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1. It is understandable that members of the Board of Regents work to get the most for their institution.
2. I understand this, both as a Regent myself with responsibility to the University, and as Governor of the State of California, with responsibility to the society whose university we are discussing.
3. In our budget for the State of California, we have given the most that can responsibly be given to our institutions of higher education. They have had our highest priority.
4. The situation is such that to give the University more would require reducing the budgets of other departments, agencies or programs.
5. The average level of budget increase for next year over this year is approximately 7%. The level of increase for the budget of the University exceeds 11%. Which departments, agencies or programs would the University have us cut? Highway patrol? Welfare? MediCal? We are already asking for a \$10 million cut in the increase of welfare programs, and a \$66 million cut in MediCal.

Last year the State was able to support the University with \$264.2 million, which included salary increases. Last year \$21 million of Regents' funds were also included for use. For in our new budget we grant \$294.1 million to the University, of which \$14.1 million is for salary increase and \$280 million for work load. In addition, \$45 million has been granted for capital outlay. The University has

been informed also that funds derived from a raise in student fees may be kept by the University for its own use.

6. Within its budget, the University has great flexibility for determining particular use of funds.

7. Besides cutting budgets of other departments, agencies and programs, which, in my responsibility to the people of the State I cannot do, what alternatives are there?

a. Increase taxes? The State of California has reached its maximal possibilities for tax revenues. The people are already hurting seriously. If the University pushes to suggest taxation, who would it raise and how?

b. Withholding tax?

c. Tuition? The most obvious source of revenue for the University would come from the adoption of a tuition fee, particularly one in which up to 50% would be utilized for faculty enrichment. Were this to be adopted, we would be well on our way to resolving the University's financial problems.

d. Limitation of enrollment? This is the least acceptable solution of all, if indeed a solution it is. It penalizes the people and it is not necessary.

E. There are the matters of economy and efficiency.

For example: what is the teaching load? what is the situation regarding course offerings? is there unnecessary duplication on the various campuses?

Memorandum

To : LYN NOFZIGER
PAUL BECK ✓
ED GRAY
NANCY REYNOLDS

Date : March 1, 1968

Subject: Regents Appointments

From : PAUL R. HAERLE

In connection with the two Regents appointments being announced today, the two possible areas of criticism and the answers to each are the following:

A. W. Glenn Campbell is Director of the Hoover Institution for War and Peace on the Stanford University campus. The following is the relationship between the Institution and the University:

1. The Hoover Institution is an independent unit within the University framework. It is physically located on the campus. Legally, the Institution is an integral part of the University.
2. The financial linkage between Stanford University and the Hoover Institution is general in nature and is essentially based on the use of the Hoover Institution facilities (library). For the current fiscal year, 20% of the budget of the Hoover Institution is derived from Stanford University for library support, and as payment to the Institution for the use of their library by Stanford University students. The rest of the budget for the Hoover Institution comes from private sources and/or endowments.
3. On some occasions the scholars of the Institution teach classes at Stanford University, but they are not automatically professorial positions.

B. Einar Mohn is not being replaced by another labor union representative. It has and will be asserted that it is traditional for there to be a representative of labor on the Board of Regents. An examination of the records indicates that this "tradition" is not so long lived as might be believed. In fact, the "tradition" really applies to only one person, C. J. Haggerty, originally Secretary-Treasurer of the California Building and Construction Trades Council, who was originally appointed by Governor Warren in 1950. Haggerty did not succeed a labor representative but, rather, a member of the Giannini banking family in San Francisco. As far as our research can disclose, Haggerty was the first organized labor appointee on the Board of Regents.

continued.....

His term was due to expire in March of 1966. At that time a perplexing switch occurred. Ed Carter, who was originally appointed in 1952 with a term to expire in 1968, was put into Haggerty's spot so that his term would expire in 1982. Haggerty was shifted over to fill the two-year unexpired term of Carter, and then after the election (specifically, on December 5, 1966) Haggerty resigned and Einar Mohn was appointed to fill his unexpired term. Thus, if Brown had wanted to he could have assured that the "labor representative" could have had an additional 16 years on the Board when Haggerty's term expired in 1966. Instead, he took pains to see to it that he was given a shorter term--possibly to embarrass a potential Republican successor, possibly to assure Ed Carter a second term.

