Action of Board of Higher Education on Appeal of Students

Acting on the appeal of students expelled by the Faculty of The City College because of disorders during and subsequent to the visit of Italian students to the College on October 9th, the Board of Higher Education unanimously adopted the following report at its meeting last Tuesday evening, May 21st, every member being present:

REPORT OF EXECUTIVE COMMITTEE TO THE BOARD OF HIGHER EDUCATION ON THE APPEAL OF THE 21 STUDENTS EXPULSED FROM CITY COLLEGE BY THE FACULTY ON NOVEMBER 14, 1934.

TO THE BOARD OF HIGHER EDUCATION:

Narrative of Facts

Prior to last October, a committee of distinguished American citizens, of which Mr. John H. Finley, a former president of City College, was vice-president and of the American Ambassador to Italy and the Italian Ambassador to the United States and Mr. John T. Kirby of the American Athletic Union were members, arranged for a visit to the colleges of this country by a group of distinguished students in the leading Italian universities. The visit also was sponsored by a score of leading American universities, including Yale, Harvard, Princeton, Columbia, which extended official invitations to the Italian students to visit them. When the Italian students landed at New York, they were welcomed by Dr. Finley and other members of the Committee; and they were officially received by Mayor La Guardia at City Hall. During their stay in New York City, they were housed in the dormitories at Columbia University.

The Committee suggested to President Robinson that while the Italian students were in this city, the City College receive them (or a delegation of them) as its guests upon some suitable occasion; and President Robinson replied that he would be glad to have the City College added to the other institutions of higher learning who were receiving these visiting students. The schedule of the Italian students' engagements was so crowded that the only time when they could come to City College was noon, October 9, 1934, which happened to be the hour of the regular weekly Freshman Assembly in the Great Hall.

President Robinson delegated to Professor A. Arbib-Costa, the Professor of Italian at City College, the matter of having charge of the visit. It was decided that in addition to a tour of the college buildings, the Italian students would be welcomed on the platform of the Great Hall during the Freshman Assembly; that Professor Costa would act as Chairman; and that the welcome would be under the auspices of the Italian Club, which was composed of about fifty students interested in Italian art and literature, and which had been in existence at City College for over twenty years. It was also decided to invite the attendance of such upper class students as might voluntarily wish to attend.

The program at the Great Hall consisted of an address, a response by one of the Italian students, and their presentation to the College Library of a book descriptive of historic Italian universities. This program was to be followed by a luncheon.

Several days before October 9th, a representative of the Campus, a student publication, informed Professor Costa that there was opposition on the part of some students; and thereupon the Professor prepared a statement, published in the Campus over his signature, to the effect that the visit was not one of propaganda and was not political, and that he was sure these visitors from other institutions of higher learning would be received with courtesy.

On the day before October 9th, Professor Costa was visited in his classroom during a lecture by the appellant Leo Rubinstein, who told him that the Student Council desired to know whether it could have a representative make an address of welcome. Later the Professor was informed that Edwin Alexander, Jr., another appellant, would make the address for the Student Council.

Thereupon the Professor informed Leo Rubinstein that he was not willing to have Alexander make the address because he had learned that Alexander was a leader in the opposition to the visit, but that he would be willing to permit an address by some other student who would restrain himself to welcoming words. Rubinstein agreed that the Professor was right, and acknowledged that he did not think that Alexander could be so restrained.

On October 8th, Dean Gottschall was asked by a group of students, claiming to speak in the name of the Student Council, for permission to hold a meeting at the flag-pole at the hour of the Italian students' arrival in order to protest against their visit. The flag-pole is in the centre of the College quadrangle; and the meetings there were forbidden by Faculty regulation of long standing. The Dean denied the request but stated that he would permit a meeting in the Stadium, which is only a block from the flag-pole, or would permit a meeting in the Great Hall after the reception of the Italian students had been completed. The Dean's suggestions were not accepted. Among the students who had this talk with the Dean were Goodwin, Milgram and Ballam, three of the present appellants.

On October 8th the appellant Leonard Gutkin, as chairman of the Executive Committee of the Student Council, called upon President Robinson and stated that the Student Council had passed a resolution demanding the expulsion of the students, which President Robinson had cancelled. The President informed him that he had consulted, as to the College's course in the matter, with the Hon. Mark Eisner, Chairman of the Board of Higher Education; and that Mr. Eisner had instructed him to say to the Student Council that he (Mr. Eisner) would regard it as wholly improper for any student to show any discourtesy to the College's guests or to reflect upon them or their people. The President added that disciplinary action would follow any disobedience to this injunction; and that the visit of the Italian students had no political purpose whatever.

