

The Faculty Bulletin

A Bulletin of Information for Students and Officers of the College of the City of New York

PUBLISHED PERIODICALLY THROUGHOUT THE SCHOOL YEAR BY THE CITY COLLEGE FACULTY

Vol. VIII.

NEW YORK, N. Y., MAY 24, 1935

No. 8

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 EXPELLED 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 which 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 was to consist of an address of welcome, 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 that the reception of the Italian students be 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-

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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 anything ungentlemanly about 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 to say nothing 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 message of welcome from our students to our guests."

Alexander himself states that he then began his address with the salutation:

"Enslaved, tricked, 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 once 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 from possible 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 many of the students summoned, including all these appellants (except Block, Cohn, Klibanoff, George Rubinstein and Scheinberg) to answer his questions. Those who so refused he then suspended to await the action of the Faculty.

On October 11th, the Student Council passed a resolution that a vote of confidence be given to its Executive Committee (consisting at that time of the appellants Gutkin and Alexander and of the student Knobel), and a further resolution that a committee be appointed to bring before the student body

a resolution asking for the ousting of President Robinson, and that the Council meet on October 15th to pass on the findings of this committee. This committee included the appellants Lipschitz and Kuntz. The Faculty thereupon suspended the privileges and organization of the Student Council.

Thereafter there were also held upon the College grounds and in immediate proximity thereto almost daily meetings of students, called mass meetings and accompanied with the circulation of inflammatory and derogatory pamphlets. These meetings and the circulation of such pamphlets were in avowed violation of Faculty regulations. In them the President and the Faculty were denounced. Many of these appellants were active participants in these meetings and in the distribution of these pamphlets.

During the last week in October, there was organized by certain students (including many of these appellants) an "Oust Robinson Week," during which the President's home, which is provided for his official residence by the City and is diagonally across Convent Avenue and 141st Street from the Library grounds of the College, was picketed for five days a week for two or more hours a day by some two hundred students at a time, displaying large placards (sometimes forty or fifty in number) with such slogans, as: "Oust Fascist Freddy", "Oust Booby Robinson", "Oust Robinson", "Drive Fascism out of City College". The Oust Robinson Week was carried on in the name of the Student League for Industrial Democracy.

Finally, on the last day of the week, many of these picketing students were arrested by the police at the request of neighboring residents. They were discharged by the Magistrate upon receipt of a letter from the President requesting their discharge and stating that their conduct might properly be deemed a subject of consideration by the College authorities. In our opinion, the admitted conduct of these students in thus picketing the home of the President and his family was a crime and in plain violation of the Penal Law.

On November 13th, the Faculty met and took disciplinary action against a number of students, expelling twenty-one—these appellants.

On November 20th, there was conducted by some of the students a so-called "strike" against these expulsions and in furtherance of the ousting of the President. This strike was accompanied with an unauthorized meeting at the flag-pole, the unauthorized distribution on the College grounds of pamphlets with a caricature of the President and the public burning of an insulting effigy of the President in Jasper Field immediately beside the College. This strike and the accompanying meeting and burning were participated in by many of these appellants, and were actively furthered by the members of the aforesaid special committee appointed by the Student Council.

Thereafter these appellants petitioned the Faculty for a reconsideration of their expulsion; and when that was refused, they appealed to this Board of Higher Education.

The Procedure Followed

In support of this appeal, three attorneys, Mr. Osmond K. Fraenkel, Mr. Mendel Lurie and Mr. Abraham Unger, presenting them-

selves as spokesmen for the appellants, were heard by the Board. At the conclusion of their presentation, they were informed by the Board that the Board either would hear the appeal on the record before the Faculty or else, in the exercise of its statutory powers, would investigate and determine for itself *de novo* the whole matter of the conduct of the students involved; and that the choice between these two courses would be left to the three spokesmen for the students. They were also told that if they chose the latter course, the Executive Committee would investigate and report its findings and recommendations; and that at such investigation all the appellants and their three spokesmen could be present and offer evidence and examine witnesses. The three spokesmen then chose the course of an investigation and determination *de novo* by the Board itself.

