

MINUTES OF A REGULAR MEETING  
BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA  
THURSDAY, NOVEMBER 10, 1955 - 10:00 A.M.

The regular meeting of the Board of Regents of the University of Oklahoma was held in the Office of the President of the University, Norman, on Thursday, November 10, 1955, at 10:00 a.m.

The following members were present: Regent Dave Morgan, President, presiding; Regents Foster, Little, McBride, Grisso, Benedum, Savage.

The minutes of the meeting held on Thursday, October 13, 1955, were approved.

Regent Benedum stated Mr. Jewell Hicks, Architect, had asked for a hearing before the Regents, with reference to architectural work in the modernization and repair program. Mr. Hicks reviewed the work his firm had done on the campus previously in the construction of a number of buildings. He stated he would appreciate any work the Regents might turn to him at this time.

It was suggested that Mr. Hicks discuss the matter with Roscoe Cate, whereupon he retired from the meeting.

Regent Little, reporting for the Regents' Committee on Architecture (Little, McBride, Savage) stated the firm of Reynolds and Morrison had been given the contract for architectural work on the Journalism and Classroom Building, following approval by telephone of those members of the Board that could be reached. This was in accordance with the discussion at the October 13 meeting. Reynolds and Morrison agreed to accept the contract at a fee of 6% less 2% to the University for checking and supervision.

Mr. Little moved, and it was voted to confirm the telephone vote on the employment of Reynolds and Morrison as architects on the Journalism and Classroom Building under the terms shown above.

The Chair expressed appreciation for the fine work done by the Committee.

President Cross stated Mr. Lloyd Wolfe, Capitol representative of the Tulsa Tribune had written a letter requesting detailed information concerning the athletic program at the University, submitting several pages of questions which he wanted answered as a basis for a story in the Tulsa Tribune. Mr. Wolfe was invited to the meeting and he explained his purpose in requesting the information.

Following a discussion of the matter, Regent Savage moved, and it was voted that it be referred to the Regents' Athletic Committee (McBride, Little, Morgan) for study, and that a report be made at the December 8 meeting of the Regents.

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Mr. Wolfe retired from the meeting.

Regent Benedum, Chairman of the Regents' Committee (Benedum, Savage, Grisso) reported on a hearing held in Room 406, Student Union Building, on November 4, 1955, at 1 o'clock p.m. to hear charges preferred by Professor Howard O. Eaton against Professors Feaver, Mueller, and Berenda, at the Regents' meeting held on Thursday, October 13. Copies of the stenographic report of the hearing were distributed, and the Secretary was asked to make the report a part of the minutes of the meeting.

Following is a copy of the stenographic report of the proceedings:

"HEARING BEFORE THE COMMITTEE OF THE BOARD  
OF REGENTS OF THE UNIVERSITY OF OKLAHOMA.

"Hearing held in Room 406, Student Union Building of the University of Oklahoma at Norman, Oklahoma, November 4, 1955 at 1 o'clock p.m.

"The Committee consisting of:

W. D. Grisso,  
Leonard Savage and  
T. R. Benedum,

to hear charges preferred by Professor Howard O. Eaton against Professor J. Clayton Feaver.

"Present: Professor Howard O. Eaton,  
Professor J. Clayton Feaver and  
Mr. Emil R. Kraettli.

"October 13, 1955

"Memorandum: To the President and the Board of Regents,  
From Professor Howard O. Eaton.

"I hereby formally charge that Professor J. Clayton Feaver is not competent as a professor of ethics, and submit herewith the following facts in support of this charge:

"1. On or about October 6, 1953 and on or about November 18, 1953, Professor Feaver joined with other members of the staff of the Department of Philosophy in signing charges against me.

"2. Professor Feaver was fully aware at the time he signed these charges that they were based on circumstances and events which occurred for the most part prior to the time when he, Professor Feaver, was a member of the faculty or a resident of the City of Norman, or in any position to have any first hand knowledge concerning the said circumstances and events.

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"3. The act of signing these charges under these conditions constitutes in itself an unethical act per se.

"4. A person who is guilty of unethical acts is not competent to be a professor of ethics. Professor Feaver's tenure at the University of Oklahoma should therefore be terminated at the end of the current academic year.

Respectfully submitted,

/s/ Howard O. Eaton

Howard O. Eaton  
Professor of Philosophy'

"Exhibit Number 2, a letter dated October 25, 1955, to Professor J. Clayton Feaver, from T. R. Benedum, which is in words and figures as follows:

"October 25, 1955

"Professor J. Clayton Feaver,  
Faculty Exchange,  
University of Oklahoma,  
Norman, Oklahoma.

"Dear Sir:

"This is to advise that, under date of October 13, 1955, Professor Howard O. Eaton filed a Complaint in writing with the Board of Regents of the University of Oklahoma, charging that you were not competent as a Professor of Ethics, and urging that your Academic Tenure with the University of Oklahoma be terminated at the end of the present school year. A copy of the Complaint filed by Professor Howard O. Eaton is herewith enclosed.

"A Committee of the Regents, consisting of Mr. W. D. Grisso, Mr. Leonard Savage and myself have been appointed by Mr. Dave Morgan, President of the Board of Regents, to hear the charges filed against you and your defense of the same. The Committee will meet in Room 406 of the Student Union Building at 1:00 o'clock p.m., on November 4, 1955, at which time a record of the proceedings will be taken and you will be privileged to have counsel with you and call any witnesses you deem necessary in your behalf. You will be entitled to a Transcript of the record, and based thereon the Committee will report to the Board of Regents at their next regular meeting on November 10, 1955.

"I trust that the date of the Committee Meeting for this hearing meets with your convenience, and look forward to hearing from you at an early date if, for any reason, a continuance should be granted to you.

Sincerely yours,

T. R. Benedum'

TRB:MF

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"MR. BENEDUM: These matters, as far as I am concerned, are very informal, and I think proper procedure would necessitate the making of any statement by Professor Eaton that he desires to make in connection with the written charges, which he has filed, to substantiate the charges.

"MR. EATON: I have no statement to make, Mr. Benedum.

"MR. BENEDUM: You propose to rely, I assume then, upon the written statement?

"PROFESSOR EATON: That is right.

"MR. BENEDUM: Next, it would be in order for Professor Feaver to make any statement he desires to make in defense of the charges.

"PROFESSOR FEAVER: First, I would observe that I did not bring either counsel or witnesses because I could not see that this was necessary under the circumstances. That is, considering the nature of the charge itself, and chiefly because of certain prior action that has been taken in connection with it. What I thought I would like to do is to read a letter which I had addressed to Clyde Farrar, Chairman of the Committee of Faculty Personnel February 16, 1954, which I think stands as a fairly clear explanation of my action and also stands as a response to the charge by Dr. Eaton.

"PROFESSOR EATON: May I interpose one question? Have I ever had a copy of this letter? Does it show that I have received a copy of it?

"PROFESSOR FEAVER: No. That is the letter sent to Professor Farrar, a copy to C. W. Berenda, chairman of the department. I will read it to you:

"February 16, 1954

"Professor Clyde L. Farrar, Chairman  
Committee on Faculty Personnel  
Faculty Exchange

"Dear Professor Farrar:

"As suggested in our brief conversation yesterday, I should like to make the following statement relative to the action that I have taken along with Professors Mueller and Berenda requesting that Professor Howard Eaton no longer be permitted to teach courses in the Department of Philosophy.

"To begin with, as is obvious, I have no first hand contact with much of the evidence, in as much as I came to the University of Oklahoma in the fall of 1951. I have, however, examined carefully the evidence prior to my coming here and have no reason to question its accuracy. Much of the material is a matter of the record and must be judged accordingly. Also I have no reason to question the material submitted by my colleagues, Professors Mueller and Berenda, persons who have been intimately involved in the problem for a longer period than I. Their integrity in this matter seems to me to be beyond reproach. They, like myself, are reporting material which has been presented to the officers of the University.

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"I do, however, know at first hand about recent communications addressed by students to the administration. These communications called for immediate departmental action, and as a member of the department, I was requested, along with other members, to consider the matter. Thus I consider it my responsibility to make as extensive an inquiry as possible, within the limitations of my experiences at the University.