Further with reference to Paragraph A on the preceeding page:
It is worthy of note that others of the Regents have strong private university connections. Elinor Heller is a Trustee of Mills College and Ed Carter is a Trustee of Occidental College, as is Buffie Chandler herself.

*Paul Wick
Regents*



ED REINECKE
LIEUTENANT GOVERNOR

State of California
LIEUTENANT GOVERNOR'S OFFICE
SACRAMENTO 95814

File

March 25, 1970

Statement to California Journal, March 25, 1970
by Lieutenant Governor Ed Reinecke, in response
to question,

"Did you vote against the Resolution at the Board
of Regents to give Mayor John Lindsay an honorary
degree when he appears as the Charter Day speaker."

"While this is strictly a matter that was covered
in the executive session of the Board of Regents,
and should not be discussed publicly, it has come
to my attention that certain statements inappro-
priately have been made concerning my vote on this
resolution. I feel it is proper for me to state
that I indicated to the Board prior to the vote,
that I would vote for the honorary degree for Mayor
John Lindsay, which in fact I did."

James
7-59-70 BX AD
University Extension Center
Los Angeles, California
June 19, 1970

To: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA:

The Committee of the Whole of The Regents submits the following report and recommends that it be accepted and adopted by the Board:

The committee of the whole has reviewed carefully the record relating to the reappointment or non-reappointment of Acting Assistant Professor Angela Davis and submits this report and recommendation to the Board of Regents for its consideration and action.

The question presented is whether Angela Davis is to be reemployed by the University. The present consideration does not involve any question of whether she is to be disciplined or discharged. Her present term of employment, according to the record, expires on June 30, 1970.

The committee has not considered, or considered to be relevant to its findings or conclusions, the membership of Angela Davis in the Communist Party or the circumstances in which previous actions were taken by the Board relating to her membership in the Communist Party.

For the reasons discussed below, this committee recommends that Miss Davis not be reappointed.

This committee of the whole takes note of the criticisms and apprehensions which have been expressed concerning the action of the Board of Regents in reserving to itself decision making authority in this matter. The Regents for many years have entrusted to the administration, acting with the advice of the faculty, authority to make non-tenured faculty appointments, except special categories such as Regents Professors and over-age appointments. This authority has been delegated and the Board of Regents has no present intention of altering this delegation. At the same time, members of the Board of Regents have not only the constitutional right but also the constitutional duty to act in those rare instances where it appears that great harm to the University would result from a failure of the Board to act.

THE REPORT OF THE FACULTY AD HOC COMMITTEE

The most penetrating inquiry which has been made regarding the propriety of the classroom and extramural activities of Miss Davis is that contained in the report of the ad hoc faculty committee submitted to the Chancellor, we understand, shortly prior to the April 1970, Regents' meeting. That committee inquired into the following general allegations against Miss Davis:

- "1. That she has utilized her position in the classroom for the purpose of indoctrinating students;

"2. That her extra University commitments and activities interfere with her duties as a member of the faculty; and

"3. That her public statements demonstrate her commitment to a concept of academic freedom which substantiates the first two charges and would ultimately be destructive of that essential freedom itself."

As to the first allegation regarding classroom indoctrination, the committee's finding was that:

"On the basis of all the evidence available to it, the committee unanimously concludes that Miss Davis has not 'utilized her position in the classroom for the purpose of indoctrinating students,'."

This committee accepts the finding of the ad hoc committee that during the period from the time Miss Davis commenced teaching in the Fall of 1969 to the date of the ad hoc committee's report--approximately 7 months--the charge that she utilized her position in the classroom for the purpose of indoctrinating students was not substantiated.

With regard to the second allegation that Miss Davis' "extra University commitments and activities interfere with her duties as a member of the faculty," the ad hoc committee concluded:

"On the basis of the factual record, however, we unanimously conclude that the allegation that her outside commitments and activities have interfered with her teaching responsibilities lacks credible evidentiary support."