Accordingly, the Executive Committee has held two sessions at which the appellants (with two exceptions) were present, and at which were present also Messrs. Fraenkel, Lurie and Unger. A full stenographic transcript of the proceedings at these sessions has been furnished to Messrs. Fraenkel, Lurie and Unger and to every member of this Board, together with a copy of the stenographic transcript of the aforesaid preliminary interrogation of the appellants by the Dean shortly after October 9, 1934. Copies of this preliminary interrogation were also placed before the appellants and Messrs. Fraenkel, Lurie and Unger at the commencement of the first session, and mimeographed copies thereof were furnished before the second session to the three lawyers just named.

At the first session the appellants were heard at length; and the appellants also designated as their student spokesmen the appellants Goodwin and Milgram who were also heard at length. Each was permitted to give his full explanation and viewpoint on the matters and points covered by the aforesaid Narrative of Facts, and each was then interrogated by the Committee on the same subject-matter. At the second session and in the presence of the appellants, the Committee also heard statements from Dean Gottschall, Curator Brett, Professor Costa and Professor Bohlin; and these members of the Faculty were then interrogated by Mr. Fraenkel. At no time was there any protest against or exception to the procedure of the Committee or any complaint that any appellant was not being given a full opportunity to be heard. The Committee subsequently received a brief from Messrs. Fraenkel, Lurie and Unger, and the Committee informed them that in its report to the full Board the Committee would recommend that they be permitted to address the Board again before the decision of the Board was arrived at.

The Appellants' Contentions

The defense presented by the appellants may fairly be summarized as follows:

- (1) The reception of the Italian students at the College was a recognition of Fascism and an aid to Fascist propaganda.
- (2) Opposition to Fascism was a matter of supreme principle which justified disobedience of College regulations and overrode the usual amenities of hospitality.
- (3) The College regulations which were disobeyed are a hindrance to academic liberty, to the free expression of student opin-

ion, and to the rights of the organized student body in the control of student activity and the government of the College.

(4) The present administration of the College represents the present social, economic and political organization of society and government; is an expression and creature of capitalism, and is therefore a justifiable object for continuous attacks by students, with a view to the overthrow of both it and the social structure of which it is a part.

We may illustrate these several contentions of the appellants by quotations from the statements made to the Dean or to this Committee by those of their number who were representative.

For example, the appellant Alexander told the Dean on November 1, 1934 (p. 171):

"Professor Costa certainly had authority as Chairman of the meeting, but for him to prevent an anti-Fascist speaker from speaking at a reception which so far had apparently condoned Fascism was an obvious prejudice and breach of academic liberty. I therefore continued to speak."

The appellant Goodwin told the Dean on November 7, 1934 (p. 184):

"I wish to make a statement for those students here who are members of the Young Communist League and to present the position of that organization for the record. * * *

"We who are Communists do not regard the capitalist class in society and its government as fixed and immutable. We reaffirm our faith that that class together with everything that it represents can be and will be in the near future swept away. * * *

"In The City College the student body is confronted by a series of rulings administered by an administration long known as one of the advance guards of reaction. The rules and regulations of The City College which we are asked to obey and which are put before us as the necessary levers for the functioning of an institution are in reality rules and regulations calculated to prevent struggle on the part of the student body against the forces in society which the College represents. We as Communists therefore regard it as our duty to struggle against these forces in society and, of course, incidentally, against the rules which these forces in society have adopted. We do not break a rule of the College for the pleasure of breaking it. We do not indulge in demonstrations and in other protest meetings in order to hear ourselves talk or for publicity. All our activities are consciously conducted with the intention of organizing the student body towards the winning of demands of interests which are those of the student body. * * *

"The Communists at City College, and those of us in this group who are Communists, recognize that all these ills which have been recited are ills which are introduced by the administration of the College into the College because of the position that it represents; that all these ills, moreover, are contrary to the interests of the student body; that to finally do away with these ills it will be necessary to do away with the society which controls and administers the College; but in the mean-

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 are ills, to struggle with every method in their possession against it. We Communists moreover affirm 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 all the other 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. 36):

"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, we did because 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 of the college are 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 meetings—that is unauthorized meetings—held in proximity of the college, relative to college matters, were forbidden. Nonetheless, on various occa-

sions 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 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 our 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 consider what 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 like 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 appellants 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 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	Henry Gilerowitz
Harry Kulansky	George Krubitsky
Oscar Jaffee	Leonard Gutkin
Jerome Lipschitz	Matthew Amberg
Charles Goodwin	Zenas Block
Edward Kuntz, Jr.	Morris Milgram

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-

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(Continued from Page Three)

ander's speech"; that he was present at the strike and that he spoke at one of the meetings.