"In addition to the evidence which was brought to my attention and which I was asked to examine, I should further point out that since my coming to the University I have had, repeatedly, complaints registered with me about the course that Dr. Eaton offers in Logic. The tenor of the complaints, as set forth in the evidence presented to the committee, is that much of the subject matter presented in this course has little or no relevance to the subject matter in Logic, and certainly that it does not give the student adequate background in this area of philosophy. Then there is a more general but equally serious difficulty to be considered. Students have expressed to me either their unwillingness or hesitation to take courses with Dr. Eaton which either are designed or may be used to supplement other courses in Philosophy. Specifically I have in mind the course of Philosophy 206, Social Ethics, which might normally be expected to supplement the subject matter of Philosophy 105, Ethics. This year I advised two students, majoring in Philosophy with an orientation toward the Philosophy of Religion and Ethics, to take this course. One of the students refused. The other, having stated his hesitancy to take the course, has enrolled on my advice. Parenthetically, I might observe in the light of a question which was asked at the recent hearing with your committee on Wednesday, February 10, that I advised students to take this course, even though the question of Dr. Eaton's responsibility as a teacher was in my mind, for two reasons. First, I feel that I cannot with integrity but assume that Dr. Eaton is, until proven otherwise, an integral and working member of the Department. Second, I felt that such a course was needed in the preparation of these students.

"I believe it is also pertinent to express my judgment that much of the reply that Dr. Eaton has made to the initial charges has been irrelevant. His reply has not pertained to the question of his responsibility as a teacher to present subject matter relevant to the courses in which he gives instruction, but has rather pertained to such matters as his teaching methods or competence as a philosopher, which matters are not the ones of primary concern in the case against him. Or, at least, when I signed the request that he discontinue teaching in the Department, it was not my intention to question his right to use any effective teaching method that he might choose, nor was it my intention to question his competence as a philosopher. Rather, I was concerned to make it clear that to the best of my judgment the evidence shows that he does not examine and present adequately the subject matter that normally falls within the range of the course that he teaches, and that this is particularly true of the course in Logic.

"While I recognize that this is an unhappy situation, nevertheless as a member of the Department I cannot dismiss the responsibility that relates to it.

"Sincerely yours,

J. Clayton Feaver

"PROFESSOR FEAVER: Now, in the light of this, I would like to make two statements with respect to the charge that Dr. Eaton has launched. First, I would like to state that I consider it very definitely my moral responsibility to function as a member of the Department, and thus to handle any cases that come up for special consideration. And, inasmuch as this is my responsibility in the light of the evidence that I had at hand, I considered it my responsibility to sign the complaint. And the second statement that I should like to make with specific reference to the charge is, that I do not know the meaning of an 'unethical act per se', when this act is one and simply one act inextricably tied up with several other acts, all of which pertain to the larger problem as to his responsibility as a teacher -- In other words, I am unable in my mind to separate this particular act, that of signing the charges, from other acts that pertain to the case at hand.

"Then I think, as something of a parenthetical observation, I would simply like to point out that items 3 and 4 of the charges involve a very elementary act of fallacy, wherein in item 3 we speak of 'unethical act per se' and in item 4 we conclude that I am guilty of many unethical acts. I consider this kind of logical fallacy unbecoming a charge of this sort.

"Now, I think this is really the extent of my reply to the charge, unless there are questions that arise.

"MR. BENEDUM: Dr. Eaton may have some questions to ask.

"PROFESSOR EATON: No, I have no further questions to ask under the circumstances.

"MR. BENEDUM: Any question, Mr. Savage?

"MR. SAVAGE: I have no questions.

"MR. BENEDUM: It seems to me that the basis of the charge made by Professor Eaton is that you joined with other members of the staff of the Department of Philosophy in 1953 in preferring charges against Professor Eaton on acts allegedly committed by him at the time that you were not here; and it is for that reason that Dr. Eaton has charged you with being unethical. I will ask Dr. Eaton if that is right?

"PROFESSOR EATON: That is the essence of it.

"MR. BENEDUM: Do you have any questions, Mr. Grisso?

"MR. GRISSO: No, I do not.

"MR. BENEDUM: I think we should keep the record open for both Professor Feaver and Professor Eaton to add anything to it in the way of material, not testimony but any other letters you might have or that you might have, Professor Eaton.

"RECOMMENDATION OF THE COMMITTEE

"The Committee having read and considered the charges filed by Dr. Howard O. Eaton against Professor J. Clayton Feaver, and having heard the statement of Professor Feaver, is of the opinion that the accused has not been guilty of incompetency as a professor of ethics, and it is recommended to the Board of Regents that he be found not guilty of the charge.

"The Committee is of the further opinion that Professor Eaton was motivated in filing the charge against Professor Feaver as a result of the joining by Professor Feaver in making of reports under dates of October 6, 1953 and November 18, 1953, which were uncomplimentary to Professor Eaton's ability as a teacher in the Department of Philosophy, and later joined in a re-evaluation of Professor Eaton in report dated June 3, 1955.

"In this connection the Committee feels that Professor Feaver should be complimented for the services he has rendered to the University of Oklahoma and the students of the Department of Philosophy, for having participated in bringing to the attention of the Administration of the University of Oklahoma the inadequacy of Professor Howard O. Eaton as a teacher; the Regents of the University having heretofore found that the charges filed against Professor Eaton by Professor Feaver, and others, were warranted, and that as a result thereof, Professor Eaton is no longer a member of the Faculty of the Department of Philosophy of the University of Oklahoma.

"The Committee was impressed with the dignified manner in which Professor Feaver presented his defense to Dr. Eaton's charges.

/s/ W. D. Grisso

/s/ Leonard H. Savage

/s/ T. R. Benedum  
Committee of the Regents."

"HEARING BEFORE THE COMMITTEE OF THE BOARD  
OF REGENTS OF THE UNIVERSITY OF OKLAHOMA.

"Hearing held in Room 406, Student Union Building of the University of Oklahoma at Norman, Oklahoma, on November 4, 1955, at 1 o'clock p.m.

"The Committee consisting of:

W. D. Grisso,  
Leonard Savage and  
T. R. Benedum

to hear charges preferred by Professor Howard O. Eaton against Professor Gustav E. Mueller.

November 10, 1955

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"October 13, 1955

"Memorandum: To the President and the Board of Regents,  
From Professor Howard O. Eaton

"I hereby formally charge that Professor Gustav E. Mueller is not competent to be a professor of philosophy, and in support of this charge I cite the following information which for the most part is already in the files of the office of the President of the University:

"1. Professor Mueller did, for considerations of value received from the Peron government of Argentina, participate in the so-called Mendoza Congress of Philosophy which he himself has publicly admitted was called primarily for the benefit of the said dictatorship;

"2. At that time he did allow to be published in the New York Times an article over his own signature and with reference to him as a professor of the University of Oklahoma, the tendency and purport of which article was to place a favorable light on the said Mendoza Congress and on the suppression of academic freedom by the Peron Government;

"3. This action constituted the prostitution of his scholarship in the interests of the foreign totalitarian dictatorship of the Peron government;

"4. I have hitherto made formal protest to the Board of Regents concerning this prostitution of scholarship.

"5. On or about October 6, 1953 and on or about November 18, 1953, Professor Mueller joined with other members of the staff of the Department of Philosophy in bringing trumped up charges against me. One of the charges to which he signed his name was to the effect that I had been late in returning to duty from an extended leave of absence in September, 1946. He had a legitimate right to protest my tardiness at the time if he had made known to me at that time the nature of his protest. But he did not have the right to wait seven years in complete silence, and then bring this outlawed charge against me as part of a trumped-up attempt to damage my character.

"6. Professor Mueller has failed to make any attempt to show that his participation in bringing up these trumped up charges against me was not motivated by his animosity against me because of my protest against his prostitution of scholarship. Professor Mueller's tenure at the University of Oklahoma should therefore be terminated at the end of the current academic year.

Respectfully submitted,

/s/ Howard O. Eaton

Howard O. Eaton'



November 10, 1955

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"October 25, 1955

"Professor Gustav Mueller,  
1133 South Jenkins,  
Norman, Oklahoma

"Dear Professor Mueller:

"This is to advise that, under date of October 13, 1955, Professor Howard O. Eaton filed a Complaint in writing with the Board of Regents of the University of Oklahoma, charging that you were not competent as a Professor of Philosophy, and urging that your Academic Tenure with the University of Oklahoma be terminated at the end of the present school year. A copy of the Complaint filed by Professor Howard O. Eaton is herewith enclosed.

"A Committee of the Regents, consisting of Mr. W. D. Grisso, Mr. Leonard Savage and myself have been appointed by Mr. Dave Morgan, President of the Board of Regents, to hear the charges filed against you and your defense of the same. The Committee will meet in Room 406 of the Student Union Building at 1:00 o'clock p.m., on November 4, 1955, at which time a record of the proceedings will be taken and you will be privileged to have counsel with you and call any witnesses you deem necessary in your behalf. You will be entitled to a Transcript of the record, and based thereon the Committee will report to the Board of Regents at their next regular meeting on November 10, 1955.