This committee also accepts the finding of the ad hoc committee that the charge that Miss Davis' extra University commitments and activities interfered with her duties as a teacher during the period it reviewed was not substantiated.

It is to be noted, however, that the ad hoc committee limited its inquiry to only the question of whether her outside activities interfered with her teaching duties. As stated by the Committee:

"In the context of this report we are concerned primarily with the effects, if any, of Miss Davis' outside activities on her teaching. Whether those activities may have adversely affected her scholarly work in general, and her progress on her doctoral dissertation in particular, is a question beyond both our competence to evaluate and the legitimate scope of our inquiry."

The third allegation considered by the ad hoc committee was:

"That her public statements demonstrate her commitment to a concept of academic freedom which substantiates the first two charges and would ultimately be destructive of that essential freedom itself."

In considering this general allegation, the ad hoc committee reviewed the transcripts of four speeches given by Miss Davis: At Pauley Pavilion, UCLA on October 8, 1969; at a People's World banquet in Santa Monica on October 12, 1969; at the Lower Plaza of the Berkeley campus on October 24, 1969; and at Campbell Hall on the Santa Barbara campus on February 5, 1970.

The ad hoc committee considered the statements in those speeches in the light of policies of the American Association of University Professors. These include the AAUP Statement on Professional Ethics which provides in relevant part that:

"As a colleague, the professor has obligations that derive from common membership in the community of scholars. He respects and defends the free inquiry of his associates. In the exchange of criticism and ideas he shows due respect for the opinions of others"

And that:

"As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom."

The ad hoc committee also considered the AAUP Statement of Principles on Academic Freedom, 1940, which provides that the College or University teacher,

"As a man of learning and an educational officer, . . . should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman."

The ad hoc committee report also refers to the AAUP Advisory Letter No. 11 on Extramural Utterances which states that:

"A violation (of the requirement to exercise 'appropriate restraint') may consist of serious intemperateness of expression, intentional falsehood, incitement of misconduct, or conceivably some other impropriety of circumstances."

And:

"A careful distinction should be drawn at all times between those common instances of relatively insignificant disregard of the admonitions cited above and those rare instances which do in fact raise 'grave doubts' about a faculty member's fitness to teach."

Commenting upon Miss Davis' speeches the ad hoc committee observed that:

"Each of the speeches ranges over a number of topics, but certain common patterns emerge."

Specifically with respect to the academic freedom implications of her public statements, the ad hoc committee states that:

"Miss Davis appears to consider academic freedom, as conventionally defined, as 'an empty concept which professors use to guarantee their right to work undisturbed by the real world, undisturbed by the real problems of this society.'"

And:

"It means the ivory tower intellectuals . . . whose only interest consists in deciphering Third Century manuscripts And these people who see academic freedom as being the freedom from the pressures of society . . . do not realize that they are also unconscious perhaps . . . accomplices in the exploitation and oppression of man."

And further that:

"Miss Davis appears to believe that academic freedom carries obligations that are qualitatively different from those identified by the AAUP and by the Academic Senate of this University. Specifically, academic freedom is meaningless unless it is used to espouse political and social freedoms, 'to unveil the predominant, oppressive ideas and acts of this country' and 'to begin to develop not only criticism but positive solutions and . . . to carry out these paths in the universities! Otherwise, academic freedom is a 'real farce.'"

The ad hoc committee's report then sets forth a number of excerpts from Miss Davis' speeches. They include the following:

1. "Bill Allen (Assistant Professor William Allen, who had been notified of non-reappointment by the Santa Barbara campus) . . . was fired because he's anti-imperialist, because he's anti-racist, because he refuses to go along with what most of those senile people in anthropology do when they talk about going over and studying people's cultures. He tried to point out that the real problem in this world and Latin America and throughout the third world lies in the imperialist aggression of the United States and the other capitalist countries of the west. (Santa Barbara speech, 5 February 1970)

2. "I think that education itself is inherently political. It's goal ought to be political; it ought to create human beings who possess a genuine concern for their fellow human beings, and who will use the knowledge they acquire in order to conquer nature, but to conquer nature for the purpose of freeing man . . . from enslaving necessities." (Pauley Pavilion speech)