Morris Milgram stated that he aided in the preparation of Alexander's speech; that he took an active physical part in the disturbance in the Great Hall; that he knowingly broke the regulations; and spoke at some of the meetings.

Murray Sawitz stated that he took an active part in the strike and the picketing of the President's house; and that, while he did not approve of the burning in effigy, he was present at it.

George Rubinstein stated that he picketed the President's house; that he was on the picket line on October 9th and joined in the hissing in the Great Hall when the Italian students arrived; and that he attended some of the unauthorized meetings.

Edward Selikson stated that he picketed the President's house.

Bernard Klibanoff stated that he participated in the strike and the burning in effigy; that in the Great Hall on October 9th he joined in the hissing and shouting; and that he joined in some of the subsequent meetings.

Lawrence Cohn stated that he picketed the President's house but that he had expressed his disapproval of the strike and of the burning in effigy. He also stated that he was on the picket line at the time of the arrival of the Italian students; that he joined in the shouting at the Great Hall; and that he subsequently joined in the distribution of leaflets and attended some of the meetings.

George Krubitsky stated that he countenanced and actively approved of Alexander's speech.

Joseph Ballam stated that, as a member of the Student Council, he had heard and approved of the general outline of Alexander's proposed speech; that he was in the picket line; and that he participated in the strike and the burning in effigy.

Alexander did not attend the sessions of this Committee; but wrote a letter saying that his testimony before the Dean was "quite complete", and that he had "seen and approved" the statement "which Mr. Goodwin will make on behalf of the group".

Albert Ziegler was out of the United States during the sessions of this Committee. His statements to the Dean show that he picketed the President's house; that he was in the picket line on October 9th; that he had distributed the leaflets on the College grounds; and that he was in the Great Hall on October 9th and sympathized with the demonstration.

Elmer Scheinberg did not join in the appeal to this Board.

The Scholastic Grades of the Appellants

The appellants were members of the following classes:

Alex Rosen—Lower Sophomore 2;
Harry Kulansky—Upper Freshman 2;
George Rubinstein—Upper Freshman 3;
Oscar Jaffee—Upper Freshman 3;
Leo Rubinstein—37—2;
Morris Milgram—Lower Sophomore 2;
Charles Goodwin—Lower Junior 2;
Murray Sawitz—Lower Junior 3;
Edward Kuntz, Jr.—Lower Sophomore 2;

Bernard Klibanoff—Upper Freshman 2;
Edward Selikson—Lower Freshman 5;
Henry Gilerowitz—Upper Freshman 3;
Lawrence Cohn—Upper Junior 1;
George Krubitzky—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 Rubinstein, mentioned above as not 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 the students called a meeting at the 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 25, 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 of students in proximity to the College grounds, at 141st Street and Convent Avenue, to discuss matters relating to the College, and had distributed handbills off the College grounds calling for this meeting. Mr. Kuntz gave to the joint Faculty-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: * * *

2. 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."

They now, as they themselves avow, have broken and repudiated their contract, and intend to continue breaking it whenever they consider that the occasion warrants. In consequence, they cannot complain if the College recognizes the rescission of the relationship which they themselves have accomplished, and puts them where they were before they obtained the gift of free education at the expense of the taxpayers of this City by giving a pledge to which they have been faithless.

2. Their insulting language and attitude toward the guests of the College was studied and deliberate.

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

4. The College was humiliated by displays of rowdiness 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 constituted 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 statutory 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.

New York, N. Y., May 17, 1935.

LAURENCE L. CASSIDY,
MARK EISNER,
ARTHUR M. HOWE,
PHILIP J. SINNOTT,
CHARLES H. TUTTLE, *Chairman*