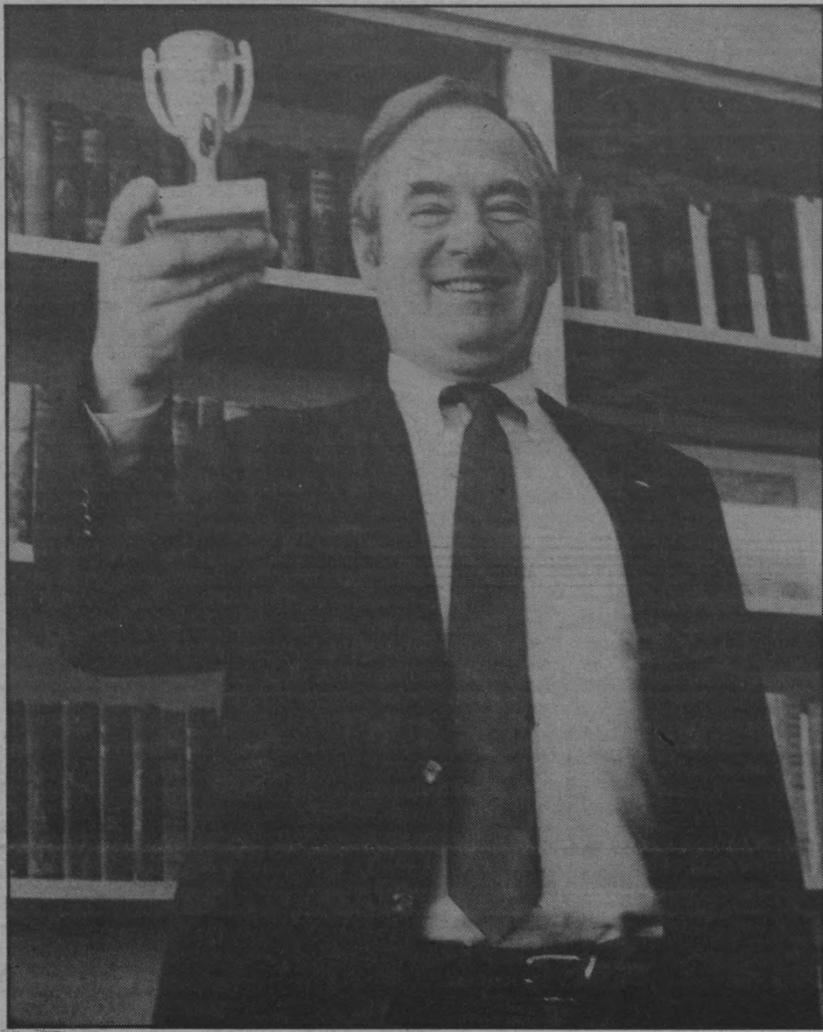


FALL of a CHANCELLOR

Huttenback: Educator,
Embezzler, Enigma; A
Life Revealed Before
The Eyes of the Public

FROM THE HEART OF THE CONTROVERSY



IN HAPPIER DAYS — Former UCSB chancellor Robert Huttenback resigned in July 1986 after fiscal abuses under his administration were revealed. Huttenback was later convicted, along with his wife, Freda, of embezzling over \$100,000 from the campus.

Huttenback Still Maintaining Innocence, Suing University

Ex-Chancellor Insists Expenditures Were Justified, Seeks Court Order to Have UC Professorial Salary Reinstated

By Amy Collins
Staff Writer

Robert Huttenback is not remorseful. He will, however, tell you he is sorry many things happened the way they did during the past three years.

Reflecting on the events leading to his July 1988 convictions on 6 felony counts, former UCSB chancellor Huttenback says he would have done few things differently.

Despite his 1986 resignation from UCSB's top post and subsequent court convictions, Huttenback maintains his only mistake was not establishing policies to ensure approval to spend money on his pri-

vate residence near the Santa Barbara Mission.