3. "The regents . . . have allowed the police force and the military to prevent those people whom they (were) supposed to be representing from making use of the property which belongs to them. They killed, they brutalized, they murdered human beings who had more than a right, I think, to establish a park for the people, on the land which rightfully belongs to the people (Pauley Pavilion Speech)"

4. "We ought to ask for and consider the reason for this decision (of the Los Angeles Superior Court holding unconstitutional the Regents' policy of excluding members of the Communist Party from the University's faculty). The decision came about only because of mass pressure, only because of the fact that all over the State there were demonstrations, there were indications that we would take over. And I think the judge who made the decision realized this when he said he wanted to . . . effect the decision within a few hours because otherwise he knew it was going to be decided in the streets. I think he was right, and what we have to do at this point is to use that decision . . . in order to escalate the struggle in the society."

5. "Are we going to write resolutions and condemn them (State and Federal authorities) for their brutality (against Negroes, Mexican-Americans, students), or are we going to openly declare war on them?"

* * * *

"And that's what we have to start talking about (a general strike), demonstrative actions which show pig forces what we can do--even though we don't do it then--but what we can do.

* * * *

"This is the way we have to begin to conceive of our actions, we have to talk about offensive action . . . And it's really nothing more than the demonstration of what can be done once we really get ourselves together, once we really organize ourselves, once we really are able to raise the level of consciousness in all the people so we can move in a united fashion to overthrow this whole system, to overthrow . . . the government.

* * * *

"And you should realize that a strike is potential force; that's exactly what it is. We should call . . . things by their name. When people start saying that we are out to subvert, that we are subversive, we should say, "Hell, yes, we are subversive. Hell, yes, and we're going to continue to be . . . subversive until we have subverted this whole damn system of oppression.'" (Santa Barbara Speech)

The ad hoc committee observed that:

"On the limited evidence available, it seems clear that she does not hesitate to attack the motives, methods, and conclusions of

those with whom she disagrees. Thus, the anthropologists at Santa Barbara who voted not to renew the appointment of a junior colleague are themselves dismissed as 'senile,' and a professor who, after years of study, published a length article outlining an hypothesis that certain kinds of learning abilities vary in measurable degrees between races and are due primarily to genetic rather than social factors, is denounced as a racist and an 'exploiter' of academic freedom."

that:

"... we think she has been less than fair in her characterization of the views of fellow scholars whom she has denounced, ..."

that:

"Her public speeches, ... have been characterized by notable lack of restraint and the use of, to say the least, extravagant and inflammatory rhetoric."

that:

"... she has frequently sacrificed accuracy and fairness for the sake of rhetorical effect. We deem particularly offensive such utterances as her statement that the Regents 'killed ... brutalized ... (and) murdered' the 'people's park' demonstrators (Pauley Pavilion speech) and her repeated characterization of the police as 'pigs.' (Santa Barbara speech)"

and that such utterances are, "distasteful and reprehensible."

The ad hoc committee was charged with recommending whether formal charges or other disciplinary action should be taken against Miss Davis. It recommended against such action. However, it should be emphasized that the ad hoc committee nowhere recommends that she be reemployed. On the contrary, it made the following recommendation:

"We also find ... that Miss Davis' choice of language in some of her public statements is inconsistent with accepted standards of appropriate restraint in the exercise of academic freedom, even though the statements themselves are not likely to lead to the destruction of those standards. Accordingly, we recommend that they be taken into account, together with all other relevant factors, by the appropriate faculty and administrative authorities when consideration is given to the renewal of Miss Davis' present contract of employment."

This committee of the whole agrees with the observations and the foregoing finding and recommendation of the ad hoc committee.

THE DEPARTMENT OF PHILOSOPHY RECOMMENDATION

The Department of Philosophy, by a vote of 14 ayes, 3 abstentions, has recommended that Miss Davis be reappointed for the academic year 1970-71 at the rank and step of her present employment, Acting Assistant Professor,

Step II. The Departmental recommendation was based principally upon reports of her teaching effectiveness submitted by students and faculty observers. In general, these reports were commendatory of her teaching. Some were highly laudatory and called for her retention. One student's evaluation, however, concluded that her teaching was biased in favor of Marxism and was ". . . indoctrination, not open critical teaching."