"I trust that the date of the Committee Meeting for this hearing meets with your convenience, and look forward to hearing from you at an early date if, for any reason, a continuance should be granted to you.

Sincerely yours,

T. R. Benedum'

TRB:MF

"MR. BENEDUM: Professor Mueller, you have had a copy of the charges filed against you by Professor Eaton?

"PROFESSOR MUELLER: Yes.

"MR. BENEDUM: And you are prepared now to answer the charges?

"PROFESSOR MUELLER: Yes, sir.

"MR. BENEDUM: I will ask if Professor Eaton cares to make any statement in connection with the charges.

"PROFESSOR EATON: No, I have no further statement.

"PROFESSOR MUELLER: I have written to Mr. Benedum a letter. I think I will just read what I wrote to him:

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"(Thereupon, Professor Mueller read to the Committee the letter referred to, which is in words and figures as follows:)

"Department of Philosophy

THE UNIVERSITY OF OKLAHOMA

Norman, Oklahoma

October 27, 1955

"Mr. T. R. Benedum  
Board of Regents

"Dear Mr. Benedum:

"In the letter written by Howard O. Eaton, dated October 13, 1955, there is no sentence which is not false, factually speaking, or a malicious slander, morally speaking.

"1. I have never received any invitation from "the Peron Government of Argentina". I received an invitation from the University of the Province of Cuyo, in Mendoza, Argentina, to participate in the International Philosophical Congress of which that University was the Sponsor. This invitation was not only a professional recognition for my books, particularly my History of American Philosophy, but it also was an honor to the University of Oklahoma. It was understood to be such by President Cross when he gave me the permission to attend.

"2. This congress was not "a so-called" Congress of Philosophy; its technical and high-level proceedings are published in three volumes of 2,197 pages, containing contributions in English, French, German, Italian, Portuguese, and Spanish.

"3. I have never taken any stand, publicly or privately, for or against Argentinean politics. I was merely mildly interested in finding out what they were like and heard favorable as well as unfavorable opinions about it. I have therefore, never "allowed" any article to be published concerning politics in Argentina. I was completely ignorant of what journalists were doing about this congress.

"4. The expression "the prostitution of his scholarship in the interests of the foreign totalitarian dictatorship of the Peron Government" is a distortion of such magnitude that it is extremely sad.

Yours truly,

/s/ Gustav Mueller

Dr. Gustav E. Mueller  
Research Professor of Philosophy'

dl

cc: President Cross

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"MR. BENEDUM: Do you care to make any further statement with reference to the charges 5 and 6 of the formal charges filed on October 13, 1955, by Professor Eaton?

"PROFESSOR MUELLER: Well, I could add here that this is a very long story, and I have heard for twenty years the same story, semester after semester, namely: That the subjects that Dr. Eaton was supposed to teach were not taught, and philosophy students refused to take courses with him for that reason.

"MR. BENEDUM: Dr. Eaton has charged you with filing charges against him in October and November of 1953, which were trumped up, in an attempt to damage his character.

"PROFESSOR MUELLER: Well, I deny that. I mean that is foolishness.

"MR. BENEDUM: It is true that you joined with other members of your Department in filing charges in the fall of 1953 against Dr. Eaton?

"PROFESSOR MUELLER: Yes.

"MR. BENEDUM: Did you ever withdraw the charges, or change them?

"PROFESSOR MUELLER: No, no.

"MR. BENEDUM: In charge number 6, Professor Eaton states that you had 'not endeavored to show that your participation in filing the charges was not motivated by your animosity towards him.' I do not think personally that you have any obligation to show that it was not animosity on your part. How long, Professor Mueller, have you been a member of the Department of Philosophy?

"PROFESSOR MUELLER: Since 1930.

"MR. BENEDUM: Have you ever served as chairman of the Department?

"PROFESSOR MUELLER: Yes.

"MR. BENEDUM: For how many years?

"PROFESSOR MUELLER: '42 to '47.

"MR. BENEDUM: 1942 to 1947?

"PROFESSOR MUELLER: 1942 to 1947.

"MR. BENEDUM: Do you have any questions, Mr. Grisso?

"MR. GRISSO: I don't think so.

"MR. BENEDUM: Mr. Savage?

"MR. SAVAGE: How long have you been on the faculty, doctor?

"PROFESSOR MUELLER: Since 1930.

"MR. SAVAGE: I have no further questions.

"MR. BENEDUM: Do you have any questions, Professor Eaton?

"PROFESSOR EATON: No, I have no further questions.

"MR. BENEDUM: Your letter of October 27, 1955, which you have just read is being made a part of this record. If you desire to add any material to it later, you may do so, and Professor Eaton will have the same opportunity, if he has anything to add to it.

"MR. BENEDUM: Professor Mueller, do you have any more witnesses?

"PROFESSOR MUELLER: No.

"MR. BENEDUM: Is there anything more you want to say about it?

"PROFESSOR MUELLER: No, sir.

"MR. BENEDUM: That is all then, sir.

"RECOMMENDATION OF THE COMMITTEE

"The Committee having read and considered the charge filed by Dr. Howard O. Eaton against Professor Gustav E. Mueller, and having heard the statement of Professor Mueller, is of the opinion that the accused has not been guilty of unethical conduct, and it is recommended to the Board of Regents that he be found not guilty of the charge.

"The Committee is of the further opinion that Dr. Eaton was motivated in filing the charge against Professor Mueller as a result of the joining by Professor Mueller in the making of reports under dates of October 6, 1953 and November 18, 1953, which were uncomplimentary to Professor Eaton's ability as a teacher in the Department of Philosophy, and later joined in a re-evaluation of Professor Eaton in report dated June 3, 1955.

"In this connection, the Committee feels that Professor Mueller should be complimented for the services he has rendered the University of Oklahoma and the students of the Department of Philosophy for having participated in bringing to the attention of the Administration of the University of Oklahoma the inadequacy of Professor Howard O. Eaton as a teacher; the Regents of the University having heretofore found that the charges filed against Professor Eaton by Professor Mueller and others were warranted, and that as a result thereof, Professor Eaton is no longer a member of the Faculty of the Department of Philosophy of the University of Oklahoma.

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"The Committee was impressed with the dignified manner in which Professor Mueller presented his defense to Dr. Eaton's charges.

/s/ T. R. Benedum

/s/ Leonard H. Savage

/s/ W. D. Grisso

Committee of the Regents"

"HEARING BEFORE THE COMMITTEE OF THE BOARD  
OF REGENTS OF THE UNIVERSITY OF OKLAHOMA,

held in Room 406, Student Union Building, November 4, 1955, at 1 o'clock p.m.

"The committee consisting of:

W. D. Grisso,  
Leonard Savage and  
T. R. Benedum,

to hear charges preferred by Professor Howard O. Eaton against Professor Carlton W. Berenda.

"Present: Professor Howard O. Eaton,  
Professor Carlton W. Berenda and  
Mr. Emil R. Kraettli.

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"MR. BENEDUM: Professor Eaton, would you care to make any statements with reference to your charges against Professor Berenda?

"PROFESSOR EATON: No, I have no statement to make other than the written statement.

"MR. BENEDUM: Professor Berenda, you have had a copy of these charges for some ten days?

"PROFESSOR BERENDA: Yes, this material I have had about ten days.

"MR. BENEDUM: Are you prepared now to answer the charges preferred against you by Professor Eaton?

"PROFESSOR BERENDA: I shall try, if you wish me to go ahead now.

"MR. BENEDUM: Yes, sir.

"PROFESSOR BERENDA: I am puzzled by a problem here in the first three paragraphs. As nearly as I can make out there is explicitly in these three paragraphs no charge against me. If you gentlemen would care to read

those three paragraphs very carefully, I think you will agree with me there is no charge against me in those three paragraphs.

"MR. GRISSO: Apparently there is only one charge, and that is item 4.

"PROFESSOR BERENDA: The first three paragraphs, I can't see anything. There is reference to some letters. I have no acquaintance with such letters. I have never seen such letters, and frankly I do not even know what is in the letters. I did call Mr. Benedum's office and tried to get some information and I was referred to some other possible sources, but I didn't have time to track down the letter itself. And secondly, I didn't think it was, at least, my obligation to look up evidence against myself. So, if I may, I would like to go on to the charges that are explicitly directed against me, which are paragraphs 4 and 5 of Dr. Eaton's note.