When the Italian students arrived at the College on October 9th, there were in the street a line of students acting as pickets and conspicuously carrying placards denouncing Fascism. An attempt was made to carry the placards into the Great Hall, but it was prevented by representatives of the Faculty. At the same time and on the College grounds leaflets, protesting against the welcoming of the Italian students, were diligently distributed by some students. The distribution of leaflets on the college grounds without special authorization by the Dean or Faculty was forbidden by a Faculty regulation. A number of upper classmen, including most of these appellants, attended the meeting in the Great Hall.

The Italian students were first conducted to the President's office, and then to the Great Hall. Upon their entering the Great Hall, there was booing and hissing from all parts. On the platform the visitors were introduced to the members of the Italian Club. The President then made a brief address of welcome which was interrupted by hissing, in which he rebuked the disturbance that was then being made. Professor Costa then also made an address of welcome which also was interrupted with catcalls, boos and derisive laughter.

At the conclusion of his address and while he was inviting one of the Italian students who spoke English to respond, the appellants Edwin Alexander, Jr., Leo Rubinstein and a third student mounted the platform and stated to Professor Costa that Alexander was going to speak. Professor Costa testifies that he then said: "Now, here, Alex-

(Continued on Page Two)
ACTION OF TRUSTEES
(Continued from Page One)
ander, just one word of welcome and nothing more"; and that without replying, Alexander went to the microphone.
Alexander gives the following version: "to-wit, that Professor Costa said in substance: "There has been some difficulty about your speaking. Will you agree not to mention Fascism? My reply was that my speech would be a message of greeting from the Student Council of The College of the City of New York to the Italian guests. He again reiterated: 'Will you promise not to say anything ungentlemanly about Fascism?' My reply was the same. I should like to correct current impressions about the talk. I never agreed to Professor Costa that I would not mention Fascism, or that I would say nothing which might be construed as discourteous to the guests. The only thing to which I agreed was that my message would be a welcome from our students to our guests."
Alexander himself states that he then began his address with the salutation: "Enslaved, tricked, humiliated, Italian student body." These words were not uttered on the spur of the moment, but were talked over with other of the appellants in advance (p. 46).
He also states that Professor Costa at one occasion commanded him to stop speaking; that he knew that Professor Costa was chairman of the meeting; but that he 'continued to speak'.
The foregoing insulting salutation, in breach of his agreement with Professor Costa, and his disobedience of the Chairman's command, resulted in his being surrounded and pushed from the microphone by student members of the College's Italian Club. Other students thereupon rushed to the platform to assist him and to reestablish him at the microphone. In order to save the visiting Italian students from further insult and injury, the College authorities conducted them out through the door at the rear of the platform. Subsequently the College sent a written apology to the visiting Italian students for their gross mistreatment while guests of the College in response to its invitation.

The notes which Alexander had prepared to guide his address are divided into seven heads and twenty sub-heads. Besides attacking Fascism, it attacked (among other things) the "bourgeoisie", the "New Deal", "colleges and expulsions", "capitalism" and "stagnation and reaction in art and literature".
Immediately after the dispersal of the Assembly, Dean Gottschall instituted an investigation, but was balked by the refusal of the President and the Faculty to guide his address are divided into seven heads and twenty sub-heads. Besides attacking Fascism, it attacked (among other things) the "bourgeoisie", the "New Deal", "colleges and expulsions", "capitalism" and "stagnation and reaction in art and literature".
Immediately after the dispersal of the Assembly, Dean Gottschall instituted an investigation, but was balked by the refusal of the President and the Faculty to guide his address are divided into seven heads and twenty sub-heads. Besides attacking Fascism, it attacked (among other things) the "bourgeoisie", the "New Deal", "colleges and expulsions", "capitalism" and "stagnation and reaction in art and literature".
Immediately after the dispersal of the Assembly, Dean Gottschall instituted an investigation, but was balked by the refusal of the President and the Faculty to guide his address are divided into seven heads and twenty sub-heads. Besides attacking Fascism, it attacked (among other things) the "bourgeoisie", the "New Deal", "colleges and expulsions", "capitalism" and "stagnation and reaction in art and literature".
Immediately after the dispersal of the Assembly, Dean Gottschall instituted an investigation, but was balked by the refusal of the President and the Faculty to guide his address are divided into seven heads and twenty sub-heads. Besides attacking Fascism, it attacked (among other things) the "bourgeoisie", the "New Deal", "colleges and expulsions", "capitalism" and "stagnation and reaction in art and literature".
Immediately after the dispersal of the Assembly, Dean Gottschall instituted an investigation, but was balked by the refusal of the President and the Faculty to guide his address are divided into seven heads and twenty sub-heads. Besides attacking Fascism, it attacked (among other things) the "bourgeoisie", the "New Deal", "colleges and expulsions", "capitalism" and "stagnation and reaction in art and literature".
May 24, 1935
FACULTY BULLETIN

