

Controversy In New Haven



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Timothy Swenson

Cover image: New Haven Unified School Board at the start of 1967. Left to right: Jess Orozco, Gail Pagan, Elliot Paulsen, S. R. Richards, John Samarron.



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Preface

My friend has two pictures on the wall in the lobby of her office. They are both similarly positioned aerial shots of our local community that show drastic differences between what our community looked like in the postwar 1950s and shortly after in the 1970s. It was a time when Alvarado and Decoto sat alongside their Washington Township sisters of Centerville, Newark, Warm Springs, Irvington, Newark, and Mission San Jose. I often stand in my friend's lobby and mentally trace my daily routes along Mission Blvd, down Decoto Road, over to Alvarado-Centerville. I close my eyes and imagine what things must have been like back then.

I am also keenly interested in 1960s America. It was such an important time in the development and awakening of our collective morality. Most of what we are taught about this important time is through a much bigger and grander lens. We have stories aplenty about Selma, Birmingham, and Delano, but it's easy to forget that our small community is part of a larger national narrative about social justice.

History is a constant reminder of where we were, where we are, and where we hope to be. I am grateful that we have a growing body of historical works that documents our community's past, and I am looking forward to additional titles.

Regardless of whether you consider the chief character in this history to be a despot or a defender of virtue, you will undoubtedly gain a richer picture of attitudes and values of Union City during one of the most important and turbulent times in our nation's history. As one sitting member of the New Haven Unified School District Board of Trustees, it's my opinion that it's profoundly important to know where we've been, so that together we can chart a path to our future.

Lance Nishihira

Member, New Haven School District Board of Trustees

January 2017

Introduction

The New Haven Unified School District was formed in 1965 by combining the Alvarado and Decoto School Districts and James Logan High School from the Washington Union School District. The joining of the school district was fairly harmonious. The only issue in the local newspaper, the "Union City Leader", was the name of the district. The "Union City Leader" was advocating for the Union City Unified School District and was disappointed about the name "New Haven".

Two years after the founding of the school district, a huge controversy erupted in the district, leading to large public attendance at meetings, calls of illegal activities and a resolution by having a recall election. This paper documents the controversy in a chronological style.

The Start of It All

In January 1967, the film "Nothing But A Man" was shown to a number of English classes at James Logan High School. The movie was controversial since it had some nudity and some explicit or vulgar language. The movie was about a black man, Duff Anderson, in Alabama who starts up a relationship with the local preacher's daughter. Anderson had worked for the railroad, but wanting to settle down, he takes a job in town, where he faces discrimination from the white population. His refusal to follow the social norm for a black person causes him to lose his job and be blacklisted by other employers. The movie won an award from the National Council of Churches in 1965.

A number of parents heard about the showing of the movie and wrote letters of complaint to the school district. The School Board President, Rev. Elliot Paulsen contacted the Alameda County District Attorney's office to see if the showing of the movie was legal, since it had not been approved by the School Board. The school district contacted those parents that complained about the movie and set up a special viewing for the parents. A number of the parents still did not like the movie after seeing it.

At the next school board meeting, on January 24th, over 40 parents showed up to complain about the movie. Rev. Paulsen read from the letter signed by William R. Johnston, a deputy district attorney. The letter said in part:

"Education Code Section 8454 (c) provides 'No instruction shall be given through lectures or other means unless the material contained in the ... publication, or the purpose of the ... instruction has been approved by the ... governing board of the school district in which the ... school is located.' "

The letter also stated that the school board could not delegate its authority to approve the classroom material.

Rev. Paulsen stated: "The film itself isn't the issue. The issue is that teachers had no right to show it or rent it. They disobeyed the state educational code and if they do it again they'll answer for it." Rev. Paulsen further stated: "A violation of this order will cost you your jobs. If you do not want to live with this kind of dictum, I suggest that you resign. It is a shame that we have a handful of teachers destroying our efforts to provide a good educational program. It is the Board's responsibility to approve books, films, etc. for students. No more films, book, etc can be or will be used in the classroom without approval of the Board of Education. We are responsible for this approval and we cannot delegate this responsibility as it is clearly stated in the Education

Code in the letter I received from the District Attorney. This is to be the system this district is to follow. We have sworn to uphold the law. This is the law."

Rev. Paulsen then turned to Dr. Schoenfeld, the District Superintendent, and claimed that he had suppressed information about this issue. Dr. Shoenfeld denied the accusation. Dr. Shoenfeld defended the movie and stated that when used in a literature class, the movie did meet the objectives of the classes. He said that the film had been shown in a number of high schools and churches in California.

Choosing Sides

The issue was brought up again at the next school board meeting on January 31. The school board first met in closed session and then opened the public meeting at 9:30 pm.

While the school board meeting was in closed session, people from different groups and sides read out statements to those assembled for the meeting. The California Teachers Association was "shocked at the attitude expressed toward the teachers by the Rev. Elliott N. Paulsen" Field representative for the association, John Muir, called on Rev. Paulsen to resign. James Logan High School students had their own statement saying "One man has dictated his will over the majority of our schools. Don't be misled by his scare tactics."

The New Haven Teachers Association reaffirmed its confidence in Dr. Schoenfeld and said that Rev. Paulsen had insulted the teachers of the district and the state. In a statement released earlier, the Association said that "We are appalled that one individual sets himself up as being more enlightened than those who have been trained to make appropriate choices for children."

The New Haven Parents Union reaffirmed their support for Rev. Paulsen, saying that there was a lack of good judgment on the part of some teachers and that the current problems with the district were their fault. Their letter went on to say that the Union had been formed "to demand our right under the law; the opportunity to have a voice in what is being taught to our children." It went on further to state, "We understand Section 8554C of the State Education code has been violated, and believe the law should be upheld. Therefore, we fully support the action taken by the president of the board of education on Jan. 24."

