

Chernin, Milton

Letter to the Trustees of the Faculty Fund, April 27, 1954
Part of Records relating to the faculty fund established during the
loyalty oath controversy, CU-9.21
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Letter to the Trustees of the Faculty Fund, April 27, 1954

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TO: Trustees, Faculty Fund

R. Brode

W. Dennes

J. Fontenrose

C. Oliver

P. Odegard

W. Wurster

FROM: Milton Chernin, Chairman

Enclosed is a draft of an appeal letter for contributions which I hope you will edit as soon as possible and return to me for final revision so that we may send it out early in the month of May. Professor Oliver prepared a first draft of this letter which I have revised. I know there is no pride of authorship involved, so please feel free to make whatever editorial or other changes you believe will improve the letter.

Much time has passed since we decided to take this action and the delay has been entirely my own fault. I do believe, however, that the month of May will be a more propitious month for solicitation than either March or April with their income tax payments would have been.

MC:CI

DRAFT FACULTY COMMITTEE ON FINANCIAL ASSISTANCE

May 1, 1954

Dear Colleague:

Our fellow faculty members who tested the Regents' form of contract for us have not been granted compensation for the period of their separation from their posts and have finally been forced to sue individually in the Superior Court for their back pay.¹ In all likelihood, these suits will involve prolonged litigation and considerable expense.

The best estimate available is that the costs will run to approximately \$11,000 for such items as filing fees, printing, court reporters fees, records, communications, travel, depositions, briefs on appeal, etc. (it appears extremely likely that the Regents will appeal these cases to the Supreme Court should the Superior Court decision be adverse to them). Much of this money is needed now for current expenses of the suit. Very little of these funds will be recovered by the litigants, under California law, even if they win their suits. This \$11,000, moreover, does not include Attorney fees, a matter which is not at present urgent.

1. Members of the Senate will have seen in the University Bulletin for January 4, 1954 (Vol. 2. No.20, pp. 108-110) the report submitted by the Regents' Special Committee to Consider Claims of Attorney Weigel in Case of Tolman v. Underhill, which recommended that the Regents resist the back-pay claims and in the University Bulletin for March 8, 1954 (Vol. 2. No. 28, pp. 151-152) the two letters from Attorney Weigel setting forth the bases for the back-pay claims. The faculty may by comparison of these two statements inform itself as to the merits and policy implications of the present suits.

To the Trustees of the Faculty Fund the circumstances under which the loyalty oath question and tenure have gone back to court show that fundamental issues, thought settled by the Supreme Court decision in Tolman v. Underhill are again being disputed. Of secondary importance, but certainly not to be overlooked, is the fact that until the litigants secure their back pay and thus are able to reimburse the Faculty Fund, the Fund cannot reimburse the contributors in accordance with the terms of the original creation of the fund.

Accordingly the Faculty Committee on Financial Assistance (Trustees of the Faculty Fund) has unanimously decided —

— 2 —

"[to] inform the contributors that it intends to share in equitable proportion with the litigants the legal costs and attorney fees necessary for the recovery of the funds due to the supported faculty members. These expenses are to be deducted from the Committee's funds before final distribution."

The Trustees believe this action is called for by the action of the Senate on September 26, 1950 when it endorsed the Faculty Fund in the following terms:

"The Academic Senate, Northern Section, urges its members individually to contribute financially to the support of these Senate members whose salaries have been withheld by the Regents for failure to sign the special declaration."

The Committee urges all members of the Academic Senate to send in at once contributions to the Faculty Fund to raise this \$11,000. (The present balance in the Fund is \$657.28). The Committee believes that it can recommend no fixed sum or formula as the proper individual contribution since individual incomes and financial obligations differ so widely. It would, however, point out that if every member of the Senate were to contribute \$10, which is of course, not an equitable plan, the total would about equal the needed amount. The Committee hopes that contributions for this purpose will be received from all Senate members, regardless of whether or not they contributed to the support of the non-signers prior to the Underhill decision. It would seem that the issue now is one that all can support, since it is simply whether our colleagues whose rights have been declared should be deprived of a very material part of the remedy which should go with those rights.

All contributions received will be set up in individual contributor accounts on the books of the Trustees, in the same way as all previous contributions have been, for purposes of record and later reimbursement so far as any sums may be returnable.

Please make your cheks payable to The Trustees of the Faculty Fund and send them to -

— 3 —

Professor Joseph Fontenrose, Treasurer
Faculty Fund
Room 5216, Dwinelle Hall

MC:CI

Sincerely yours
Robert B. Brode
William R. Dennes
Joseph Fontenrose
Covey T. Oliver
Peter H. Odegard
William W. Wurster
Milton Chernin, Chairman

Faculty Committee on
Financial Assistance