Attorney at Law; member of the executive Board of the Fresno Branch of ACLU, San Francisco and State Bar Association, Commonwealth Club of California, and the American Academy of Political Science.

### **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 AND CULTURAL PROJECTS



#### 1. Radio Station KFCF

After more than a year on the air, KFCF (88.1 FM) has shown itself to be an exciting new dimension in communications for the San Joaquin Valley. It is gratifying to be able to report that subscribers continue to increase and that the response we have received from listeners has been overwhelmingly positive. We want to improve the station and its programming, however, and to that end we have made successful application to the Federal Communications Commission for approval to increase our transmitter power and to establish fixed and mobile transmitter stations in Fresno.

KFCF's Director of Engineering, Rand L. Stover, has been largely responsible for the technical improvements. The most important improvement is probably the increase in transmitter power from 10 to 250 watts. As a result of the increase, KFCF can now be heard easily in all parts of the Valley.

The station is now in the process of broadcasting the regular meetings of the Fresno County Board of Supervisors, thanks in part to the establishment by KFCF of transmitter stations in Fresno. These broadcasts constitute the first regular programming by KFCF that will preempt KPFA programming.

Additional live broadcasting will be considered by KFCF. The station, however, needs assistance from people who can volunteer for specific jobs that must be done. It also needs financial contributions and additional subscribers. Persons wishing to participate in the work of the station should write KFCF, P.O. Box 881, Fresno 93714 or call 222-KFCF.

# The Fresno Bee

• Sun., June 27, 1976 D1

## KFCF-FM Looks Ahead Station Marks Anniversary With Power Boost

THE AREA'S only listener-supported radio station, KFCF-FM, 88.1 mhz, has passed its first anniversary quietly and is looking ahead to carrying live broadcasts of the often-noisy Fresno County Board of Supervisors proceedings each Tuesday.

And that's not all. The station put on the air June 9, 1975, by the Fresno Free College Foundation recently received permission to increase its power, a move foundation president Alex Vavoulis expects will sharpen the signal and help promote more donations.

WITH KQED-TV'S signal off the air for San Joaquin Valley viewers because of financial problems, KFCF is the only noncommercial broadcast outlet in the valley. However, soon it will have to compete for money with Channel 18, which will be the valley's first local public television station, and a public broadcasting radio station being organized in Fresno.

That could prove troublesome for KFCF, Vavoulis concedes, although he feels the programming his station provides probably will be different from other offerings.

KFCF's program material is beamed directly from KPFA, the listener-supported Pacifica Foundation

station in Berkeley that has been broadcasting since 1949.

Throughout the year, Vavoulis says, programs have been produced in Fresno, then broadcast by KPFA for listeners to both stations. Among those programs was Fresno Day — a full-day broadcast of Fresno cultural activities, discussions and literary achievements.

THAT BROADCAST last February came between two days of coverage of U.S. Senate Committee hearings on the Westlands Water District conducted at Fresno City College. The broadcasts, according to land reform advocates in the Bay Area, heightened interest among listeners in that area in the questions first raised by The Bee of the propriety of sales to satisfy federal acreage limitation laws.

The Fresno Day broadcast brought several subscriptions to help KFCF pay for its operation, Vavoulis said.

The station also sent tape recordings of Fresno Philharmonic concerts to KPFA after commercial station KMJ-FM had finished with them. The tapes were broadcast on KPFA "so people all over Northern California and even Nevada could share some of

See KFCF-FM Page D6

## KFCF-FM: Anniversary

Continued from Page D1

our culture in Fresno," Vavoulis said. "Getting people to tune in is still our greatest problem," Vavoulis said, adding that more than 225 persons have purchased subscriptions to support the station during its first year of operation.

One way to entice subscribers Vavoulis believes, is live broadcasts of more events in Fresno. "We decided to do the supervisors because about 95 per cent of our subscribers live in Fresno County. We could have done the city council or something else, but we decided this would be

more reasonable," he said.

Also planned is recording another series of Fresno concerts. Farther in the future is a full studio for broadcasts rather than the smallish production studio the station uses to put together its productions which are broadcast by KPFA — if the subscriptions increase.