When the public meeting started, Dr. Schoenfeld entered the room to applause. When Rev. Paulson entered, there was applause and also booing. He responded by saying "Thank you for your welcome, no matter how you expressed it." The board room was overflowing with about 500 people attending, and some were standing in the outside hallway.

Before getting to the agenda items, Board member Jesse Orozco read out a statement. From the minutes of the meeting, the summary of the statement was that "he would like to commend Dr. Schoenfeld on the stand he has taken in accepting the full responsibility in the use of instructional materials. He stated that he had full confidence in the teachers and the administrators of the district."

Board member John Samarron made a motion that "the Board reaffirm its philosophy, policies and regulations and that this be made part of the record. The motioned was approved by all except Board President Rev. Paulson.

Board member S. R. Richards made a motion that "we request, as a full Board, that the District Attorney restate and clarify his letter of January 24th directed to the Board." This motion was approved by all board members.

Board Member Gail Pagan made a motion that "we contact Assemblyman Carlos Bee regarding the securing of an opinion from the Attorney General in this matter." The motion was not put to a vote.

Pagan then made a motion that "the Board of Education of the New Haven Unified School District reaffirm its faith and confidence in the teachers and the administration of this district." The motion voted on by all except Rev. Paulson, who abstained. He said that he abstained because he felt that some teachers should be disciplined and until this was done he could not vote for such a motion. He also stated that if he did vote for such a motion "it would be an indication that all parties had been absolved."

Before the Board could get to oral communications, Fire Chief Kenneth Garcia came into the meeting and informed the Board that the room was too crowded and the meeting had to end in ten minutes. The meeting ended at 9:50 pm, only 20 minutes after it had started.

Things Turn a Little More Serious

On February 2nd, the school district showed "Nothing But A Man" at the "cafetorium" at James Logan High School to any that were interested in attending, free of charge. After the film a panel discussed the film. The panel consisted of Fr. Dan Danielson, assistant pastor of Holy Ghost Catholic Church; Rev. John Larson, St. Anne's Episcopal Church; Professor J. W. McClendon, professor of protestant theology, University of San Francisco; Rev. Carl Olson, Fremont Congregational Church; Rev. Marvin H. Olson, pastor, Christ Lutheran Church; Professor Lucio Routolo, associate professor of English, Stanford University; Professor Pat Smith, assistant professor of English, University of San Francisco. Over 1,200 people attended the showing.

On February 3rd, Dr. Schoenfeld issued a memorandum stating that administrators and teachers should operate under the policies that were in place prior to the Jan. 24th school board meeting, where Rev. Paulsen issued his "cease and desist" order.

On Sunday, February 5th, a small bomb exploded at the home of Rev. Paulsen in Southern Hayward. The Hayward Police were able to apprehend a 17-year old James Logan High School student. The student said that the bomb was just a prank and that he had no intentions in hurting anyone.

On Tuesday, February 7th, Rev. Paulsen was on a television program and said that he would bring charges against a few teachers at an upcoming school board personnel session. He stated that he felt he had no choice but to dismiss these teachers.



Dr. Schoenfeld

The next night, on the same television program, Dr. Schoenfeld said that he was interested in hearing the charges that Rev. Paulsen would bring against any teacher. He alluded that Rev. Paulsen had made similar statements in the past.

When interviewed by the Union City Leader newspaper, Gail Pagan, Jess Orozco, and John Samarron supported the directive that was issued by Dr. Schoenfeld on continuing to use the same policy on educational materials that has been in place since the school district was formed.

From the Feb. 9 issue of the "Union City Leader"

What is happening in our School District

By. Rev. Elliott Paulsen

Parents train their children with certain hopes and goals in mind so that will become happy well-adjusted adults one day.

Many parents have had children come home from school and tell them that they are stupid and don't know anything.

Why is this?

Because some of our teachers have been taught that only teachers know what is best for children and Dr. Schoenfeld said on television Tuesday that only teachers know what is best. What does this mean?

The teachers brought in a Dr. Cadwallader that told our children that marriage was a waste of time and our children should just start living together. Then the teachers brought in in film "Noting But A Man" that showed a well-brought-up girl going against her father's training and marrying a man who was Godless and brutal. Is this what you want for your child?

A local family tried to raise their boy right but every day he came home from school saying bad things about me. His parents told him this was wrong but he ended up making a bomb that could have killed my whole family.

I am trying to help every parent in our district teach our children to have respect for the law, respect for their parents, and respect for other people and their property. Will you help me do this?

When the election comes in April, find out what the candidates really believe and not just who they happen to know or what organization they belong to.

Find out if they think teachers should be the only ones to make decisions about your children or if they think that parents have a right to work together with the schools in properly educating our children.

We need our teachers to teach our children to read and write. They can see movies anywhere and anytime. Let's encourage our teachers and help them by having our children do their homework and see to it that our children go to school and not skip classes.

I want to help you so let me know what I can do.



Rev. Elliot Paulsen

In the Feb. 9, issue of the "Union City Leader", both Rev. Paulsen and Dr. Schoenfeld were interviewed on the controversy. Rev. Paulsen felt that he was being attacked by the teachers for his interpretation of the Education Code. He said that teachers told students that they could not use the blackboard because it was not approved by the school board. Rev. Paulsen said that that was nonsense and that the blackboard had already been approved. He said that there was a school assembly on the issue and that he was not invited to talk about his side of the issue. He also said that he was not invited to the showing of "Nothing But A Man", and said that those on the panel were "mostly connected with liberal and radical programs."