The Departmental recommendation is nearly devoid of information concerning Miss Davis' research activities. In that regard it states simply:

"Miss Davis has made less progress toward the completion of her Ph.D. than either she or the Department expected at the time she was appointed (April, 1969); however, given the distracting circumstances that developed during the latter part of the Summer and most of the Fall quarters, she has done a remarkable amount of reading on and given considerable thought to her dissertation subject--a Kantian theory of force. Indeed on the basis of the written report she has submitted, all but one member of our Department present at the March 19th meeting voted in favor of a Departmental recommendation that Miss Davis be granted again this summer, through the Faculty Development Program, a summer stipend."

The report and recommendation of the Philosophy Department was made prior to the ad hoc committee report and it does not mention extramural statements or activities of Miss Davis.

REVIEW BY THE DEANS - DIVISION OF HUMANITIES AND
COLLEGE OF LETTERS AND SCIENCE

The Departmental recommendation was reviewed by the Dean of the Division of Humanities (the Division within the College of Letters and Science which includes the Department of Philosophy), and by the Dean of the College of Letters and Science. The letter of April 22, 1970, from the Dean of the Division of Humanities to the Dean of the College of Letters and Science points out the reductions in faculty positions which have been imposed as a result of recent financial stringency. It concludes that, "If the additional F.T.E. were to become available, the needs for which they were intended would, in my judgment, claim priority over the proposed appointment of Miss Angela Davis." That letter also notes that a full appraisal of Miss Davis' academic qualifications could not then be made by the Dean since, "There exists a report prepared by a special committee appointed by the Chancellor on Miss Davis' professional conduct" which he did not have, and "Moreover, the Department of Philosophy has not provided this office with a detailed account and evaluation of Miss Davis' progress on her dissertation since last year." The Dean of the Division of Humanities concluded that, "Obviously, all this evidence must be examined before a recommendation regarding her appointment can be properly made; . . . "

The Dean of the College of Letters and Science submitted a letter dated April 22, 1970, to The Vice Chancellor calling attention to the ". . . present critical staffing situation in the College" and declining to

recommend the proposed reappointment of Miss Davis. The Dean's letter concludes:

"There being no vacant provision in the College to which the appointment in question can be assigned, the only resource would be to ask you to provide special funding for it. But if I were to request such a provision, I would be elevating this appointment to the Number 1 priority of the College and giving it sudden precedence over 52 already needed positions in nearly every Department of the College. In my opinion, to do so would be unfair and not in the best interests of the College of Letters and Science. I therefore do not recommend the appointment. If any additional funds are made available to the College, they should be applied to a reduction of the list of staffing needs already established."

Thereafter The Vice Chancellor requested the Deans to report on Miss Davis' academic qualifications without regard to budgetary considerations. In response, the Dean of the College of Letters and Science submitted a letter dated May 4, 1970, to The Vice Chancellor, the full text of which reads:

"In response to your question regarding the academic qualifications of Miss Angela Davis for reappointment to the position of Acting Assistant Professor, I must reply that in my opinion her qualifications are unquestionable. She was well qualified, academically, for the position to which she was appointed last year, and I know of no evidence that she is not at least as well qualified now."

It thus appears from the record that this appraisal was made without regard to either Miss Davis' progress on her dissertation or her extramural statements and activities. It should also be noted that this letter contains no recommendation that Miss Davis be reappointed.

RECOMMENDATION OF THE BUDGET COMMITTEE

On May 5, 1970, the Chairman of the Committee on Budget and Inter-departmental Affairs of the Los Angeles Division of the Academic Senate, submitted to The Vice Chancellor the following recommendation:

"The Budget Committee recommends the reappointment of Miss Angela Davis as Acting Assistant Professor II for a one-year term, 7-1-70 to 6-30-71. In making this recommendation we have placed emphasis on her record of teaching excellence and strong academic training, accomplishment, and promise. It is customary in many departments at UCLA to reappoint qualified acting assistant professors for the second year while they are still in the process of completing their Ph.D. dissertations."