The power boost should be complete within a couple of weeks and more people will be hearing the messages to send donations to KFCF, Box 881, Fresno, 93714 to extend the station beyond its first year and produce more local programming.





**PHILIP LORENZ**  
Director, Keyboard Concerts

Photo by Micha Langer

## **2. Fresno Philharmonic Orchestra**

KFCF was able to broadcast all of the concerts by the Fresno Philharmonic Orchestra during the 1975-76 season. For the first time, the orchestra's programs could be heard throughout northern California and in parts of Nevada. This was possible, of course, because the concerts were aired by KPFA in Berkeley. During the 1976-77 season, KFCF will continue to broadcast the orchestra's concerts.

## **3. Keyboard Concerts**

The Board of Directors of the Foundation has established a Keyboard Concerts Fund at the request of the series' Director, Philip Lorenz. The series, introduced in 1971, has over the past several years proven to be an important addition to Fresno's cultural life. Owing to a number of circumstances, however, the series has been forced to look for new sponsorship for the forthcoming season, and the Foundation is willing to oblige.

## **4. ACLU Civil Liberties Award Program**

On May 10 the Fresno Chapter of the American Civil Liberties Union had its fourth civil liberties award presentation. On this occasion the award was given to the Fresno Bee Four. (See page 8 of this report.) The Featured speaker for the program was Nancy McDermid, an attorney active in civil liberties issues. Her address was titled "The First Amendment After 200 Years."

The program was made possible in part by a grant from the Foundation. KFCF recorded the program and it was aired on July 1 by KPFA in Berkeley.



## **5. Program on Agribusiness**

On June 15, the Department of Economics at CSUF presented a program for 48 foreign visitors. The program was organized for the Management Education Institute of Arthur D. Little, Inc. The Foundation provided financial assistance. The program presented a survey of the technological and industrial structure of American agribusiness. Part of the program was the slide-tape presentation, DISCOVER AMERICA, by George Ballis, Executive Director of National Land for People.

## **6. I Cantori**

A fund was established by the Board at the request of a small ensemble of singers called I Cantori. The group is located in Los Angeles and is dedicated to the performance of unusual and interesting compositions of the 20th Century. Basically a twelve-voice ensemble, the group performs concerts and acts as a resource for composers and conductors in the Los Angeles area.

# **IV. THE FRESNO BEE CASE**



The four newsmen of the Fresno Bee were sentenced to jail until they answered questions as to how they obtained secret Fresno County Grand Jury testimony. The newsmen appealed to the 5th District Appeal Court to overturn 73 contempt citations and to invalidate the indefinite jail terms that were imposed by the Superior Court judge. A two-to-one majority of the appellate court sustained approximately two-thirds of the contempt

---

IN THE  
**Supreme Court of the United States**  
OCTOBER TERM 1975

No. \_\_\_\_\_

JOE ROSATO, *et al.*, *Petitioners*,  
v.  
THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF FRESNO, *Respondent*.

On Petition for a Writ of Certiorari to the  
California Court of Appeal, Fifth Appellate District

**MOTION FOR LEAVE TO FILE BRIEF AMICUS  
CURIAE AND BRIEF AMICUS CURIAE**

MITCHELL ROGOVIN  
KENNETH A. LETZLER  
1229 19th Street, N.W.  
Washington, D. C. 20036

*Counsel for*

McCLATCHY NEWSPAPERS;  
THE REPORTERS COMMITTEE  
FOR FREEDOM OF THE PRESS;  
THE NATIONAL PRESS CLUB;  
THE NEWSPAPER GUILD;  
MELLETT FUND FOR A FREE  
AND RESPONSIBLE PRESS;  
CALIFORNIA FREEDOM OF  
INFORMATION COMMITTEE;  
FRESNO FREE COLLEGE  
FOUNDATION;