Dr. Schoenfeld said in his interview that "If the Rev. Elliott Paulsen can't go along with the rest of the school board, he shouldn't be on it." He also said that the Rev. Paulsen should not have gone to the District Attorney on his own to get an opinion on the matter. Dr. Schoenfeld said that he felt that teachers and administrators are more qualified to select educational material than parents and laymen. He pointed out that 73 percent of the district parents never completed high school. He said "I refuse any longer to be a part of the Rev. Paulsen's publicity-seeking tactics. If he has any charges to make against me, let him go through proper channels and charge me formally."

A Fizzle of Charges

At the next school board meeting on Feb. 14, a number of students and parents attended and spoke about the controversy. Jack Held and John Orozco spoke on behalf of the James Logan High School student body. Others spoke for both sides of the issue. Demas Lamas stated "Are you speaking of teachers from the University of California? You have to watch these teachers. Some have devious ways of getting onto your children's minds. They're among you now." While the Board was in closed session, a number of letters that were received by the Board were read to those attending the meeting.

At 11 pm, the Board came out of closed session. Although not mentioned in the Board minutes, the local newspaper reported that Rev. Paulson did bring charges to those that had shown the movie "Nothing But A Man", but the other board members did not want to take action until there was clarification from the District Attorney, which had not arrived before the meeting.

When back in public session, each Board member gave brief statements on how they stand on the controversy. Rev. Paulsen said "Don't criticize me for exposing evil where I find it." John Samarron stated that he did not believe that the first letter from the District Attorney was a legal opinion and was "totally lacking in authority." S. R. Richards stated that "it is not possible to work with a group like we have here tonight. When you are continually degrading any individual board member you are degrading the whole board." Gail Pagan said that "I am personally disgusted with the interruption of the educational program. It has brought almost to a total standstill the educational process." Jess Orozco said that "Until someone proves the charges I wouldn't approve teachers' dismissals. I believe they have obeyed the law and will continue to do so."

The Start of the Recall

On February 20th, Robert W. Smith filed a petition for a recall election of Rev. Paulsen. He said that he filed the petition because Rev. Paulsen was using his board position to carry out a personal vendetta against the school administration and teachers. "He made statements smearing our educators in the press and television", he said, "I for one am going to do something. It has by now become obvious to the disinterested bystander

that Rev. Paulsen intends to impose his will over all of us, his other board members as well, whether we like it or not. This matter should have been handled within the chamber of the board, and not made a public spectacle in newspapers and television, but it appears that the Rev. Paulsen decided to use shock tactics on our youngsters, teachers, administration and us. He usurped his power as president of the board to act without the approval of the board he heads. Even if he were to recoil from this ugly mess and retract his threats to all concerned, it would not erase the damage which has already been done. I therefore urge all the people to ask for his man's recall from the New Haven Unified School Board, and replacement by a person who can work with the democratic structure of a school board."

When the petition was filed, Smith had six months to gather signatures from 20 percent of registered voters, or about 1,000 signatures. Robert Smith was the Training Union Director for a Southern Baptist Church in Union City and had been discussing the film "Nothing but A Man" after it was shown at the high school. He also attended the public showing of the film and listened to the clergy on the panel and heard their feelings on the film.

When asked about the recall election, Rev. Paulsen said that he is not worried. "There has been an endless vote of confidence on the part of so many parents that I'm not really concerned about the recall election. If the people feel I don't belong on the board, this is the proper way to proceed", he said. He also said that he was not interested in resigning. He asked parents to ask all board candidates if they represent the teachers or the parents.

In the Feb. 23 issue of the Union City Leader, there is an article with the headline "Rev. Paulsen accuses teachers of immaturity". In the article Rev. Paulsen states "The teachers have demonstrated their immaturity by showing they don't feel obligated to obey the law." He says that both the Piedmont and Hayward schools received the same letter that he did from the District Attorney. "Teachers in the Piedmont and Hayward districts were more mature. They settled down to work under the framework of the law. Our teachers' association has refused to do so", he said.

Waiting for Clarification

At the Feb. 28 school board meeting, Gail Pagan made a motion to set aside the regular order of business and address the current controversy. The motion was seconded and all board members voted for the motion. The clarification from the District Attorney that the Board requested was still pending.

John Samarron made a motion to "find the charges brought by the Board President in the Personnel Session of February 14th to be unsubstantiated and to order them filed." Rev. Paulsen stated that the motion was not necessary as he had withdrawn his charges at the personnel meeting. He stated, "I can always file them a second time. Since I withdrew them at the last session there are no charges now" The Aye votes were Orozco, Pagan and Samarron. The NO votes were Richards and Paulsen. The motion was carried. After the motion passed, Rev. Paulsen said "We have voted to find non-existing changes unsubstantiated against non-existent people."

John Samarron made a second motion that "until significantly new information is brought to this Board through the proper legal channels and in accordance with the policies of this Board this matter is to be considered to be closed". The motion was approved unanimously by the Board.

During the written communications section of the agenda, a letter from Assemblyman Carlos Bee was read, stating that he is seeking input from the State Attorney General. After the motions were made, there was still discussion on the controversy. Rev. Paulsen said "I challenge anyone to prove that I directed the educational program of this district to come to a halt. I only requested that unapproved material no longer be used.". He claimed that it was Dr. Schoenfeld that issued the edict and then later changed it. At the end of the meeting it was hoped that the motions would put an end to the controversy.

The Next Elections

The controversy still had ramifications on the school board elections. The Citizens for Action Committee was established to help the re-election of the three board members up for re-election in the next few months. These were Pagan, Orozco, and Sammaron. The chair of the committee was Stan Noack; secretary, Marie Hammond; treasurer, Josephine Pando, and publicity chairman, Bert Hammond. The group had about 40 local residents as members. They said that they were not organized because of the recall of Rev. Paulsen.