...time it is the bounden duty of all Communists, and not only of Communists but of all those students who recognize the mainspring of these ills, who recognize even that these ills are, to struggle with every method in their possession against it. We reaffirm our faith in the pressure that can be applied by the masses of students in the College and by the overwhelming majority of the population outside the College to succeed to some extent in mitigating these ills. We regard it as our duty to organize such a protest. We proudly affirm that we have now and we always will assume the leadership in any such struggle. We state that, in order to some extent to mitigate the difficulties presented in the present situation which have been present before and which will undoubtedly be present in the future, the only action that can possibly be taken by the Faculty must be the action of meeting with the demands of the students.

Before this Executive Committee, this appellant Goodwin was declared by all the appellants to be one of their two student spokesmen. The other was the appellant Milgram. Their statements appear at pages 7 to 36 of the record; and at the conclusion of their statements the appellants affirmed that both statements correctly set forth in substance their position also.

In the course of his statement as such spokesman to this Committee, Mr. Goodwin said (p. 30):

"The final question is if we will obey the rules if we are reinstated. We have every intention to do so and every desire. However these rules might give rise to situations precisely similar to the ones that have given rise now and on such occasions we might be impelled to act in a similar manner. We cannot know in advance whether such occasions will arise. We cannot know whether if the rules were continued to be interpreted in the same manner as they were. I want to say therefore that what we did, even when we were conscious of breaking the rules, did become cause it was right. We think it was the proper way to establish our positions and for what we did if guilty, we are guilty of being honest graduates and above all of being American."

And at another point in his statement to this Committee, the appellant Goodwin, as student-spokesman for the appellants, said (p. 30):

"Now then the question arises did we or did we not break the rules of the college? The regulations are quite fairly clear and unambiguous. Most of us were rather well aware of them. We were not innocent of all principles against war or against retrenchment at City College. We were among the most active members of the student body at these various occasions and the question arises did we know the rules and did we break the rules. The answer to that question is, of course, yes, we did break the rules of the college. It would be futile, it would be foolish to lie. We are all aware, I am certain, of the rule that is unauthorized meetings—held in proximity of the college, relative to college matters, were forbidden. Nonetheless, on various occasions we broke that rule."

The appellant Zenas Block told this Committee (p. 78):

"We said we were guilty of breaking the rules. It can all be taken in just one sentence. Merely one thing more, the Board should remember that in Dean Gottschall's report it was stated that the solution of the problem does not lie in being disciplined because others will spring in our places."

Mr. Tuttle: I will ask you a question on that. In what do you think it lies?

Mr. Block: Frankly, I don't think there is any solution of the situation with economic conditions as they are today.

The appellant Gutkin told Dean Gottschall on November 7, 1934 (p. 186):

"Some students have broken what the College chooses to call its regulations and a good many of these have been punished. If the Faculty wishes to address itself sincerely to the task of removing the cause of this evil and if our Faculty has considerations other than those which bind it to the present controllers of our economic system, if our Faculty has any interests which are primarily centered at City College and not in obeying the will of the capitalist class, it is necessary for them to face the situation and to decide whether in particular causes these disturbances. These disturbances are brought about mainly by the presence at the College of such organizations as the R.O.T.C., such regulations as the regulation concerning proximity to the College and a great many others of the same line which can only provoke the student body into taking a course of action which perhaps breaks the regulations of the College but which nevertheless we consider necessary in order to change the present situation."

Coming now to the specific parts of the respective appeals in the events centering about October 9th, the statements made to this Committee by their two appointed student-spokesmen (the appellants Milgram and Goodwin), and endorsed in substance by all the appellants, show that all the appellants, who were supported and still support what was then done by Alexander and his associates as above set forth. Furthermore, their active participation in those events is abundantly shown in the minutes of their interrogation by the Dean, which minutes were admitted by all the appellants to be substantially correct.

As to the events after October 9th, the admissions of the appellants themselves show that, in addition to the acts of each as above set forth, the following appellants participated in or gave their encouragement to the aforesaid strike, the "Oust Robinson Week", the burning of the President in effigy and the picketing of the President's house:

Alex Rosen
Harry Gilerowitz
Henry Hilerowitz
George Wilks
George Krubitsky
Oscar Jaffe
Leonard Gutkin
Jerome Lipchitz
Morris Milgram
Charles Goodwin
Zenas Block
Edward Kuntz, Jr.

Alex Rosen stated that he did "totally approve of Mr. Alexander's remarks."