SIGMA DELTA CHI;  
CALIFORNIA NEWSPAPER  
PUBLISHERS ASSOCIATION;  
CALIFORNIA BROADCASTERS  
ASSOCIATION; THE NA-  
TIONAL ASSOCIATION OF  
BROADCASTERS;  
and  
THE NATIONAL NEWSPAPER  
ASSOCIATION, *Amici Curiae*

JOHN F. DOWNEY  
555 Capitol Mall  
Sacramento, California 95814

*Counsel for*

McCLATCHY NEWSPAPERS,  
*Amicus Curiae*

*Of Counsel:*

ARNOLD & PORTER  
Washington, D. C.  
DOWNEY, BRAND, SEYMOUR &  
ROHWER  
Sacramento, California



citations, while dismissing the remainder. Judge Franson, in a dissenting opinion, argued that all of the citations should have been dismissed.

The newsmen then petitioned the California Supreme Court for a hearing but this petition was refused. On December 29, 1975, the newsmen appealed to the U.S. Supreme Court. The petition contends that if the lower court decisions are allowed to stand, they would seriously infringe on fundamental constitutional rights, including the right of a free press.

The Foundation has been a participant in this case from its inception. With the assistance of Fresno attorney J. V. Henry, the Foundation entered the case in an amicus brief on behalf of the newsmen. It shared this role with seven nationwide associations of newspapers and journalists. The amicus brief was part of the newsmen's appeal to the 5th District Appeal Court and to the U.S. Supreme Court.

The U.S. Supreme Court, however, has refused to accept the case for full consideration and thus has left standing the lower court decision directing the four newsmen to disclose the source of a news story. Justices Brennan and Marshall would have accepted the case for full review.

On July 30 the Bee Four were sentenced to indefinite prison terms by Judge Best in Fresno Superior Court.

The newsmen are now in prison until they answer the Court's questions. Appeals to the California and U.S. Supreme Courts have been denied.

A hearing is scheduled for September 17 in Fresno Superior Court and the newsmen want to demonstrate to the court that they will not reveal a confidential source and therefore should be released from prison. Through attorney J. V. Henry, the Foundation will submit an amicus brief at the hearing.



## **V. ACADEMIC FREEDOM LEGAL FUND**

### **UPC, Fresno Local**



#### **1. Frost Suit**

Dr. Everett C. Frost won his suit against Ralph Rea and the State of California. The State elected to settle the suit rather than go to trial. The settlement required the payment of \$8,000 and making available the transcript of a tape recording which was made early in 1970 when the administration and certain faculty members of CSUF were intent on Frost's firing from California State University, Fresno. The Foundation has been reimbursed for the monies it disbursed for court costs on behalf of Frost.

In the suit Frost alleged fraud and slander and misrepresentation in an attempt to prevent his employment at other institutions of higher education. The settlement ends a long-standing involvement in litigation for Frost. He will be on the campus at CSUF this fall after a year's leave of absence. During the year he has been producing dramatic plays for radio at KPFK in Los Angeles under a grant by the National Endowment for the Arts.

#### **2. Toney Suit**

In October, 1973, a Superior Court jury awarded Dr. Joe David Toney \$10,000 damages in a civil suit against the Board of Trustees of the California State University and Colleges. The jury agreed with Dr. Toney that his professional reputation was injured following a campus confrontation in 1970. The State's appeal to a higher court was denied. Toney has received the \$10,000 including interest and court costs. The Foundation has been reimbursed for the monies it disbursed for the costs involved in the suit.

# FSU Professor Settles Suit Over Loss Of Jobs

Everett C. Frost, a Fresno State University faculty member on leave of absence, has settled his \$620,000 damage suit against the state, Dr. Ralph C. Rea, a music professor at FSU, and others, The Bee has learned.

Frost, who lost his job as an assistant professor of English on probationary status in 1971, alleged in his lawsuit slander, misrepresentation designed to prevent his further employment and intentional fraud.

When Frost and five other instructors received notices they would not be rehired, they declared the school's actions were in retaliation for their participation in antiwar demonstrations, support of farm labor leader Cesar Chavez and other activities.