Robert Smith continued his campaign for the recall of Rev. Paulsen. At an organizational meeting, with over fifty residents attending, Smith was chosen to head the group. The secretary/treasurer was Marge Bennett. The group decided to support Dr. Syd Furman as their candidate to replace Rev. Paulsen. The group also endorsed the three candidates coming up for re-election. The petition that they were circulating said that the main reason for the recall was that Rev. Paulsen "has usurped his position as president of the board in taking action against the teachers and administrators without the knowledge or approval of the board of which he is president."

A number of Logan students formed the Students After Fair Education (S.A.F.E.) and passed out flyers at a school board meeting supporting the recall effort against Rev. Paulsen. Their flyer stated, "The Rev. Mr. Paulsen abandoned board policy to obtain an opinion from the district attorney (regarding approval of instructional materials). He did not consult the other board members, and acted in a manner that hurt education." The students made sure to note that the flyer was prepared and printed without using any school equipment and that no teachers were involved with their group.

The New Haven Parents Union met on Feb. 27th, and Dr. Schoenfeld was the guest speaker. Mrs. Ambrose Loyola said that the purpose of the Union is to "work for a better relationship between parents and educators" and to "take steps as are necessary under the laws of the state to have a voice in the subjects taught to our children." She wanted to make it clear that the Union was not taking a stand on the current controversy, but looking for information to understand the controversy. In his talk with the Union, Dr. Schoenfeld stated that, "Teachers, school administrators and school board members are indeed the servants of the people, but not just of the people now living." He was referring to serving those past and present. "Our problems in the tense filled days ahead are to not only observe the shifting sides of public opinion, but steer by the rocks of enduring truth."

At the next New Haven Parents Union meeting on March 6, Rev. Paulsen was the guest speaker. Rev. Paulsen first read from a speech given by J. Edgar Hoover to a national convention of Catholic youth in 1963. He quoted Hoover by saying, "Meet every new challenge with confidence and determination. As you look to the future do not lose sight of the important lessons of the past. Do not hesitate to speak out and bring public

pressure to bear upon negative influences within your communities. We must never become so accustomed to filth or so intimidated by advocates of so-called worldly reality that we fail to revolt against corruption and decay."

On Monday, March 13, the New Haven Parents Union announced their support for Wilbur Hendricks as a write-in candidate against John Samarron. Hendricks was a former school trustee for the Alvarado School District for 20 years. In the previous school board election he had not run, but received a number of write-in votes. The Union also announced that they were opposed to the recall election of Rev. Paulsen. They were upset by statements made by Dr. Schoenfeld and Guy Emmanuele, the Director of Instruction. They said that Emmanuele called them a vigilante group and that Dr. Schoenfeld stated that Alvarado was a ghetto area.

On March 21st, Robert Smith filed the recall election petition with the Alameda County Schools office. Of the 1,100 signatures required his group was able to get 1,263 signatures. When filing the petition, Smith repeated his previous statement of "It has by now become obvious to the disinterested bystander that the Rev. Paulsen intends to impose his will over all of us, his other board members as well, whether we like it or not."

A committee was formed to fight the recall election and was headed by Ken Birch. In an interview, Birch said that "We want people to stop and think. They don't realize the real damage that will occur in the community." He stated that the people backing the recall were naive to think that it will pass. "The underlying causes will not be removed and there will always be individuals such as myself asking questions and wanting to know what's going on," he said. The group passed out a letter detailing their reasons for opposing the recall. It stated, "There is a definitive possibility that some of the charges against the school board president are slanderous and circulators of these petitions may be held liable. A recall election will cost as much as \$2,000 of school money that is needed for the education of your children. A recall will in no way solve the real issues facing us. Quite the contrary, it would do us irreparable damage to an already divided community." The letter then asked those that had signed the recall petition to contact the county superintendent's office and have their name removed from the petition.

More Unapproved School Material?

At the March 28 school board meeting, Phil Sheridan, a school board candidate, and Herbert Bohse, president of the New Haven Parents Union, both asked about the approval of school materials. Dr. Schoenfeld was out sick, so Guy Emanuele, Director of Instruction, was sitting in his place. Emanuele stated that until the board or other legal authority ruled otherwise, the district considered its material as approved according to the law. Sheridan then pulled out a copy of "The War Lover" saying "I submit that this book violates the code of California." Bohse talked about his step-daughter being assigned the book. Since the book was labeled as "Property of James Logan High School" Bohse wanted to know if the book was approved by the board. Emanuele said that the right approach would have been to bring up this question with the administration instead of directly to the board. By not doing so, this "is what makes it difficult to effectively administer a school district", he said. He then stated that "I have every reason to believe it was approved," After further discussion, Gail Pagan made a motion "that the policy be invoked and that the administration be given time to investigate the situation and a full report will be given to the Board." The motion was carried with a unanimous vote.

As the recall petition was being certified by the county school office, Rev. Paulsen announced that he was going to file a libel suit against Robert Smith, the petition organizer, and all of those that have signed the

petition. Rev. Paulsen said that five of the seven statements in the petition were false. He said that because the petition was notarized, the statements were the same as a sworn statement.

Ken Birch, who led the Committee Against Recall, said that the recall petition against Rev. Paulsen "is the greatest hoax ever perpetrated upon the community". This was in reaction to the news that the petition had been certified. "The Rev. Paulsen has broken no law. I feel this whole thing involved personalities rather than facts. We who approve the teachers and administrators are going to be more determined in our efforts to end this situation once and for all. I would ask the recall people this one thing, how do they plan to silence people like me?" Birch stated.

By early April the definitive opinion from the District Attorney's office had not been received by the school district. Tom Firby, Assistant DA, said that the opinion would be a joint opinion of the Alameda County District Attorney and the State Attorney General. The District Attorney's office had sent the opinion letter to the State Attorney General's office and, at that time, was waiting for a reply.