Interviewed one year after he was sentenced to 1,000 hours community service, five years probation and ordered to pay \$60,000 in fines, Huttenback says he is still angry.

"I didn't do it and I'm not sorry. And people don't like (me to say) that. They want me to be somehow remorseful and ask for forgiveness... I'm neither remorseful, nor do I ask anyone forgiveness for things I didn't do."

Huttenback clearly presents his defense to one of his primary accusations. He was

See HUTTENBACK, p.2A

From Rumor To Resignation: Tumultuous Half-Year Before Huttenback Leaves UC

By Matt Fitzsimons
Staff Writer

The six months leading to UCSB Chancellor Robert Huttenback's resignation were a turbulent period for the university; one that saw the faculty divided and the administration toppled by rumor and scandal.

The year 1986 was scarcely a week old when the campus was rocked by the resignation of Vice Chancellor Raymond Sawyer, a physics professor who's office was

later described by an Academic Senate committee as "the key link" between the administration and the faculty. Sawyer was known among the faculty for his integrity and sensibility, and the news of his imminent departure raised suspicions with some that Huttenback was operating beyond his authority.

In February, after Sawyer indicated in letters to the *Daily Nexus* he resigned because of a dispute with Huttenback over a proposed co-generation energy plant to be

See RESIGN, p.4A

THE DISTRIBUTION OF JUSTICE

Former UCSB Employee Recalls Illegal Expenditures

Convicted Facilities Manager Says His Superiors Were Aware Of Misuse Of University Funds By Huttenback

By Jason Spievak
Staff Writer

Holger Chris Ferdinandson was arrested December 10, 1986, on 11 counts of embezzlement stemming from his involvement in contract padding and kickback schemes which netted the then-UCSB Facilities Management manager of operations and maintenance in excess of \$200,000 in cash and services at the university's expense.

Ferdinandson added hundreds of thousands of dollars to university contracts for work done on the campus and at the chancellor's private residence, then contractors would repay Ferdinandson for the contract either by kicking back cash or doing work on Ferdinandson's Santa Barbara home. The majority of Ferdinandson's additional income came from the campus projects.

Ferdinandson's plea of 'no contest' to three of the counts and his plea bargain agreement to testify when called upon by the district attorney helped lead to the eventual arrest and conviction of then-UCSB Chancellor Robert Huttenback and

his wife Freda on one count each of felony embezzlement for the use of university funds in the maintenance of the Huttenbacks' private residence. A five-count tax evasion conviction was also levied against the former chancellor for his failure to report the additional income.

Despite the fact both Ferdinandson and Robert Huttenback were convicted of felony embezzlement in excess of \$100,000 — a crime which carries a mandatory prison sentence unless the judge finds extenuating circumstances — only Ferdinandson went to jail, serving two years and two months of a four-year, four-month sentence, in addition to agreeing to repay the university \$100,000 plus interest within 120 days following his release from prison. He was also guaranteed his full lifetime pension of \$892 per month.

Although Ferdinandson admits he owes the university "something," he doesn't "agree fully" with the amount and fears he will lose his house next month to cover the \$115,000 payment if an agreement isn't reached with the university.

See FACILITIES, p.3A



Holger Chris Ferdinandson was convicted of orchestrating a contract padding scheme while Manager of Operations for Facilities Management.

Months-Long Investigation Saw Felony Convictions

Matt Fitzsimons
Staff Writer

When Robert Huttenback resigned as UCSB chancellor in July 1986, it was front page news. Among those intrigued by reports of the troubles at UCSB was Santa Barbara Superior Court Judge Patrick McMahon, a UCSB alumnus.

McMahon had read about Huttenback's offer to repay the \$174,000 of university money spent on the his private residence, and thought the offer contradicted Huttenback's proclamation of innocence. Acting as an alumnus and not as a judge, McMahon penned a letter to the Grand Jury suggesting they investigate the matter.