FSU President Norman A. Baxter denied this in an affidavit, saying the decision in each case, not to rehire, was based upon sound and customary academic and administrative reasons and that they were not dismissals, merely decisions not to rehire.

In March 1972, however, California State Colleges Chancellor Glenn S. Dumke ordered Frost rehired in concurrence with the recommendation of a three-member statewide panel to which Frost appealed Baxter's decision.

He was rehired, but subsequently filed his damage suit, contending that Rea, without his knowledge, had a letter containing an adverse recommendation placed in Frost's job placement file at the University of Iowa, which Frost had attended.

Frost said he did not learn of the letter until December, 1972 after he had asked that the file be sent to prospective employers.

The suit further alleged that false statements were made by various individuals connected with the FSU administration to the effect that Frost was involved in a conspiracy with some FSU students against the University administration, that criminal charges were pending against him and that there was some question of his trustworthiness and professional ethics.

It is understood the out-of-court settlement included \$8,000 paid to Frost, the clearing of his name and turning over to him of a transcript of a tape in which a student and a faculty member reportedly maligned him.

The transcript and the adverse letter have been returned to him, Frost said when reached by telephone at his Pasadena home, where he has spent his year's leave of absence working as director of drama and literature for radio station KPFB under a government grant.

Frost said he had been against the war in Vietnam and had conducted antiwar activities in an above-board manner. He said he will be back at FSU next fall to teach romantics.

Neither Dr. Baxter nor Dr. Rea could be reached for comment. A University spokesman told The Bee Baxter never comments on personnel matters.



### **3. Mabey Case**

In 1970, Reendell N. Mabey, Jr., an associate professor of philosophy at California State University, Fresno, was denied retention by President Norman A. Baxter. Mabey filed a campus grievance against President Baxter's decision alleging that he had been fired in retaliation for his anti-Vietnam war activities and his vigorous criticism of the administration during a May 1970 meeting of the academic senate. During the grievance hearing, the administration agreed that Mabey's speech to the academic senate was one of two grounds upon which it decided not to retain him but maintained that his conduct at the meeting was "unprofessional". The administration also claimed that the philosophy department was overstaffed and that Mabey's nonretention was necessitated by a "lack of work." Mabey argued that the lack-of-work issue was merely a pretext and that if indeed the administration had terminated him because of overstaffing then the administration had failed to grant him legal due process because it had not followed Article 7 of the California Administrative Code which spells out detailed procedures for the layoff of faculty for reasons of lack of work or lack of funds.

Mabey lost his campus grievance and a subsequent appeal to the Trustees for reinstatement. He then filed an action in federal court claiming that his nonretention was in violation of his constitutional rights to freedom of speech and due process. In September 1974, Judge William T. Zweigert handed down a summary judgement in the case holding that Mabey's nonretention was "in whole or in part in retaliation for Mabey's exercise of his constitutionally protected freedom of expression" and that the administration had failed to grant him legal due process in failing to comply with Article 7

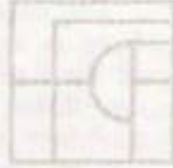


of the California Administrative Code. Judge Sweigert ordered Mabey reinstated with back pay. The administration immediately filed an appeal with Ninth Circuit Court of Appeals. Mabey was reinstated, but the back pay was held up pending outcome of the administration's appeal.

On June 1, 1976, The Ninth Circuit of Appeals reversed Judge Sweigert's summary judgment and remanded the case for trial in federal district court. The appellate court's decision was based on point of legal procedure. It found that Judge Sweigert had erred in deciding the case on the basis of a summary judgment rather than holding a trial. The appellate court found that the campus grievance transcript and supplementary affidavits submitted by the parties constituted an insufficient record upon which to resolve the constitutional issues raised in the case.

After six years of litigation, during which the Mabey family had experienced extreme mental suffering and financial hardship, the case must now be tried anew. The basic issue still remains: Does the nonretention of a probationary college teacher for remarks made in an academic senate meeting constitute a deprivation of his constitutionally protected freedom of speech? The United Professors of California (AFL-CIO) and the American Civil Liberties Union of Northern California, along with the Fresno Free College Foundation, have taken the position that it clearly does.