In the April 6th Union City Leader, Dr. Shoenfeld reported that the charges that the book "The War Lover" was used in violation of the state policy were not true. Dr. Shoenfeld said that the book was purchased with a number of other books for the Logan library. An additional copy was purchased to be an optional book for the class studying modern novels. It was not a required reading book. Shoenfeld said that despite the book having profanity in it, it did not violate the state code because the code was explicitly against teachers using profanity.

When asked for his opinion on Dr. Shoenfeld's statement, Rev. Paulsen said that district administrators don't care if they follow state law or not. He said "The administrators do not care what the state education code says. If they can get the board to approve something, then they go ahead, regardless of what the state law is." Rev. Paulsen said that he considered "The War Lover" to be a text book and therefore it should have been approved like any other text book.

Turning back to the recall, in a statement released by Robert Smith justifying the recall election, he said "Small groups of people felt they had the right to short-cut the proper channels and bring about a disruption of our entire educational system. This situation would have never come about if it had not been for the president of the board, Mr. Paulsen, allowing this bypass of policy, and taking action alone and on his own which brought us to this present sad state of affairs. It is our duty to see to it that this situation never occurs again, and that the member of the board who conducted themselves as responsible board members are returned to their seats, so that the high tradition of our school may be carried on in the proper atmosphere, and that just problem and complaints may be handled in the proper way." The statement went on to advocate that the teachers and administrators are the best qualified to determine what material should be used to teach students.

The Final Word

At the April 11th meeting of the school board "The War Lover" was on the agenda. The discussion was really on the whole controversy as two letters were received on the subject, one from the Superintendent of Public Instruction and one from the Office of Attorney General. Dr. Schoenfeld read sections from each letter.

In the letter from Dr. Max Rafferty, Superintendent of Instruction, the section read stated:

"... a legally-elected and duly-constituted school board can legally delegate specific selection responsibilities for instructional materials to its staff if it chooses to do so."

"The California Education Code requires each credentialed teacher to teach his pupils 'to avoid the use of profanity'. As a result, any assigned materials which a pupil is compelled to read and to study which contains vulgar or offensive language in excess would be a violation of the Code. An optional procedure especially for library reference usage would not necessarily contravene existing California law."

The section of the letter from Richard Mayers, the Deputy Attorney General, directed to Assemblyman Carlos Bee stated:

"...the president of the unified school district governing board issued a directive banning 'all movies scheduled for school classes' and 'to cease and desist from using (any instructional) materials not previously approved by the board.' This action had not previously been presented to the school nor was it subsequently approved by the board."

"You have asked whether this action of the president of the school board was legal. The power given to a school board may not be exercised by an individual member thereof. Thus the action of the school board president was illegal and void."

Gail Pagan made a motion that "policy #1360 be applied and if the people concerned want to follow the policy as outlined they may do so." The motion was approved by all the board members. Policy #1360 was the policy that there was to be no discussion of the approval policy until new information was properly received.

Jess Orozco made a motion that "the Superintendent's report on the 'War Lover' be accepted by the Board." The motion was carried with Richard and Paulsen voting against the motion.

Directly addressing the question about "The War Lover" book, Dr. Schoenfeld stated that the finding of the administration was that the book was a properly approved classroom library book. It was found that the book was not assigned reading and there was no requirement to read the book. "Our investigation reveals that the teacher in question allowed the student to select and examine a book from the teacher's list, the classroom library, the school library, the public library, his home library, or even purchase his own novel," said Dr. Schoenfeld.

The headline of the April 13th issue of The Union City Leader claims in bold letters "SCHOENFELD CLAIMS VICTORY". Dr. Schoenfeld stated to the Rev. Paulsen; "I haven't acted unethically or violated policy. I've been accused by you of being illegal, but I see here the attorney general seems to think otherwise concerning your actions."

Rev. Paulsen reacted this way to the letter from the Attorney General, "The decision of the deputy attorney general appears to be politically motivated. The Attorney General's office has not found time to answer the only legitimate legal question asked by the board ... the attorney general's office has violated an important point in jurisprudence in rendering a decision regarding the legality of my act after heard only the testimony of my accusers... a decision based on distortions and misrepresentations."

Incredulously, Rev. Paulsen then stated that he had acted not as board president but as a citizen whose right it is to stop or arrest anyone committing a crime. He then said "This is my statement, you are free to insult me if you wish." Rev. Paulsen went on to charge the English department and the administration with usurping the authority of the board, saying that this was an attempt to divert attention away from teacher arrogance.

On April 18th was the election with Orozco, Pagan and Samarron seeking re-election for the school board. Despite a very rainy day, the vote was heavier than normal. In Area 1, Samarron was running against the write-in candidate Hendricks and Samarron won 1246 to 568. In Area 2, Orozco and Pagan were running against 6 other candidates, they won with Orozco getting 1034 votes, Pagan getting 1020 votes. The third runner up, Poplasky, had 845 votes and Sheridan, who was a supporter of Rev. Paulsen, 710 votes. Those supporting Rev. Paulsen and his position had lost an election that would have changed the make up of the school board.

The Recall Election Heats Up

In late April, both sides of the recall election filed for and against arguments to be printed in the voter information booklets. Rev. Paulsen submitted this statement:

"What is the truth about the controversy in our school district? I spoke up against a school administration which wants 'yes men' only and is very wasteful with taxpayers money. I will not knuckle under to the dictatorship of a handful of radical teachers or condone the misuse and abuse of freedom. For these reasons I have been tarred and feathered as a right-wing extremist."

"But let's look at the record. My opponents would lead our young people to 'experiment' they say. Experiment with what? Using obscene language? Free love? Flouting all authority? I stand for decency and love of our country. I want respect and discipline taught in our schools because our children cannot succeed in life unless they have both self respect and respect for others. As a a Minister of the Gospel I cannot be idle when I see things which are wrong and should be corrected."