"The accusation seems to be that the Department of Philosophy 'trumped up' unprovable charges. That is the first part of the statement. The assumption is that this was a sort of, I don't know if the word would be 'conspiracy' — 'trumping up'. My first comment on that is, that we, in the course of submitting our evidence concerning Dr. Eaton, we drew upon material which is dated back as far as at least 1949 in Dean Meacham's files, and there the statement was quite strong about Dr. Eaton, and I presume that Dr. Eaton does not mean to imply that Dean Meacham was involved in this, directly or indirectly. So, my inferences, at least as far as some of the evidence was concerned, we gathered it, we didn't trump it up. In that sense, we didn't create the evidence out of thin air. That is point number 1.

"Point number 2, the other sources of the charge, in many cases came from the students and not from us. The letters that originated the activity were complaints on the part of the students who had come to me to request that something be done about Dr. Eaton's teaching, and we simply passed on that original petition and one or two other letters of students to Dr. Cross with whatever comments we could make, initial comments summarizing that material. So, my point is that one basis of our charge was material from students, not from us.

"The statement that we withdrew, in this statement here, that 'unprovable charges against me, part of which he later withdrew' — I must say that I would protest against the word 'withdrawal.' I don't recall that we withdrew any charges, but rather that we reformulated the terminology of the charge. Originally we used two phrases, 'academic incompetency or irresponsibility,' as our charge, along with supporting evidence against Dr. Eaton. Then, after some consideration, and after a number of hearings before a duly appointed Faculty Committee we decided that the words, 'academic incompetency' might be misunderstood as being a charge against Dr. Eaton's knowledge of the subject, which we had no claim to make, or something in the way of his state of mind, and certainly we are not psychologists, and we simply modified the terminology and contended that Dr. Eaton was academically irresponsible. I think that is the sum and substance of the term on 'withdrawal of charges.'

"Well, the fifth paragraph is an argument apparently, that I am unethical because of these accusations in item 4. Because I have answered item 4 effectively, presumably, I can hardly be held to be unethical, but since the question of my ethics are involved and I am a little sensitive on the subject, I have asked a character witness to speak to you briefly about my general ethical conduct, at least, on and off campus, because where ethics is involved I think one ought to support oneself. As I said, I am rather touchy on the subject.

"So, that is my defense at the moment with the proviso that you could ask Miss Newell to come in if you wish, to give me further support and you people further information as to my ethical behavior in general, and this charge in particular.

"MR. BENEDUM: Do you have any questions, Mr. Savage?

"MR. SAVAGE: No.

"MR. BENEDUM: MR. Grisso?

"MR. GRISSO: No.

"MR. BENEDUM: How long, Professor Berenda, have you been a professor in the Department of Philosophy?

"PROFESSOR BERENDA: Since 1946. This is my tenth year.

"MR. BENEDUM: You have served a portion of that time as chairman?

"PROFESSOR BERENDA: Since 1950, I believe.

"MR. BENEDUM: At the present time you are chairman?

"PROFESSOR BERENDA: I am chairman now.

"MR. BENEDUM: How long has Professor Feaver been a member of the Department?

"PROFESSOR BERENDA: I believe he came here — the date was either '52 or '53.

"PROFESSOR EATON: I think it was the fall of '51, but I am not sure.

"MR. BENEDUM: It is true that in October and November, 1953, you joined with other members of the Department of Philosophy in signing charges against Professor Eaton?

"PROFESSOR BERENDA: Yes.

"MR. BENEDUM: But you say you did not later withdraw any of the charges; you did change some of the wording in the charges?

"PROFESSOR BERENDA: That is right.

"MR. BENEDUM: A record is being made, as you observe, of these proceedings. If you care to add any other documentary evidence later, you may do so, and Dr. Eaton has the same privilege.

"MR. BENEDUM: Dr. Eaton, do you have any questions to ask Professor Berenda?

"PROFESSOR EATON: No.

"MR. BENEDUM: If you will send Miss Martha Newell in now.

"MR. SAVAGE: I think paragraph 5 relates only to paragraph 4, which does not go into any unethical conduct, and I don't think it is pertinent and I suggest ---

"MR. BENEDUM: As far as I am concerned I have no desire to hear it, but if Professor Berenda has a desire ---

"PROFESSOR BERENDA: I do not care to trouble you, unless you think you would like to hear it. It is in support of my unethical behavior.

"MR. SAVAGE: As I understand the purpose of it, I don't see that it is pertinent myself.

"PROFESSOR BERENDA: If it is all right with you gentlemen, it is all right with me.

\* \* \* \* \*

"(Following is the letter referred to in the statement of Professor Berenda:)

"October 13, 1955

"Memorandum: To the President and the Board of Regents,  
From Professor Howard O. Eaton

"I hereby formally charge that Professor Carlton W. Berenda is not competent to be a professor of philosophy, and in support of this charge I hereby cite the following information which for the most part is already in the files of the office of the President of the University.

"1. While I was chairman of the Department of Philosophy we had under consideration the selection of a professor of the philosophy of religion. One of the candidates who presented himself was a Rev. Louis Shein of Toronto. In what follows it is to be understood that nothing contained herein is derogatory of Rev. Shein, and no statement made herein is to be construed as being any allegation of fact with reference to the Rev. Shein or his present opinions or competence.



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"12. I attach to this memorandum a copy of a letter I wrote on April 22, 1949 to President George L. Cross. I personally delivered this letter and its accompanying file to the office of the President and requested that it be placed on his desk as urgent business.

"13. I never received a reply from President Cross.

"14. On or about October 6, 1953 and on or about November 18, 1953, Professor Berenda did sign together with other members of the staff of the Department of Philosophy trumped up and unprovable charges against me, part of which he later withdrew, tending to damage my reputation and character and adversely affect my tenure status at the University of Oklahoma.

"15. Any person who descends to unethical conduct of this nature is not qualified to be a professor of philosophy. Professor Berenda's tenure at the University of Oklahoma should therefore be terminated at the end of the current academic year.

Respectfully submitted,

/s/ Howard O. Eaton

Howard O. Eaton\*

\*\*April 22, 1949

\*\*President George L. Cross,  
The University of Oklahoma.

\*\*Dear President Cross:

"I attach to this letter the file of correspondence relative to the application of Rev. Louis Shein of Ontario for appointment as professor of philosophy and religion. You will note that Rev. Shein had filed typewritten copies of letters of recommendation written for him by several Toronto professors including Professor H. R. MacCallum. I had felt that non-confidential recommendations of this nature would not be sufficient for our purposes, so under date of March 11 I had written to these gentlemen requesting any additional information they were willing to supply confidentially. You will also note that Professor MacCallum, under date of March 16, did reply, in part, as follows:

"...He must be nearly unique in the West, as a Russian who as a boy belonged to the Communist Youth, and the anti-God organizations, only to become a minister in the Christian Church."

"I have informed Dr. Mueller and Dr. Berenda that, in my opinion, this fact constitutes an absolute impediment to the appointment of Rev. Shein to our faculty. Dr. Mueller seemed to agree with this opinion, but Dr. Berenda felt that the matter should be explored. I insisted that so far as I was concerned I would not participate in any further discussion of the matter, making

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it clear that my judgment was based solely on the fact that it would be unwise for the University to consider appointing a person who had at one time been an active communist in Russia. Dr. Berenda said that in his opinion it would perhaps be a good thing to have on our faculty some one from behind the Iron Curtain. He then raised the question whether or not it would be possible for us to remove from the files the letter from Professor MacCallum, which, as he pointed out, constitutes the only evidence we have on the matter. I vigorously opposed such procedure.

"To my mind this raises the question whether or not it is too late to reconsider the question of permanent tenure for Dr. Berenda. I am sure it would be better for him to find another situation than to continue with us here. If he does continue, the administrative officers of the University should take every precaution in dealing with him. As I understand it, if he is notified before May 1, this year, that the question of his tenure is still under advisement, and that he is to disregard any previous notice to the contrary, then it would be possible (on this basis of this new evidence) to request the Board of Regents to reconsider their action.

Very sincerely yours,

Howard O. Eaton

"October 25, 1955

"Professor Carlton W. Berenda,  
Faculty Exchange,  
University of Oklahoma,  
Norman, Oklahoma.

"Dear Professor Berenda:

"This is to advise that, under date of October 13, 1955, Professor Howard O. Eaton filed a Complaint in writing with the Board of Regents of the University of Oklahoma, charging that you were not competent as a Professor of Philosophy, and urging that your Academic Tenure with the University of Oklahoma be terminated at the end of the present school year. A copy of the Complaint filed by Professor Howard O. Eaton is herewith enclosed.