## VI. STATE-WIDE ACADEMIC FREEDOM PROJECTS



### 1. UPC Affirmative Action Legal Fund

This fund was established at the request of the UPC Council of the United Professors of California (AFL-CIO). The Council is the policy-making body for the 4,000 member organization. The Council's intention is to use the monies collected to finance research to determine the extent to which the California State University and College system is violating affirmative action principles of HEW. It is anticipated that some kind of legal action may be taken by UPC when the research is completed.

### 2. Faculty Legal Defense Fund, CSULB

The Board established this fund at the request of the UPC local at California State University, Long Beach. The local deposits money in this fund on a regular basis. The Foundation has disbursed monies for two cases: the case of a faculty member who is being denied tenure because he lacks a Ph.D., and the case of a biologist who believes she has been treated unfairly because she has no Ph.D. and because she is a woman.

### 3. California State College, Stanislaus Academic Freedom Fund

This fund is the result of merging the Arnold Goldman and Sam Wellbaum Legal Defense Funds. Goldman now resides in Australia but Wellbaum is still suffering from the anti-labor bias which motivated the administration to terminate him as a faculty member.



## VII. THE DAVID S. BATES FUND



The Board established The David S. Bates Fund in memory of Professor Bates who died at the age of 38 after a long fight with cancer. Bates was a member of the Music Department at CSUF for three years. The fund will be used to preserve Bates' artistic legacy by the publication and performance of his works. The first project of the fund will be the publication of Bates' "Suená (Gestures and Interludes One) for Viola and Piano."

The music was published by APR Publications, Inc. and the Zumwalt Press. Allen Skei assisted with the publication. Copies of the work have been purchased by the Eastman School of Music, the Philadelphia Music Academy, Yale and Boston University libraries as well as by several promoters and distributors.

### The Fresno Bee

Sunday, Dec. 22, 1974

## Fund Will Publish Works Of Late FSU Composer-Teacher

By DAVID HALE  
Bee Arts Writer

Sometimes the only thing more difficult for a composer of contemporary music than getting performances is getting his work published.

Comparatively speaking, Dr. David S. Bates, the Fresno State University composer-teacher, who died last month, had written a lot of music for one so young (38).

But little of it had ever found its way to a publisher.

Bates's FSU colleagues and friends want to do something about preserving his artistic legacy, by publishing his music. And also winning the work wider performance.

But it will require money, so a fund has been established for the purpose, to be administered by the Fresno Free College Foundation. The hope is that local music lovers will send contributions to the David S. Bates Fund, Box 4364, Fresno 93744.

Advance word about the memo-

rial fund resulted in donations of about \$200.

But it will cost several hundred dollars merely for materials to reproduce the first chamber work, "Suená (Gestures and Interludes One) for Viola and Piano."

That is with the cooperation of the new Fresno firm, APR Publishers, Inc., which has agreed to publish the piece. Eugene Zumwalt and Roger Chittick, a pair of FSU English professors, founded the company about a year ago to do limited edition publishing.

Zumwalt was at pains to emphasize that APR Publishers is a private firm, not affiliated in any way with the university.

The firm, which has already published several books in the rare stamp market, also will seek out music by other young composers, Zumwalt said.

Allen Skei FSU musicologist will serve as editor of the Bates music venture. He said the plan is to maintain the fund over a period of

several years, publishing the music little by little, financing production of tape and electronic pieces, copying, and winning the attention of performers and publishers alike.

Obscure young composers have a hard time catching the eye of a worthy publishing firm. What is required often is hard selling by the composer himself, and Bates, a teacher and a family man, had neither the time nor the money.

Since his years as an undergraduate student in the University of Michigan, he had written scores of works for orchestra, band, chorus and the electronic medium.

Several had been performed at FSU, during Bates's three years on the music department faculty. Only last summer, his "Suená" had been premiered at a recital honoring the composer for winning the Prix de Rome, an international prize.