"My stand is with those people who believe in law and order, respect for parents, teachers and all in authority, who believe in life, liberty and the pursuit of happiness for the people regardless of race or religion. Our school can make this dream come true if we all work together."

The rebuttal argument that Robert Smith submitted is this:

"The argument brought forward by Mr. Paulsen is based on two premises; one, deception, and, two, the use of cliches. He says that board is loaded with 'Yes' men, but he worked avidly to try and bring about their defeat. This real dilemma lies in the fact that they won't say 'yes' to his unilateral action or knuckle under for him. The people have answered him on the incumbent situation by re-seating the ethical members of the board."

"When he speaks of freedom he is speaking of the freedom to holler 'Fire!' in a crowded auditorium. Freedom also carries the responsibility of using it in a democratic manner, not abusing it as he has done by taking action without the authority or knowledge of his board. He asked that we look at the record, and the most recent record is one of the majority asking him to stop these actions and work as a member of the board, and not as a self-styled dictator of the board, or step down. He has refused to do either."

A DAY OF DECISION

A decision that may very well be one of the most important ones made by the parents and taxpayers of the New Haven Unified School District.

On June 13, 1967, you will be faced with a decision. You will either decide in favor of the recall movement and cast a "yes" vote or you will decide against the recall movement and cast a "no" vote.

The constitutional right of recall, along with the initiative and referendum, is a sacred right which reserves to the people the final decision where their government is involved.

Before you make this decision and cast your vote, please consider the following points.

- 1) A recall election is a last resort stand after all other avenues have been exhausted.
- 2) A recall election is a disruptive influence to the community.
- 3) A recall election opens wounds in the community that never heal.
- 4) A recall election threat, stifles free debate between your elected representatives.
- 5) A recall election harms more than it cures.

To arrive at your decision and in order to cast an intelligent vote, you should ask yourself the following questions.

- 1) Is this extreme measure necessary? Have I exhausted all other means of making my will felt?
- 2) Do I really want to disrupt my school district by a successful recall election?
- 3) Is it really necessary to take this drastic action which might divide the community for years to come?
- 4) If this recall succeeds, we are saying in effect, A) We don't need a school board, let the professionals make all the decisions. B) We're only parents, we don't know anything. C) We don't want any open discussion or disagreement among our board members, we expect total agreement at all times, stereotyped decisions, with the professionals doing all the thinking. In addition, the recall, as always when abused by selfish people, will mean a disrupted community, deep division and scars that will never heal. A cure that kills the patient.
- 5) Do I want to take the chance of doing more damage than good in my school district? Isn't the education of my children of paramount importance? Isn't the risk too great when matched against the fair and impartial education of my children and other people's children.
- 6) Is this what we need in our town? It is time we parents stood up to the so called professionals and said, "These are our children not yours, and don't you forget it." We care about what you teach our children and will have something to say. We say "No" to your scheme to eliminate us, we say "No" to your recall!

PARENTS
AND
TAXPAYERS
AGAINST
RECALL
FOR THE
BETTERMENT
OF
EDUCATION

•
P.O. BOX 803
UNION CITY,
CALIFORNIA

Vote NO on RECALL

Newspaper advertisement against the re-call

VOTE 'YES' ON RECALL

Vote for DR. SYD FURMAN
 New Haven School Board, Tues., June 13
 HERE IS THE PAULSEN RECORD:

New Haven school board President Elliott N. Paulsen, subject of a recall election on Tuesday, June 13, has lodged an array of charges against fellow school board members, administrators, teachers, parents, Recall Petition carriers and voters during recent months, causing much disharmony and confusion in the New Haven schools.

The following are matters of pressing community concern, pertaining to the conduct in office of Mr. Paulsen. Please read carefully before you cast your ballot:

SCHOOL BOARD AND TEACHERS

Elliott N. Paulsen charged that New Haven administrators were *illegal* in procedures; classroom instructors used *obscene language*, fellow school board members had committed a *misdemeanor* in the handling of instructional materials. The board president said, "A violation of (his personal) order will cost you your jobs . . ." (School Board meeting, Tues., Jan. 24, 1967.)

THE CALIF. ATTORNEY GENERAL
 Elliott N. Paulsen himself was found to have acted illegally, and his orders were declared "illegal and void" by the California Attorney General with reference to his outlawing of various instructional materials used in the New Haven schools, and his orders as noted above. (Opinion of the Attorney General's Office, State of California, issued April 7, 1967.)

THE MEXICAN-AMERICAN COMMUNITY
 Elliott N. Paulsen said the problem of educating Mexican-American children is not one which we will be faced with forever. He said he believes the Freeway and Rapid Transit will take care of the Mexican problem. (School Board meeting, May, 1966.)

HOT LUNCHES

Elliott N. Paulsen voted against consideration of a hot lunch program for 150 children certified as undernourished and in want of food. (School Board meeting, Tues., May 9, 1967.)

ABOUT LOCAL TAXES

Elliott N. Paulsen, after agreeing on Tuesday, April 11, 1967 with all other New Haven board members to attend a special school board meeting to explore the record \$3,500,000. New Haven school operating budget proposal for 1967-68, did not bother to attend. Rather, he spoke that night before a political body in Orinda, Contra Costa County, on the subject of "What Our Tax Dollars Are Buying in the Schools." (Tues., May 2, 1967)

JOHN BIRCH SPEAKER

The New Haven board president openly addressed the Hayward Chapter of the extremist and reactionary John Birch Society (April 6, 1967.)

DISTRICT VOTERS 'LIARS'?

Elliott N. Paulsen, on San Francisco Radio Station KCBS, agreed that the 1,200 voters who signed the Recall Petition were "either ignorant or liars." (April 30, 1967.)