"A Committee of the Regents, consisting of Mr. W. D. Grisso, Mr. Leonard Savage and myself have been appointed by Mr. Dave Morgan, President of the Board of Regents, to hear the charges filed against you and your defense of the same. The Committee will meet in Room 406 of the Student Union Building at 1:00 o'clock p.m., on November 4, 1955, at which time a record of the proceedings will be taken and you will be privileged to have counsel with you and call any witnesses you deem necessary in your behalf. You will be entitled to a Transcript of the record, and based thereon the Committee will report to the Board of Regents at their next regular meeting on November 10, 1955.

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"I trust that the date of the Committee Meeting for this hearing meets with your convenience, and look forward to hearing from you at an early date if, for any reason, a continuance should be granted.

Sincerely yours,

TRB:MF

T. R. Benedum."

"RECOMMENDATION OF THE COMMITTEE

"The Committee, having read and considered the charges filed by Dr. Howard O. Eaton against Professor Carlton W. Berenda and having heard the statement of Professor Berenda, is of the opinion that the accused has not been guilty of not being competent to be a professor of philosophy, and it is recommended to the Board of Regents that he be found not guilty of the charge.

"The Committee is of the further opinion that Professor Eaton was motivated in filing the charge against Professor Berenda as a result of the joining by Professor Berenda in the making of reports under dates of October 6, 1953 and November 18, 1953, which were uncomplimentary to Professor Eaton's ability as a teacher in the Department of Philosophy, and later joined in a re-evaluation of Professor Eaton in report dated June 3, 1955.

"In this connection the Committee feels that Professor Berenda should be complimented for the services he has rendered to the University of Oklahoma and the students of Philosophy, for having participated in bringing to the attention of the Administration of the University of Oklahoma the inadequacy of Professor Howard O. Eaton as a teacher; the Regents of the University having heretofore found that the charges filed against Professor Eaton by Professor Berenda, and others, were warranted, and that as a result thereof, Professor Eaton is no longer a member of the faculty of the Department of Philosophy of the University of Oklahoma.

"The Committee was impressed with the dignified manner in which Professor Berenda presented his defense to Dr. Eaton's charges.

/s/ W. D. Grisso

/s/ Leonard H. Savage

/s/ T. R. Benedum

Committee of the Regents."

Following a discussion, during which the Chair expressed appreciation for the work of the committee, Regent Little made the following motion: "I move that the report of the committee in the case of Dr. Howard O. Eaton be approved, and that the case be now closed."

The motion was unanimously adopted.

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President Cross was asked to write to Professors Feaver, Mueller, and Berenda on behalf of the Regents expressing thanks to each one for services he has rendered to the University of Oklahoma and the students of the Department of Philosophy for having participated in bringing to the attention of the Administration of the University of Oklahoma the inadequacy of Dr. Eaton as a teacher.

President Cross reported to the Regents that a disagreement has come up with reference to the appearance of the Sooner Scandals in Oklahoma City, as authorized by the Regents at the September meeting, under the co-sponsorship of the Oklahoma City Alumni.

Following a discussion of the matter, it was voted that the previous action authorizing the appearance of the Sooner Scandals in Oklahoma City with the co-sponsorship of the Alumni Association, be rescinded.

It was voted also, that the matter of the production of the Sooner Scandals be assigned to the President's Office for solution, and that the Scandals, if produced, be produced under the general supervision of an employee of the University to be named by the President.

It was voted also, that the general plan, as in the past, of not paying anyone to supervise the production, be continued. That is, no University employee may receive additional pay in the way of an honorarium.

Finally, that steps be taken to see that the program of activities in the Union be placed under the general supervision of the Office of Student Affairs.

President Cross stated some planning should be done for the development of the athletic facilities plant. If any appreciable development is undertaken we should start now. Mr. Kraft estimates the cost of closing the south end of the stadium in the manner corresponding to the north end, including joists and decks over the second and third floors, including architect's fees, would be approximately \$1,250,000. Including the cost of refunding the present bond issue it would probably cost somewhere around \$1,500,000. It would not finance itself.

President Cross stated Bud is quite interested in planning for a field house. He feels, under Doyle Parrack we will have a successful basketball program, but it would not be possible to finance both the stadium and the field house. Bud is opposed to enlarging the stadium and he feels the stadium, for the foreseeable future is large enough. It is large enough for all except occasional games.

In the discussion, the Regents were in agreement with the President's statement.

Regent Little moved that President Cross be urged to look toward planning for a field house, and work on it as fast as possible. The Regents concurred in this. President Cross stated he would have Mr. Kuhlman make preliminary plans.

President Cross reported that the Halliburton Oil Well Supply Company had agreed to provide \$25,000 to subsidize salaries in the petroleum sciences. He stated he and Mr. Gunning would go to Duncan on Friday for a conference on the matter.

President Cross stated Dean Carson is opposed to subsidizing a single outstanding man, that he wants to put the money in the budget and pay all personnel. Halliburton is interested only in providing a salary for outstanding men.

President Cross discussed the proposal, approved by the Regents about a year ago, to employ an Associate Dean in the College of Engineering. That he has been unable to work this out with Dean Carson.

Regent Benedum moved, and it was unanimously voted that President Cross be instructed to bring about the employment of an Associate Dean, or a Dean of the College of Engineering, either with or without the concurrence of Dean Carson.

Luncheon 12:15 to 1:15 p.m.

Following the luncheon President Cross stated several of the new buildings on the campus had not been named after individuals, and that various suggestions had been made.

He recommended that the previous policy, adopted by the Regents, March 8, 1920 (p.59) be reaffirmed, the policy being as follows:

"No building on the campus shall be given a specific name, except by vote of the Board of Regents, other than that which designates the type of work done therein; and no building shall be named for any living person, or for any person deceased until at least two years after his death."

Regent Savage moved, and it was unanimously voted to approve the recommendation.

Recommendations on personnel items shown in the agenda, pages 1 to 6 were recommended for approval by President Cross, and they are as follows:

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PERSONNEL

FACULTY

SABBATICAL LEAVES OF ABSENCE:

J. Bruce Wiley, Professor of Electrical Engineering, January 16 to September 1, 1956.

A. I. Ortenburger, Professor of Zoology, September 1, 1956 to September 1, 1957.

APPOINTMENTS:

C. Gardley Moon, Associate Professor of Geology, rate of \$5,400 for 9 months, January 16, 1956.

John Edward Powers, Assistant Professor of Chemical Engineering, rate of \$6,200 for 9 months, January 16, 1956.

Sherril Duane Christian, Assistant Professor of Chemistry, rate of \$5,000 for 9 months, January 16, 1956.

Lionel Raff, Teaching Assistant in Chemistry, \$300 for  $4\frac{1}{2}$  months,  $1/4$  time, September 1, 1955.

June H. Barber, Instructor in Speech, Speech and Hearing Clinic, \$1,700 for  $4\frac{1}{2}$  months, September 1, 1955.

Ruth Alfrey, Instructor in Social Work, no salary, September 1, 1955.

Hazel F. Sturdivant, Instructor in Social Work, no salary, September 1, 1955.

Robert Andrew Stevens, Instructor in Civil Engineering (Sanitary Science), \$800 for 8 months,  $1/4$  time, October 1, 1955 to June 1, 1956.

Feodora DeGrasse Steward, Special Instructor in Flute, School of Music, \$250 for  $4\frac{1}{2}$  months, part time, September 1, 1955.

Roger H. Steward, Special Instructor in Trumpet, School of Music, \$400 for  $4\frac{1}{2}$  months, part time, September 1, 1955.

Alexander Thomas Birrell, Teaching Assistant in Oboe, School of Music, \$200 for  $4\frac{1}{2}$  months, part time, September 1, 1955.

Marilynn Odette Harper, Teaching Assistant in Drama, \$900 for 9 months, part time, October 1, 1955 to June 1, 1956.

CHANGES:

Katherine Moroney, Teaching Assistant in English, salary changed to \$1,500 for  $4\frac{1}{2}$  months, September 1, 1955; changed to \$1,125 for  $4\frac{1}{2}$  months,  $3/4$  time, January 16, 1956.

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#### GRADUATE ASSISTANTS

##### APPOINTMENTS:

John R. Morris, Guidance Service, \$1,500 for 9 months, October 1, 1955 to June 1, 1956.

Robert Edwin Parrish, Department of Psychology, \$1,500 for 9 months, October 15, 1955 to June 1, 1956.