The performers were Bates's wife, Susan, and pianist Ena Bronstein, another FSU music teacher. Another piece, "Fantasy for Piano

and Orchestra" was presented last week in Rome by the Rome Radio Orchestra, with Miss Bronstein at the piano.

Bates won other awards, including two grants from the Ford Foundation. His work also won recognition from the California Cello Club and the Stowe Institute in Vermont.

But awards don't automatically bring the publishers to the door. Indeed, the number of major publishers willing to accept—and to promote—new music seems to grow smaller all the time.

That's why David Bates's friends feel fortunate to discover, in their own home town, a publisher ready and able—as Skei said—to do "first class work" with the Bates music.

Part of APR's job would be to get the music into music libraries around the country, and thus into the hands of musicians. But it all costs money.

And, they remind, donations are, tax deductible.



## VIII. CAROLINE COOPER STUDENT FUND



This fund continues to be active even though its financial resources are meager. Since our last report the fund has assisted five students who had emergency financial needs.

# Caroline Cooper fund aids students

During this school year a large number of Black students have been able to finish the year with grants that they receive from the Caroline Cooper Student Fund.

The fund is sponsored by the Black Faculty and Staff Association at CSUF.

According to Stella Washington, the secretary of the Caroline Cooper Fund, the fund was started because the Black Faculty and Staff Association was aware of many Black students who were dropping out of school because of unpredictable financial problems, and "we hope that we will be

able to provide some assistance."

Stella said that the fund is named in honor of the late Caroline Cooper. "She was an 84-year-old student who came to Fresno State to finish her education. We felt that it was dynamic that an 84-year-old student was continuing her education and we felt that she was a person that the other students could respect and be encouraged by."

Stella said that there were a number of students who were having financial problems, especially at the end of the semester and "we felt that it was important to establish a fund that would provide \$100 to \$150 to these students so that they could finish out the semester."

Stella said that Mrs. Cooper was a very courageous woman and the completion of her BA degree brought her national fame and that inspired the creation of the program. She died in Fresno on August 29 at the age of 84.

An article printed in the California Advocate stated that "only a terminal illness could have prevented Mrs. Cooper from pursuing her master's degree. She completed the BA in spite of a heart attack, cataracts requiring surgery and problems with her legs which put her in a wheelchair."

In 1972 Mrs. Cooper's accomplishments were read into

the Congressional Records and she afterwards received a letter of congratulations from Mrs. Richard Nixon, the wife of the former president.

Before entering Fresno City

College in 1966, Mrs. Cooper had cherished the hope of an education for many years. Born in Spokane, Wash., she moved to the Fresno area in 1931 and worked to raise her family here. At that time she said (according to the California Advocate), "In all the years I was cooking in someone else's house I longed to read, to get an education."

When she graduated from Fresno State University, she said, "I really feel I've accomplished something."

The Caroline Cooper Fund was officially announced at a ceremony which she attended. She stated that "somebody once asked what good getting an education would do her, to which she retorted, 'I'm having a hell of a good time getting it.' College is lots of fun. I don't feel old. I'm supposed to feel old and be senile or at least that's the attitude I see and hear from everyone around me, excepting the kids. I don't intend to get old until I'm 90, if then."

Information about the fund can be obtained from Ethel Galbreath, treasurer of the fund, in the Financial Aids Office.

# uhuru

A special edition of  
THE DAILY COLLEGEIAN  
California State University,  
Fresno

WEDNESDAY,  
MAY 5, 1976

LXXX/126



## **IX. FRESNO COMMUNITY CIVIL RIGHTS FUND**



This fund was established by the Board at the request of citizens in the Fresno community. The purpose of the fund is to provide a means for residents in all parts of the Fresno metropolitan area to contribute to the defense of persons whose civil rights appear to be violated by law enforcement agencies, the courts, and other governmental bodies as well as private institutions. An organization has been established for the purpose of publicizing, promoting and raising monies for the fund. The fund shall be administered by the organization's president, Erma Jean Turner, its secretary, Patricia Kepler, and its treasurer, Peter Brown, under the auspices of the Fresno Free College Foundation.