'EVIL JUDGES' IN THE COURTS

The New Haven board president said "public education is teaching young men to hate their country"; said psychiatrists may let all the patients go free from the mental institutions in Napa and Stockton, and charged that "evil men" have been installed as judges of the courts (Memorial Day speech, Lakeport, Calif., May 30, 1967.)

JUNIOR COLLEGE STUDENTS

Elliott N. Paulsen told a political group in Contra Costa County that he would not favor equal educational opportunity for each and every child, and charged that "a blooming idiot can go to a Junior College today." (Tues., May 2, 1967.)

ON THE FIRING OF TEACHERS

Elliott N. Paulsen threatened other members of the New Haven school board that if they failed to fire certain teachers, he would "turn the community against them." (School Board meeting, Tues., Dec. 13, 1966.)

FELLOW TRUSTEES

Elliott N. Paulsen, in direct violation of the ethics of boardmanship actively opposed fellow members of the board during their campaigns for re-election and sought to discredit them in the press and at various meetings. (Public election of April 18, 1967.)

'THE DAY OF RECKONING'

Elliott N. Paulsen told the senior member of the New Haven school administration that "your day of reckoning" is coming. (School board meeting, Tues., Feb. 14, 1967, St. Valentine's Day.)

WHAT SELL-OUT?

Elliott N. Paulsen charged that certain fellow school trustees "are no longer worthy to be on the board" and that "board member Mrs. Gail Pagan has sold out . . ." (Union City Leader, March 30, 1967.)

'SHOW AND TELL' IS BANNED

Elliott N. Paulsen has succeeded in banning instructional material from the schools, including items such as "show and tell," charts, teacher prepared materials and "sharing time" (since restored). He has attacked famous literature, church-approved films and the use of periodicals in the Social Science department, opposing among others *Newsweek Magazine* which he said presents "slanted" news. (Culled from the minutes of New Haven Board meetings and newspaper accounts regarding various attacks on books and publications during 1966-67.)

FREE EDUCATION?

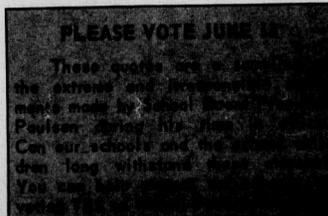
Elliott N. Paulsen contended that "kids go to school for 15 years—kindergarten through junior college if they wish—at no cost to the parents or themselves . . ." (Contra Costa Times, April 16, 1967.)

RELIGIOUS, POLITICAL BELIEFS

Elliott N. Paulsen, appearing before a pro-recall group in a neighboring school district, advocated the recall of his neighboring trustee; urged the group to expand their campaign to include "four or five members" of the neighboring school board; told them when this was successful to fire their superintendent; suggested that they place a person in "authority" who could examine the religious views of all teachers; proposed outright prohibition against any discussion of religion in the classroom; endorsed the idea of "guilt by association"; said only America's national heritage should be taught in the classroom and examination of the historical heritage of other countries be forbidden; said New Haven teachers are 'communist-indoctrinated'; said if a teacher makes "one mistake" in following strict orders from board and parents he or she should be immediately discharged. (Speech by the board president in the Castro Valley School District, March 10, 1966.)

'BLOW TOP OFF DISTRICT'

Elliott N. Paulsen, making claims of irresponsibility and dishonesty against New Haven teachers and administration said, "I told the administration and board I'd 'blow the top off this district' . . ." (Hayward Daily Review, Feb. 8, 1967.)



CITIZENS FOR RECALL, P.O. BOX 784, UNION CITY, CALIF.

"He further states, 'Our teachers and administrators would lead the children to experiment - with obscenity - free love, and flout authority.' These are lies in the first order; perpetually told by people who have been schooled under the idea that if you tell a lie often enough people will believe it. Then he moves on to the accepted cliches of the run-of-the-mill politician who has little to offer and resole to standing his backing of motherhood, little league and apple pie."

"I would answer his statement made as 'a Minister of the Gospel' in two ways: First he is not serving on the board as a Minister of the Gospel but as a school board member and it is necessary that the man have an understanding of the separation of church and state. It should be understood that all people serving on the board are of high moral character and this is not his lone responsibility to see that what we do as a school district is totally compatible with this faith and doctrine."

"His last statement is the apex of irony; 'if we can work together we can make our dream come true.' The other members of the board have been pleading with him to work with them as a board in harmony, but he has been encouraging disruption by allowing individuals and minority groups to bypass the district policy and create discord and interruption to a point so great that little school work can be accomplished, and the Attorney General of the State of California has termed his action illegal and void. His arguments are like the fog; they dissolve when the sun comes out."

The Citizens for Action Committee endorsed Syd Furman to replace Rev. Paulsen. Furman had taken out papers for the April school board election, but withdrew and supported the three incumbents. He then filed paperwork to be a possible board member if the recall succeeds. Furman said that he "totally supports the idea of recall as the only constructive way to ease the great pressures built up within the district as a result of the board president's activities and to develop new avenues of communications linking school board, professional personnel and citizens.". Furman said the reason for removing Rev. Paulsen from the board was "in order that he may be protected in the future from confusing his private goals and ambitions from his broader responsibilities as the elected trustee of the public body."

In another interview, Rev. Paulsen said about Robert Smith; "Who is this 'Johnny Come Lately' who has all of a sudden decided to raise his head and spew out vilifications against me?" Later Paulsen said, "This man is just riding his hobby horse through the district trying to stir up a ruckus -- He is adding his ignorance to his slanderous remarks. If he would spend just half as much of his energy on constructive activity instead of destructive action, the district would be much better off. He tells just enough truth to be convincing, but not enough to upset his applectart. I have never met this man Smith but his anti-Christian attitudes and actions cause me to have great pity for him."