The Grand Jury agreed to look into the matter. One of

See TRIAL, p.2A

Activist Professors Do Not Regret Memo To UC Pres.

Gang of Nine Still Standing Firm Behind 1986 Actions

By Chris Ziegler
Staff Writer

The spring of 1986 was busy at UCSB. Nine faculty leaders, so-called the Gang of Nine, wrote to UC President David Gardner recommending that their chancellor resign. Audits and investigations were subsequently conducted, and that summer, Chancellor Robert Huttenback quit, and was on the road to being convicted of embezzling the university.

Looking back on that time, members of the Gang of Nine willing to speak about their actions said that while they regretted the negative impact on the university's reputation caused by the Huttenback scandal, they did not regret writing the letter which helped lead to the breakdown of Huttenback's administration.

The letter was written in early April, in secret, while the Academic Senate conducted several investigations into the administration and faculty's shared governance of the university. The memorandum expressed concern regarding Huttenback's handling of financial and academic matters, his alienation of student leaders and "diminished capacity to provide the moral authority to lead and represent the campus." Signatories included then-Academic Senate Chair A.E. Keir Nash, then-Vice Chair Richard Flacks and current Academic Senate Chair W.E. Brownlee.

Senate leaders warned that unless Gardner attempted to resolve the conflicts between the university and the faculty, UCSB would become a "media circus." Gardner refused to involve himself, and instructed the professors to speak with Huttenback, and cited uncertainty about whether the professors were acting as senate subcommittee chairs or as individuals.

Letter signatory G. Robert Odette, an engineering professor, would not comment on his opinion of UC President David Gardner's response, but economics professor M. Bruce Johnson called Gardner's re-

ply "not a serious letter." He added that if the president was not aware of the conflicts between the UCSB administration and faculty, "he should have been."

However, Flacks believes Gardner's response was designed to determine whether the group's opinion of the chancellor and his relationship with the faculty were shared by the majority of UCSB professors. According to Flacks, shortly after the Gang of Nine letter became public, Gardner began receiving letters supporting Huttenback.

Like most members of the Gang of Nine, Odette, then chair of the committee on educational policy and academic planning, views the letter he helped write as unfortunate, but necessary. "People acted in ways that they thought they were supposed to act," Odette said. "Our position at the time was to let the process unfold."

Flacks said the letter emerged out of senate meetings called to deal with the crisis Vice Chancellor Raymond Sawyer's resignation had caused. "We just agreed that it was (Gardner's) responsibility to look into" how the campus was being managed, Flacks said. "There was no process of consultation at that time" between campus faculty and the university president, Flacks added.

Johnson, then the committee on faculty welfare chair, said "I don't regret writing the letter because it was the right and proper thing to do." But Johnson also believes residual animosities from the Huttenback controversy have changed faculty relationships "unalterably."

Most of the letter's signatories did not experience conflicts with their colleagues as a result of the group's letter. "People respected various opinions on what was known," Odette said, adding he believes Huttenback contributed positively to the development of the campus.

Johnson, however, did experience problems due to his involvement with the Gang

See NINE, p.4A

TRIAL: Administrative Interference

Continued from p.1A
The first people they interviewed was UCSB Facilities Management Director Holger Chris Ferdinandson. According to Grand Jury member Dodd Young, "we were not satisfied with some of Ferdinandson's answers. It was after that we checked his background and found out about his criminal record."

Young said the members of the Grand Jury did not have the expertise to pursue the investigation, and asked the Santa Barbara District Attorney to take over.

The DA, unsure of where to begin the search for answers, subpoenaed the university for all records relating to Huttenback.

According to Senior Deputy District Attorney Perlin, the reactions of university officials to the subpoena made the DA suspicious that something was amiss. "Right off the bat, (Vice Chancellor for Administrative Services Robert) Kroes started acting in a way that made us think the university was trying to cover up something. Employees were told not to talk to us ... ultimately on Kroes' orders."