Leo Rubinstein stated that he "had considerable to do with the preparation of Alex..."
ACTION OF TRUSTEES

(Continued from Page Three)

The appellants were members of the following classes:

Edward Kuntz, Jr.—Lower Sophomore 2; Bernard Klibanoff—Upper Freshman 2; Edward Selikson—Lower Freshman 5; Henry Giller—Upper Freshman 3; Lawrence Cohn—Upper Junior 1; George Krubitsky—Lower Junior 2; Leonard Gutkin—Upper Senior 3; Matthew Amberg—Lower Freshman 3; Zenas Block—Lower Sophomore 5; Joseph Ballam—Lower Freshman 3; Jerome Lipschitz—Upper Freshman 5; Edwin Alexander, Jr.—Lower Freshman 2; Albert Ziegler—Lower Sophomore 3.

The Disciplinary Record of the Appellants

Only five of the appellants have a previous disciplinary record. This record, as summarized by Dean Gottschall at page 121 of the testimony, reads as follows:

"Five of the students had previous disciplinary records. The five include four of the students listed in my report to the Faculty as principal actors in the disturbances of October 9th and succeeding days, Messrs. Alexander, Goodwin, Kuntz and Milgram; the fifth student is Leo Rubin-stein, now having been expelled by the Faculty but merely suspended until June 1935. The previous disciplinary offense with which these five students were charged was the organizing and holding of an unauthorized meeting on the College grounds on April 13, 1934, in connection with an 'anti-war strike' that occurred on that day in numerous colleges in the United States. The five students I have named, together with five others who are not involved in the present appeal, were members of a committee that had been appointed at a regularly authorized meeting of students held in one of the lecture rooms of the College on April 12, 1934; the functions of this committee were to organize and conduct the 'anti-war strike' scheduled for April 13, 1934, from 11 to 12 o'clock. Permission had been granted for a meeting in one of the lecture halls of the College at that time, provided the meeting were restricted to those who had no scheduled class obligations at that hour. Instead of a meeting, a flagpole on the campus and persisted in holding the meeting although they were requested to desist. The charge against the ten students was heard by the joint Faculty-Student Discipline Committee. The Discipline Committee on April 23, 1934, found the students guilty of the charge and imposed the penalty of public censure.

In addition to the public censure, one of the students, Mr. Edward Kuntz, Jr., was suspended from classes for one week, because he had been found guilty previously of a violation of the College regulations. This earlier violation occurred in October 1933. Mr. Kuntz had participated in an attempt to organize an unauthorized meeting in proximity to the College grounds, at 141st Street and Convent Avenue, to discuss matters relating to the College, and had distributed handbills on the College grounds calling for this meeting. Mr. Kuntz gave to the Joint Student Discipline Committee an explicit promise to abide by the regulations of the College in the future; in view of this explicit promise, no disciplinary penalty was imposed by the Committee for Mr. Kuntz' offense."

Conclusions

1. As a condition of admission to City College, every one of the appellants signed a pledge as follows:

"As some small recognition which, in the American spirit of freedom and self-government, is now offered me by The College of the City of New York:

1. I shall conform with the discipline, regulations and order of The College of the City of New York and with the by-laws and resolutions of the Board of Higher Education of the City of New York.

2. I shall pay the cost of the College in the interest of outside organizations and groups for the propagation of organized dis-order or for the subversion of the orderly and lawful processes of administering the school.

3. Professor Costa was subjected to gross deception and insubordination.

4. The College was humiliated by displays of rowdism and disorderly conduct instigated and participated in by these appellants.

5. The acts and attitude of the appellants as regards the Faculty and the President constitute extreme and studied insubordination.

6. The acts and attitude of the appellants constituted a gross violation of the principles of academic freedom.

7. In view of the statements made by some of the student-spokesmen before this Committee and before the Dean, this Committee recommends that the Board make it clear that it cannot and will not tolerate organized insubordination against the rules and regulations of the Board and the Faculty and against good order and decent behavior at The City College or at any college under the jurisdiction of the Board of Higher Education; and that the Board will not permit free higher education, so generously extended by the taxpayers of the City, to be made an instrumentality in the hands of students in the interest of outside organizations and groups for the propagation of organized disorder or for the subversion of the orderly and lawful processes of administering the college.

Recommendations

Accordingly, this Executive Committee recommends that the Board of Higher Education recognize that these appellants have expelled themselves from The City College; that the Board determine, in the exercise of its disciplinary authority, that the names of the appellants be stricken from the rolls of students at the College; and that the action taken by the Faculty concerning them be confirmed.


Laurence J. Cassidy, Chairman.

Mark Edness, Arthur M. Howe, Philip J. Sinnott, Charles H. Tuttle, Chairman.