The Budget Committee further concluded that:

"We cannot accept as valid the argument that Miss Davis should not be reappointed for budgetary reasons."

because of its view that the:

"... priorities expressed by campus faculty development program take precedence."

Thus it appears from its report that the Budget Committee gave little, if any, consideration to Miss Davis' dissertation progress and none to her extramural statements and activities. Nor does it appear that consideration was given to other criteria normally applied to University appointments, such as professional accomplishment, research, and University and public service.

THE CHANCELLOR'S PROPOSED ACTION

As you know, at the May 15, 1970, meeting of the Board, the Chancellor made a statement in which he said:

"I have concluded, therefore, that there are no permissible grounds for refusal of the departmental recommendation, and that on the basis of the applicable criteria Miss Davis should be reappointed for a second one-year, self-terminating appointment under the Faculty Development Program."

In his statement, the Chancellor observed that:

"The Department based its recommendations (for reappointment) on a formal appraisal of her performance during this current year, drawing on evaluations by faculty members and students of her performance in the courses she has taught."

This indicates that the Department considered only classroom performance and did not consider Miss Davis' extramural statements and activities, and, possibly, did not consider her progress on the dissertation in making its recommendation.

We also note that while the Chancellor's statement says, "This report (of the ad hoc committee) was made available to both the Deans and the Budget Committee prior to their review of the Department proposal for reappointment," there is no mention of the contents of the ad hoc committee's report in either the letter from the Dean of the College of Letters and Science to The Vice Chancellor of May 4, 1970, commenting upon Angela Davis' academic qualifications, or in the letter from the Chairman of the Budget Committee to The Vice Chancellor of May 5, 1970, recommending Miss Davis' reappointment. Thus, we have some difficulty with the Chancellor's conclusion that:

"The favorable evaluations of the Deans and Budget Committee testify to their conviction that these allegations (of unprofessional conduct discussed in the ad hoc committee report) do not constitute sufficient grounds for denial of reappointment."

CONCLUSION AND RECOMMENDATION

It is the conclusion of this Committee that the finding and recommendation of the ad hoc committee that Miss Davis' extramural activities be taken into account in connection with consideration of her reemployment, were not given sufficient consideration in the reviews and recommendations which have been made for the reappointment of Miss Davis. It is our view that the above quoted statements and others contained in the four public speeches reviewed by the ad hoc committee and this committee are so extreme, so antithetical to the protection of academic freedom and so obviously deliberately false in several respects as to be inconsistent with qualification for appointment to the faculty of the University of California.

It is also a matter of concern to this committee that, as indicated above, the record indicates such little attention to Miss Davis' progress or lack of progress on her dissertation. We note that in her Pauley Pavilion speech of October 8, 1969, Miss Davis announced that, "I myself was supposed to have my Ph.D. dissertation finished by the end of this quarter, but obviously that's not going to be the case," because, as she went on to explain, she would be devoting her time and energies to political purposes. The Departmental recommendation of March 23, 1970, acknowledges that, "Miss Davis has made less progress toward the completion of her Ph.D. than either she or the Department expected at the time she was appointed (April, 1969)." The Dean of the Division of Humanities, in his letter of April 22, 1970, observed that, "Moreover, the Department of Philosophy has not provided this office with a detailed account and evaluation of Miss Davis's progress on her dissertation since last year." And, "Obviously, all this evidence must be examined before a recommendation regarding her appointment can be properly made, . . ." The record contains no indication that such evidence of her progress on the dissertation was considered in the review process.

This committee is also concerned with the proposal for giving this appointment an unwarranted priority in the face of other established and more pressing faculty staffing needs within the Division of Humanities and throughout the College of Letters and Science. This committee concurs with views of the Dean of the College of Letters and Science that approval of this proposal ". . . would be elevating this appointment to the Number 1 priority of the College and giving it sudden precedence over 52 already needed positions in nearly every Department of the College"; that such action, ". . . would be unfair and not in the best interests of the College of Letters and Science"; and that, "If any additional funds are made available to the College, they should be applied to a reduction of the list of staffing needs already established."

In light of the foregoing, this committee recommends that Acting Assistant Professor Angela Davis not be reappointed to the faculty of the University of California.

Dated: June 19, 1970.