Kroes denies interfering in county inquiries, and called Perlin's charge "a really irresponsible comment. It's outrageous, bordering on... Well, it's worse than outrageous. Everybody was cooperative (during the investigation)."

According to Perlin, Kroes was not alone in allegedly attempting to block the criminal investigation. Executive Assistant to the Chancellor Betsy Watson, Assistant Chancellor of Budget and Administrative Operations Roger Horton, Assistant Vice Chancellor of Facilities Man-

agement Ted Towne and University Counsel Philip Spiekerman "didn't want anything to happen to Huttenback," Perlin said. "The top of Cheadle Hall was feverishly doing what they could to stop us from getting information."

"Phil Spiekerman has one job: to make sure as little negative publicity comes out concerning the university as possible," Perlin said. However, Perlin does not believe Spiekerman, who is still university counsel, was aware of criminal activity during Huttenback's tenure. "Spiekerman didn't want to know," Perlin said. He added that he is convinced, however, that Kroes, Watson, Horton and Towne knew Huttenback was illegally spending funds on his private residence. "There's absolutely no way they couldn't have known," Perlin said.

Kroes said he was aware Huttenback was renovating his home, but said he did not think at the time the expenditures were beyond the chancellor's annual housing allowance.

Watson, Horton, and Towne are no longer employed at UCSB, and numerous attempts to contact them have failed. Spiekerman denies resisting the county investigation.

In September, two months after Huttenback's resignation, the DA's Chief Investigator Tom Barnes and Santa Barbara Sheriff's Department Detective O.B. Thomas read in the University Auditor's report that Hayward's of Santa Barbara, an interior design business, had been one of the firms hired to work on Huttenback's home. Barnes and Thomas con-

tacted Hayward, but he referred them to his criminal defense attorney. "That made us suspicious about what (Hayward was) hiding," Perlin recalled. Unaware of what Hayward knew, but sensing its importance, the DA made the decision to offer him immunity from prosecution.

Accepting the deal, Hayward revealed a pattern of corruption and kickbacks at UCSB and fingered Ferdinandson as the man behind the crimes. Hayward said Ferdinandson had his firm tack an extra \$10,000 onto work contracted at Huttenback's house. The additional money billed to the university was used to pay for work at Ferdinandson's home.

Hayward told authorities his was not an isolated case, that Ferdinandson had similar arrangements with other local contractors; businesses overcharged the university for years while providing Ferdinandson with over \$200,000 in goods, services and money.

On Dec. 10, 1986, Ferdinandson was arrested and charged with eleven counts of embezzlement from the university.

Immediately following the arrest, Huttenback and his attorney accused Ferdinandson of adding much more than \$10,000 to renovation costs, blaming him for most of the expenditures Huttenback was being forced to repay. "I hope I get some vindication out of this," Huttenback said after the arrest, "because I goddamn deserve it."

Deciding they needed Ferdinandson's cooperation to prosecute the embezzling

See TRIAL, p.3A

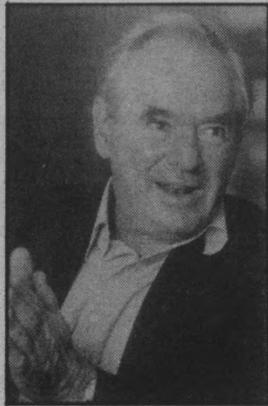
HUTTENBACK: Ex-UCSB Chancellor On His Campus' Broken Dreams

Continued from p.1A
charged with misusing chancellorial discretionary funds, violating the university's trust by spending over \$100,000 to make his home more appealing to wealthy potential donors and faculty he was luring to the campus.

He says he can understand criticism of the expenditures, yet he does not see his judgement over discretionary funds as a criminal act. It may have been bad judgement with regard to university procedure, but not a criminal act, he says. "But if you're talking what is legal and what isn't legal, that's a big difference. And no one can point to anything I did to violate university regulations."