## **X. PHILIP H. STEPHENS HANDICAP STUDENTS FUND**

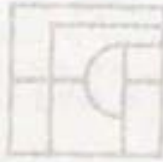


This fund was established to assist handicapped persons to achieve an education. Philip Stephens is a paraplegic who completed a master's degree in economics at CSUF in Spring, 1975.

In a related matter, the Foundation is assisting the Fresno affiliate of the California Association of the Physically Handicapped. One of the group's objectives is to establish a live and learn center for the handicapped in Fresno.



## XI. 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).

## XII 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.



### XIII FINANCIAL REPORT

September 1, 1975 — August 31, 1976

#### RECEIPTS:

Balance from previous year .....		\$ 5,238
Contributions received:		
General Fund .....	\$2,473	
UPC Academic Freedom Legal Fund .....	1,200	
KFCF Fund .....	6,096	
UPC Affirmative Action Legal Fund .....	1,131	
Caroline Cooper Student Fund .....	280	
Faculty Legal Defense Fund, Long Beach .....	571	
Anonymous: A Journal for the Woman Writer .....	25	
The David S. Bates Fund .....	60	
San Joaquin Conservatory of Music .....	2,503	
I Cantori Fund .....	770	
Savings Interest Income (General Fund) .....	246	
Legal Fees Refund (UPC Academic Freedom Legal Fund) ....	2,567	
Reimbursement (Arthur D. Little) .....	223	18,145
Total:		\$23,383

#### EXPENDITURES:

General Fund:		
Operating Expenses .....	\$1,923	
San Joaquin Conservatory of Music (Transfer) .....	100	\$ 2,023
UPC Academic Freedom Legal Fund (Legal Fees) .....		2,034
KFCF Fund		
Loan Payments .....	\$2,661	
Interest Expense .....	19	
KPFA Payments .....	1,142	
Rent .....	599	
Insurance .....	281	
Professional Fees .....	110	
Supplies .....	176	
Utilities .....	243	
Postage .....	169	
Printing & Publication .....	433	
Equipment .....	390	
Contract Services .....	12	6,235
Caroline Cooper Student Fund		
Student Loans .....	\$ 363	
Student Loan Repayments .....	(238)	
Grants .....	146	271

California State Stanislaus Freedom Fund		
Legal Fees and Expenses .....		326
Anonymous Fund		
Close out of fund .....		11
The David S. Bates Fund		
Publication Expenses .....	\$ 140	
Less: Reimbursement .....	(133)	7
Faculty Legal Defense Fund, Long Beach		
Legal Fees and Expenses .....		300
Philip H. Stephens Handicapped Students		
Expenses (W. Perry travel to conference) .....		75
San Joaquin Conservatory of Music		
Operating Expenses .....		<u>1,857</u>
	Total:	\$13,139

FUND BALANCES:

General Fund .....	\$1,947	
UPC Academic Freedom Legal Fund .....	1,214	
KFCF Fund .....	765	
UPC Affirmative Action Legal Fund .....	2,743	
Caroline Cooper Student Fund .....	250	
Faculty Legal Defense Fund, Long Beach .....	1,230	
California State Stanislaus Freedom Fund .....	59	
Anonymous Fund .....	0	
The David S. Bates Fund .....	419	
Philip H. Stephens Handicapped Students Fund .....	176	
San Joaquin Conservatory of Music Fund .....	671	
I Cantori Fund .....	<u>770</u>	\$10,244





# **XIV TABLE OF CONTRIBUTIONS AND CHARITABLE DISBURSEMENTS**

Year	Contributions	Charitable Disbursements
1968 .....	\$ 4,251	\$ 1,700
1969 .....	3,504	4,733
1970 .....	8,971	7,741
1971 .....	12,811	10,004
1972 .....	6,870	7,423
1973 (to Aug. 31) .....	4,518	3,257
1973-74 .....	7,379	6,263
1974-75 .....	13,539	14,563
1975-76 .....	15,109	11,116
Total .....	<u>\$76,952</u>	<u>\$66,800</u>



art: carol law ©1976