##### NON-ACADEMIC

##### APPOINTMENTS:

Robert Elvin Brenton, Extension Specialist II, Field Development Services, \$5,400 for 12 months, November 1, 1955.

Cecil Eugene Green, Extension Specialist II, Field Development Services, \$5,700 for 12 months, November 1, 1955.

Naomi Edwards Held, Librarian P-II, Science Cataloger, \$4,000 for 12 months, October 1, 1955.

John H. Santee, Assistant Football Coach, \$140 per month for 3 months, 1/2 time, September 1, 1955 to December 1, 1955.

##### CHANGES:

Clarence William Skinner, Supervisor, Tabulating Equipment, Machine Accounting, salary increased from \$5,100 to \$5,280 for 12 months, November 1, 1955.

Robert A. Ferguson, Extension Specialist II, Field Development Services, salary increased from \$5,700 to \$5,940 for 12 months, November 1, 1955.

R. L. McLean, Director, Professional Services; Extension Specialist III, Field Development Services, salary increased from \$5,500 to \$5,800 for 12 months, November 1, 1955.

Maston L. Powers, Director, Business and Industrial Services; Extension Specialist III, Field Development Services, salary increased from \$6,800 to \$7,100 for 12 months, November 1, 1955.

James L. Robinson, Extension Specialist II, Field Development Services, salary increased from \$5,000 to \$5,240 for 12 months, November 1, 1955.

Ted V. Sherman, Extension Specialist II, Field Development Services, salary increased from \$5,700 to \$5,940 for 12 months, November 1, 1955.

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Harry Alvin Applegats, Extension Specialist II, Field Development Services, December 1, 1955.

Willard A. Lockwood, Art Editor, University Press, Publishing Division, October 15, 1955.

Walter Mead, Tennis Coach, September 1, 1955.

**SCHOLARSHIPS, FELLOWSHIPS, RESEARCH ASSISTANTS**

**APPOINTMENTS:**

Thomas D. Badgwell, Magnolia Petroleum Company Scholarship (Petroleum Engineering), \$750 for 9 months, September 1, 1955.

William Wayne Ballard, Fellowship, Standard Oil Company of Texas (Geology), \$1,500 for 9 months, September 1, 1955.

Arnold L. Coldiron, Research Fellow, Maloney-Crawford Tank and Manufacturing Company (Chemical Engineering), \$1,250 for 10 months, part time, September 1, 1955.

Rex D. Duhon, Sinclair Oil Company Fellowship (Petroleum Engineering), \$1,500 for 9 months, part time, September 1, 1955.

Edwin R. Harris, Research Fellow, American Heart Foundation (Chemistry), \$167 per month for 4½ months, 1/2 time, September 1, 1955.

James C. Henry, Standard Oil Company of Texas Scholarship (Petroleum Engineering), \$500 for 9 months, September 1, 1955.

Floyd E. Hensley, Braden Steel Corporation, Junior Scholarship (Civil Engineering), \$750 for 9 months, September 1, 1955.

Robert Leon Kirby, Lane-Wells Company Scholarship (Petroleum Engineering), \$500 for 9 months, September 1, 1955.

Robert L. Knox, Dowell Incorporated Scholarship (Petroleum Engineering), \$500 for 9 months, September 1, 1955.

Richard Gene Moore, Procon Incorporated Scholarship (Civil Engineering), \$500 for 9 months, September 1, 1955.

Reed Stokes Nelson, Standard Oil Company of Texas Scholarship (Mechanical Engineering), \$500 for 9 months, September 1, 1955.

Naim R. Rafidi, Lane-Wells Company Fellowship (Petroleum Engineering), \$1,200 for 9 months, part time, September 1, 1955.



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Robert A. Riley, Humble Oil and Refining Company Fellowship (Petroleum Engineering), \$1,600 for 9 months, part time, September 1, 1955.

John H. Siegmund, Shell Oil Company Fellowship (Petroleum Engineering), \$1,500 for 9 months, part time, September 1, 1955.

Harry C. Smith, Charles E. Decker Fellowship in Geology, \$750 for 9 months, part time, September 1, 1955.

Derrill Whitten, Douglas Aircraft Company Scholarship (Aeronautical Engineering), \$375 in one payment.

RESIGNATION:

Abraham T. H. Wei, Research Assistant, Eli Lilly Grant (Chemistry), October 1, 1955.

SCHOOL OF MEDICINE AND UNIVERSITY HOSPITALS

LEAVES OF ABSENCE:

I. Ernest Gonzalez, Research Associate, Department of Anatomy, indefinite leave of absence without pay from September 1, 1955.

Paul M. Obert, M.D., returned from military leave of absence to position as Assistant Professor of Pathology, \$7,500 for 12 months, January 1, 1956.

APPOINTMENTS:

Herbert Kent, M.D., Associate Professor of Physical Medicine, \$10,000 for 12 months, October 15, 1955.

William Seeman, M.D., Associate Professor of Medical Psychology, Department of Psychiatry and Neurology, \$7,000 for 12 months, November 1, 1955.

Paul C. Benton, M.D., Assistant Professor of Psychiatry and Neurology, clinical rates, October 1, 1955.

Neil B. Kimerer, Assistant Professor of Psychiatry and Neurology, clinical rates, October 1, 1955.

Earl George Larsen, Assistant Professor of Biochemistry, \$5,600 for 12 months, November 1, 1955.

Vernon Woodard Corder, M.D., Instructor in Anesthesiology, clinical rates, July 1, 1955.

Roy W. Donaghe, M.D., Clinical Assistant in Pediatrics, clinical rates, October 1, 1955.

Frank E. Darrow, M.D., Clinical Assistant and Clerkship Coordinator in Surgery, \$300 per month, part time, September 1, 1955 to June 1, 1956.

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Harold R. Pollock, D.D.S., Clinical Assistant in Surgery, clinical rates, July 1, 1955. ✓

Approved.

Regent Grisso asked that the Regents now consider matters concerning the Will Rogers Memorial Scholarship Fund, specifically Item No. 15 of the Agenda, the letter under date of October 26, 1955 from Felix Simmons, Chairman of the Board of Control of the Will Rogers Memorial Scholarship Fund, which reads as follows:

"Ardmore, Oklahoma  
October 26, 1955

"Dr. G. L. Cross, President,  
University of Oklahoma,  
Norman, Oklahoma.

Dear Dr. Cross:

Mrs. Simmons has had some serious illness in her family, which accounts for my delay in answering your letter of the 14th, advising that the Board of Regents took no action upon the Board of Control's recommendation for the sale and purchase of certain securities of the Will Rogers Memorial Scholarship Fund at its October meeting.

I have talked with the other members of the Commission, and since the current market would only effect about \$500.00 disadvantage in the securities recommended for purchase and sale, it was thought inadvisable to make further recommendations concerning these funds.

I am, indeed, sorry that Mr. Tolbert has declined to accept reappointment on this Board. He is a man of good judgment, and is well regarded by his many friends.

Yours very truly,

/s/ Felix Simmons"

A copy of the recommendation referred to in the communication from Mr. Simmons follows:

"WILL ROGERS MEMORIAL SCHOLARSHIP FUND  
INVESTMENT PORTFOLIO

"The Board of Control of the Will Rogers Memorial Scholarship Fund held a meeting on Friday, August 5, and at that time reviewed the investment portfolio. It was agreed that Mr. H. B. Fuqua, of Fort Worth, request the Trust Department of the Fort Worth National Bank to study the investment portfolio and submit a recommendation. Following is a copy of the recommendation sent

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to Mr. Felix Simmons under date of August 12, 1955, and transmitted to the other members of the Board by mail. All members of the Board of Control have given their approval of the recommendations and I am passing the report to the Regents for action.

"In addition to the funds available for investment through the sale of securities, there is available an additional \$15,531.65 because bonds of Public Service Company of Oklahoma, recommended for purchase at the June 9 meeting of the Regents have not been available. In the communication from Mr. Simmons he states as follows:

"\* \* \* we have \$15,531.65 in cash available for the investment account, and it is my suggestion that the cash on hand should be spread over the stocks recommended for purchase in the enclosure."

"OFFICE MEMORANDUM

"To: Mr. H. B. Fuqua

From: O. Roy Stevenson

Re: Will Rogers Memorial Scholarship Fund

"At your request, I have reviewed the list of assets held in the above fund dated as of June 30, 1955, and it occurs to me that your committee might consider the possibility of switching certain of the common stock investments. For instance, based upon my understanding of the purpose and operation of the fund, it is believed that better investment results could be obtained over a period of years by selling the Continental Insurance Company stock and the Massachusetts Investors Trust Certificates and reinvesting the proceeds in other high grade issues. Continental Insurance Company stock represents a very sound investment, but the current yield is only 3%. Also, in view of the management charges involved in holding Massachusetts Investors Trust and since the issue yields 3.31% based on Current market value and based on the income distributions for 1954, it is believed that high quality individual issues would produce better results for the fund.