In the June 1st Union City Leader, Rev. Paulsen claimed that the New Haven Teachers Association had a deal with the three incumbents that were recently elected. He claims that the teachers supported the incumbents so that the incumbents would support over-time pay for teachers.

Also in early June, a flyer was passed out on the recall election. The flyer was from the Committee Against Recall. The flyer said that democracy was at stake in the recall election. "Stop this attack and you have achieved a victory for democracy. If you fail, you have lost your voice on your school board." The flyer then talked about Rev. Paulsen: "He is your representative and is standing up for your rights, even in the face of the tremendous malicious onslaught launched against him by those who would destroy representative government."

The committee Taxpayers Committee for Recall was formed just a few weeks before the recall election and supported the recall and electing Syd Furman. Mrs. Rupp, the secretary of the group said, "We are in no way concerned with the personalities involved or the emotionalism. But as taxpayers, we are concerned with what we believe to be a deterioration of local property values as the result of prolonged controversy and acrimony in the New Haven District. We believe a new man should be given an opportunity to bring new talents and new strengths to the school board in order that harmony can be restored and our schools can return to their only reason for functioning -- the education of young people."

More Clarifications

In early June, a letter from Thomas Firby from the DA's office pointed out that the Attorney General's letter from April was not consistent with the educational code. A new letter from Firby said that the original opinion was based on the following paragraph from an earlier Attorney General opinion:

"Instructional material can only be used in the public schools if it has been approved by the State Board of Education or the County Board of Education or the local governing board."

Firby wrote: "In recent opinion the Attorney General has apparently disregarded the above quoted language, although he does refer to the opinion in which it is contained. Therefore, it appears that if your board approves the purpose of instruction and adopts appropriate rules and regulations containing definite and ascertainable standards relating to the selection of materials, the actual selection thereof may be delegated to qualifying employees of your district."

Back to the Recall

As campaigning continued to the June 13th election, Rev. Paulsen made promises for when he was retained on the board. He promised that he would continue to keep the public informed about the school district and their policies. He also said he hopes "at least one member of the three-man majority of the board will be intelligent enough to stop voting like a puppet and consider the taxpayers of the community." He also said that the recall election was not the right way to solve problems and that "it also is a denial of the rights of minority sections of a community to be represented"

Eight clergy members from Hayward, Union City and Fremont issued a joint public statement on the recall election saying that they supported Syd Furman for the school board. Those from Union City were from Hillview Baptist Church and Our Lady of the Rosary Catholic Church. Father Gordon of Our Lady of the Rosary said "We'd like to see someone on the board who abides by the laws of the land. We are not pointing a finger. If somebody has failed, that person does not belong in office. It is for the voters to decide."

When asked about this public statement, Rev. Paulsen said that statement "represents the influence of outside radical left-wing, liberal representation...." He said further, "This committee is un-Christian and anti-ecumenical on the local level, using it's influence against a fellow Minister. They did not consult the feelings of seven Protestant ministers in the district. They don't dare ask them because those seven are on my side."

The June 6th school board meeting was canceled due to a lack of quorum. Orozco, Pagan and Samarron all were unable to make the meeting as each had some other engagement. Rev. Paulsen said that the three were absent because they were colluding with Dr. Schoenfeld to "keep the public from seeing the mismanagement of funds before the election." He went on to say that "rotten things are happening in our district." He also said that that Dr. Schoenfeld is "arranging a big pay off to certain people. Certain teachers are getting bonuses. One group of teachers, if we approve the recommendations, will be the highest paid in the state, including Piedmont." He claimed that the bonuses were a payoff for getting the three past incumbents elected. In regard to the district and the three past incumbents, Rev. Paulsen said "they scratch each others back."

In the June 8th Union City Leader there was an ad listing those organizations supporting the recall effort. The list was:

Citizens for Recall - Robert W. Smith
Citizens for Furman - Stan Noak
Taxpayers for Recall - Mrs. Mary Rupp
Spanish Speaking Citizens for Recall - Mrs. Josephine Pando
Mexican American Political Association - Phil Aguilar

In that same issue of the Union City Leader, the editorial endorsed the recall effort. The editorial said "It is a sad day for New Haven Unified School District and sadder still for voters who are asked to do this terrible and



Board after Re-call (From left to right): Jess Orozco, Gail Pagan, John Samarron, S. R. Richards, Syd Furman.

final thing. That's the trouble with being the boss, you have to do some distasteful things like fire people. As voters you can't deny that you're the boss."

The recall election was held on June 13th, the next issue of the "Union City Leader" had the large headline "RECALL WINS." It would not be until a week after the election that the vote was certified. The vote was close, 1261 in favor of recall to 1232 against the recall. With the recall decided, the next step was who to replace Rev. Paulsen. This was not as close as the recall election with Syd Furman winning 1239 votes over Al Case with 956 votes.

When interviewed Rev. Paulsen said that it was lies and the position of the clergy at Our Lady of the Rosary Catholic Church that lost him the election. He said that the presence of the parochial school at Our Lady of the Rosary was a sign that there is something wrong with the school district. "If the leadership of New Haven continues along the course taken I can readily predict that one day there will be a number of parochial schools in the district."

The group "Committee against Recall" was also griping after the election. Ken Birch stated that "there is half of this community with virtually no voice in school policy. We are more determined than ever to see that the parents and not some outside interest control this district. It is obvious that there has been a successful attempt on the part of certain members of the teaching profession and their associates to take control of this school district away from the parents."

Conclusion

After the recall election, the New Haven School Board settled into a more harmonious working team. Over the next six months the Union City Leader did not have any articles on the school board and it appeared that things had settled down. The issue of instructional material had been resolved and the teachers, students and parents moved on with the normal running of the school district and the schools.