"The fund has a fair representation in the chemical, petroleum and electrical equipment industries; therefore, in order to provide as much diversification as possible in selecting possible replacement issues in the event the two above stocks should be sold, considerable attention was given to selecting a representation in industries other than those currently held. I have set out below a schedule which shows the approximate amount that would be realized through the sale of Continental Insurance and Massachusetts Investors Trust stocks, as well as issues which I consider as suitable investments for the fund:

<u>Shares</u>	<u>Issue</u>	<u>Cost</u>	<u>Approximate Market</u>		
			<u>Price</u>	<u>Amount</u>	<u>Yield</u>
<u>SELL:</u>					
125	Continental Insurance Co.	\$ 4,912.64	\$100.00	\$12,500.00	3.00%
1,042	Massachusetts Investors Trust	17,679.25	30.86	32,156.12	3.31%
				<u>\$44,656.12</u>	<u>3.22%</u>

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<u>BUY:</u>		<u>Rating</u>			
55	American Tel. & Tel., Common	A	\$183.75	\$ 9,187.50	4.90%
50	General Motors	BB	129.00	6,450.00	4.65
100	International Harvester	BBB	38.63	3,863.00	5.18
100	Pacific Gas & Electric	BB	52.25	5,225.00	4.21
50	Kennecott Copper	BB	121.00	6,050.00	4.96
200	National Dairy	BB	39.75	7,950.00	4.03
100	Sterling Drug	BB	48.88	<u>4,888.00</u>	<u>4.91</u>
				<u>\$43,613.50</u>	<u>4.66%</u>

"You will note that by the purchase of the American Telephone & Telegraph Common, the holdings would be increased 100 shares of this issue; all other issues represent new names for the fund and would give a representation in the following fields: motors, agricultural equipment, operating electrical utility, mining, food and drugs. In looking over the list I see no other changes which, in my opinion, need to be made at this time. It will be a pleasure to discuss this matter with you further if you so desire.

O.R.S."

Following a discussion Regent Grisso moved, and it was unanimously voted to approve the recommendation for the sale of the 1042 shares of stock in the Massachusetts Investors Trust.

Regent Grisso moved "that we do not follow the recommendation with reference to the sale of the 125 shares of Continental Insurance Company stock".

On the vote on the motion the following voted AYE: McBride, Savage, Grisso.

The following voted NO: Benedum, Little, Foster, Morgan.

The motion failed, and the sale of the stock as recommended was authorized.

Regent Grisso made the following motion: "That an investigation be made as to the extent of purchases of stocks that may be made from the estimated \$43,000.00 (plus) income from the sale of the Massachusetts Investors Trust and the Continental Insurance Company stock, but that the order of purchase be changed to provide that the purchase of General Motors stock and International Harvester stock be moved to the last two, respectively."

Regent Savage seconded the motion, and the following voted AYE: McBride, Savage, Benedum, Grisso. Voting NO: Foster and Little. Motion carried.

Regent Grisso called attention to paragraph two (2) of the memorandum from the Board of Control which states there is available an additional \$15,531.65 because bonds of Public Service Company of Oklahoma, recommended

for purchase at the June 9 meeting of the Regents have not been available. In the communication from Mr. Simmons he states as follows:

"We have \$15,531.65 in cash available for the investment account, and it is my suggestion that the cash on hand should be spread over the stocks recommended for purchase in the enclosure."

Regent Grisso made the following motion: "That the \$15,531.65 be put in bonds to make the fund conform to the policy the Regents have adopted. That we ask the Board of Control for a recommendation as to what bonds be purchased."

On the vote on the motion Regent Grisso voted AYE. Voting NO: Foster, Little, McBride, Benedum. Others not voting. Motion failed.

Regent Foster made the following motion: "That the recommendation of the Board of Control for the investment of the additional \$15,531.65, spread over the several stocks proportionately, be followed as recommended."

On the vote on the motion the following voted AYE: Little, Benedum, McBride, Foster. Voting NO: Regent Grisso. Others not voting. Motion carried.

The following statement on ADMINISTRATION OF PERMANENT FUNDS, prepared by Roscoe Cate following a conference with Regent Grisso, was presented by President Cross:

The University Regents are responsible as trustees for the following permanent funds:

	<u>Principal</u>
Will Rogers Memorial Scholarship Fund	\$218,004.18
Sallie B. Clark Loan Fund	73,677.88
The Logan Scholarship Fund	72,806.89*
Crippled Children's Hospital Fund	14,298.82
Charles B. Taylor Lectureship Fund	5,532.72

\*Book value of real property

Because of the somewhat loose — and perhaps illegal — way in which some of these funds have been handled, Mr. Cate and I recommend that certain changes be made in policies and procedures.

#### 1. The Will Rogers Memorial Scholarship Fund

The responsibility for administering this fund, and for making scholarship awards, was delegated by the Regents to a "Board of Control" created by the Regents at the time the gift establishing the fund was accepted. A resolution of the Board October 18, 1944, directed that "the administration of said fund is herewith entrusted to a board of five members called the Board of Control of The Will Rogers Memorial Scholarship Fund." It further stated that

"It shall be the duty of said board to invest this trust fund in accordance with the provisions of said Trust Agreement, and it shall have authority, from time to time, to sell or surrender any of the securities, and reinvest the funds; the income therefrom shall be used for the purpose set forth in said Trust Agreement." The resolution also provided that the Board of Control receive applications for scholarships and make recommendations to the President of the University of those selected; and that upon approval by the President, the Controller of the University be authorized to make payments to the scholarship recipients.

Mr. Frank Elkouri, legal advisor to the President's Office, is of the opinion that nothing in the trust document establishing this fund permits such broad delegations of power to administer the investments and the scholarship grants from the fund.

RECOMMENDATION: That the Regents --

a) rescind the resolution of May 24, 1939 and amended October 18, 1944, purporting to delegate powers to administer the Will Rogers Memorial Scholarship Fund to a Board of Control;

b) appoint the present members of the Board of Control to a new Investment Advisory Committee for the Will Rogers Fund, (and abolish the committee when terms of present members expire.)

c) direct that the University Scholarship Committee receive applications for Will Rogers scholarships, and that scholarship awards from this fund be subject to approval by the Board of Regents on recommendation of the University Scholarship Committee and the President of the University.

2. Sallis B. Clark Loan Fund

This fund has been administered, since its acceptance by the Regents in 1946, by the Board of Directors of the Oklahoma University Student Loan Aid Association, a separate corporation. The bequest establishing this fund was to "The University of Oklahoma" and the record clearly indicates that the Regents have liability as trustees for administration of this fund.

RECOMMENDATION:

That the Board of Regents reclaim this fund from the custody of the Student Loan Aid Association, that the Board thereafter determine the investments to be bought, sold, or surrendered, and that the Board direct that loans from this fund be administered by the Office of Student Affairs and the Secretary of the Board of Regents.

3. Investment Committee

Because of the scattered responsibility for administration of the larger permanent funds under control of the Board of Regents, and the fact that the largest funds held for benefit of the University are controlled by trustees other than the Regents, there has been no systematic approach to the problems

of investment management, fund management, and consolidated reporting for all the permanent funds for which the Regents are trustees.

RECOMMENDATION:

That the Board of Regents establish a standing investment committee, consisting of three members of the Board, to review and evaluate investment advice from regular administrative channels of the University and from any other sources it considers desirable, including the Will Rogers Fund Advisory Committee if such a committee is continued, and to recommend to the Board with respect to purchase, sale or surrender of investments for all permanent funds for which the Regents are Trustees.

Regent Savage moved approval of "a)" of the RECOMMENDATION which reads as follows, with addition of the words underlined:

- a) rescind the resolution of May 24, 1939 and amended October 18, 1944, purporting to delegate powers to administer the Will Rogers Memorial Scholarship Fund to a Board of Control, and that the Board be abolished.

Motion carried.

\* see 5277 Regent Benedum moved approval of "b)" of the RECOMMENDATION, but plac- \*  
ing a period (.) after "Fund" of line two (2), and striking the balance of the sentence, making section "b)" read as follows: "appoint the present members of the Board of Control to a new Investment Advisory Committee for the Will Rogers Fund."

The motion carried.

Regent Benedum moved approval of "c)" as recommended. Motion carried.

Regent Benedum moved approval of No. 2 - Sallie B. Clark Loan Fund.  
Motion carried.

Regent Foster moved approval of No. 3 - Investment Committee. Motion carried.

Regent Grisso called attention to the policy recommended by President Cross at the meeting on July 8, 1954 (p. 4976) that appointments on the Advisory Investment Committee be made by the Regents. He suggested that this policy be changed to provide that President Cross make the appointments in the future.

President Cross stated he would have no objection to this change, and all members of the Board agreed that this plan be adopted as a future policy.

The following communication was read by President Cross:

November 10, 1955

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"October 18, 1955

"Dr. G. L. Cross, President  
The University of Oklahoma  
Norman, Oklahoma

Dear Dr. Cross:

I should like, once again, to express my appreciation for the invitation you extended me to attend the meeting of the Board of Regents of The University of Oklahoma on October 13; and I wish to express my thanks also for all of the courtesies extended to me by you and the Board of Regents. I should be pleased if you would convey this expression of my appreciation to the Board.

Very sincerely yours,

(Signed) Warren C. Middleton

Staff Associate  
American Association of University Professors"

President Cross called attention to the special Regents' Committee report which was adopted at the meeting on October 13, providing as follows: "that he be given notice that, effective one year from this date he will no longer have Academic Tenure with the University; and further that Professor Eaton be paid his regular salary during said one-year period"; or, if he should accept other employment with the University, that "regardless of the salary for the new position which he might fill, if less than his present regular salary, he be paid his regular salary in the new position for a period of one year from this date" (Regents Minutes, p. 5246).

This appears to mean that Professor Eaton would be paid \$5,000 for the nine months of the current academic year and that he would also be paid at the same rate for the month of September and the first thirteen days of October, 1956.

In President Cross's letter of October 18 to Professor Eaton, however, after quoting the action of the Board from the minutes, he said:

"The purpose of this letter is to inform you that your tenure with the University of Oklahoma will cease, effective as of the end of the present fiscal year, July 1, 1956. You will be paid your full annual salary of \$5,000 on a monthly basis during the current academic year."

Provision has been made in the current budget for Professor Eaton to be paid \$5,000 for the nine months beginning September 1, 1955.

President Cross suggested the Regents make a clarifying interpretation of the action on October 13, so that the record will show whether Professor Eaton's salary terminates with the end of the current academic year or runs to October 13, 1956.



Regent Benedum moved, and it was unanimously voted "it is the sense of this Board that the conditions of President Cross's letter of October 18, are correct, and that Dr. Eaton's year ends June 1, 1956, and that he receive full salary for the nine months, September 1, 1955 to May 31, 1956."

President Cross reported ten members of the faculty received awards of \$500 each through a grant of \$25,000 established through the University of Oklahoma Foundation by gifts from five donors as follows: Ward S. Merrick, Ardmore; T. H. McCasland, Duncan; Charles P. McGaha, Wichita Falls, Texas; and the Lloyd Noble Organization, Ardmore. The plan calls for ten awards each year for five years, beginning in 1952.

The members of the faculty receiving the awards at a meeting of the General Faculty on Thursday, October 20, 1955, were as follows:

Dr. Besse A. Clement, Associate Professor of Modern Languages  
Dr. Charles F. Daily, Professor of Economics  
Dr. Arthur H. Doerr, Associate Professor of Geography  
Dr. Bruce Houston, Professor of Chemistry  
Joe W. Keeley, Professor of Civil Engineering  
Dr. Johannes Malthaner, Professor of Modern Languages  
Dr. Max L. Moorhead, Associate Professor of History  
Dr. Philip J. Nolan, Assistant Professor of Classics  
Dr. Elroy R. Rice, Associate Professor of Plant Sciences  
Dr. Hans A. Schmitt, Assistant Professor of History

President Cross recommended approval of appointments in the University Museum as follows:

Professor Percy Buchanan, Research Associate of Ethnology (Asiatic Studies);  
Professor David Kitts, Head Curator of Geology and Curator of Vertebrate Paleontology;  
Professor George Huffman, Curator of Invertebrate Paleontology;  
Professor Hugh Hunter, Curator of Mineralogy.

Approved.

President Cross reported bids have been received and tabulated on 720 reams of Warren's Westbrook Gloss Paper. Bids were received from Western Newspaper Union, Oklahoma City, and Tulsa Paper Company, Tulsa. These are the only dealers in Oklahoma. The bids were identical, \$8,092.80 less 2% f.o.b. Norman, 30-day delivery.

President Cross recommended that the purchase be made to the Western Newspaper Union, in accordance with the usual policy of alternating awards.

Approved.

November 10, 1955

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President Cross presented the report of Hugh M. Mix, Acting Director of Educational Broadcasting Services, on the O. U. Football Network for 1955. Thirty-nine stations are in the network this year. No action.

President Cross read the following letter from E. K. Gaylord, Oklahoma City:

"October 18, 1955

"Dr. G. L. Cross  
President  
OKLAHOMA UNIVERSITY  
Norman, Oklahoma

Dear Dr. Cross:

I feel it necessary to ask the greatest favor of you which we have ever asked of the University.

In 1957 from November 13th to 16th we will entertain the convention of the National Conference of Editorial Writers. These men are the writers who actually write the editorials for the metropolitan papers all over the United States.

Dick Miller and our other editorial writers will be hosts and the Skirvin Hotel has already reserved 400 rooms for this convention.

What we need to make their entertainment complete is a block of 400 tickets for the Oklahoma-Notre Dame game November 16, 1957. I realize this is a large order but I don't know how Oklahoma could get greater publicity for itself than by having these editors from at least 300 cities be guests at that time.

Mr. R. G. Miller is the bearer of this letter and will discuss the matter fully with you.

With best wishes,

Sincerely yours,

(Signed) E. K. Gaylord  
Publisher"

President Cross recommended that the Regents approve the proposal by Mr. Gaylord.

Approved.

President Cross recommended that the following program from MODERNIZATION AND REPAIR of the State Bond Issue funds be authorized:

Repainting Brick and Stone Exteriors:

1. DeBarr	\$5,000	
2. Pharmacy	7,800	
3. Research Institute and Physics	<u>5,900</u>	\$18,700

Floor Replacements:

1. Women's Building gymnasium floor	2,500	2,500
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Modernize Lighting:

1. Armory	2,000	
2. Felgar Hall	<u>2,000</u>	4,000

Air-Conditioning Controls and Materials:

1. Buchanan Hall	15,000	15,000
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Other Building Improvements:

1. Ceiling insulation, School of Architecture, Stadium	2,400	
2. Insulation and finish floor, School of Architecture, Stadium	15,300	
3. Install asbestos siding on 4 North Campus Buildings	<u>5,000</u>	<u>22,700</u>

TOTAL		<u>\$62,900</u>
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Approved.

President Cross recommended adoption of the following resolution authorizing the Oklahoma National Guard to construct an addition to the present building now under lease dated May 25, 1949 for 25 years. Also, that the officers of the Board be authorized to execute such documents on behalf of the Regents, as may be required.

## RESOLUTION

WHEREAS, the Oklahoma National Guard desires to construct an addition to the present building located on a site on the North Campus which was leased to the Guard May 25, 1949 for 25 years; and

WHEREAS, it is understood that the addition will be of permanent, fireproof construction, principally of brick exterior to provide adequate, secure supply rooms, locker rooms, classrooms, administrative space and kitchen, bath and latrine facilities to accommodate the Headquarters Detachment

November 10, 1955

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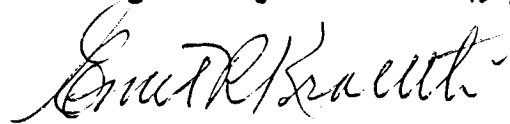
700th Ordnance Battalion and Company B (Rear) 700th Ordnance Battalion, both organic to the 45th Infantry Division, with a potential strength of 11 officers, 7 warrant officers and 125 enlisted men; and

WHEREAS, the Adjutant General of the Oklahoma National Guard has agreed to submit detailed plans for the addition to the University for approval before they are submitted to the National Guard Bureau;

NOW THEREFORE, be it resolved by the Board of Regents of the University of Oklahoma, that the Board finds the proposed addition to be within the intent of the said lease dated May 25, 1949 and the Board hereby gives its consent for such addition to be constructed, subject to the terms and conditions of said lease.

Unanimously adopted.

There being no further business the meeting was adjourned at 2:45 p.m.



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Emil R. Kraettli, Secretary