Huttenback is suing the university for fraud, negligent misrepresentation, breach of contract, breach of the covenant of good faith and fair dealing, intentional infliction of emotional distress and unjust enrichment, all stemming from his university departure. He is also appealing his criminal convictions of embezzling from the university in excess of \$100,000 and five counts of tax evasion.

Huttenback had been suspended from teaching, with pay, since last September, but this summer the University of California Board of Regents voted to revoke his salary. The former chancellor has filed a writ of mandamus to force the regents to reverse their summer decision. Losing his appeal will cause the regents to remove his tenure, an action which has never



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been taken in the UC's 121 year history.

Arriving at UCSB in 1978, Huttenback was determined to make an international notch for the oceanside university in the world of academic prestige. He says his goal for UCSB was "to make it, to the degree it was in my power, the best research university in the world."

Instrumental in making

his dreams come true was the raising of millions of dollars to promote research and support university programs. Huttenback says he raised approximately 45 million in donations while he was at UCSB. He estimates the university forfeited 50 to 100 million in donations he lined up before leaving his position.

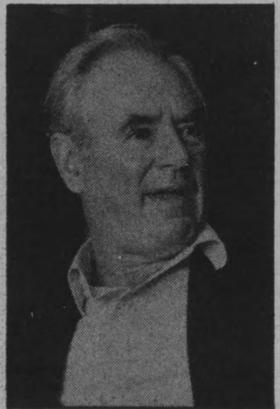
"People give money for two reasons, they get to know you and they like you, and they like your dreams," Huttenback said. "You've got to get people to buy into your dreams."

University fund raising should be led by the institution's chancellor, Huttenback believes. Shortly after moving into the chancellor's on-campus residence located behind De La Guerra dining commons, he concluded the house was unsuitable for successfully wooing big-money donors to the campus.

The regents allowed Huttenback to move off campus into a more lush house which he purchased, and they gave him an annual housing allowance. When Huttenback exceeded his allowance, he used university discretionary funds to remodel the home.

"If I'd known the way they were going to treat me, I probably would a) not have resigned, b) never (reimbursed) them any money because I didn't think I had to, and said alright, 'Come and get me.' In retrospect, that's what I would have done. I think I was naive and taken advantage of," he said.

Many faculty were unsupportive of Huttenback, however, because of his "forthright" style. Huttenback says he strongly supported the "productive" members of the university's faculty, but he wasn't very concerned with "unproductive faculty." With regard to faculty advice on administrative matters, he said it "tends to be terribly parochial, and you've got to listen, but you



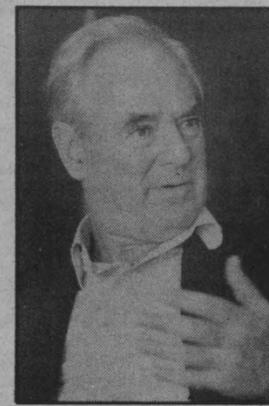
"People give money for two reasons, they get to know you and they like you, and they like your dreams.... You've got to get people to buy into your dreams."

don't always have to obey." Huttenback has been vocal about his desire to return to his research and teaching, but because of his suspension from the university and parole limitations on travel, he uses his time differently now.

"I get up, I read, I write. I write somewhat on the book or two on this (court) case. I write some on the book on Kashmir. I write some letters. I write part of a *festschrift*, that's a volume in honor of somebody, it's for an old teacher.... I've done my thousand hours of community service. I'm interested in the introduction of methanol as an alternate fuel; I've done some work on that. What's lacking is sort of the one big thing I used to do. And that's going to take a little while for things to shake down, I guess."

Although the professor's mandatory community service has ceased, he says he still volunteers his time to the organizations he worked for during his 1,000 hours. Huttenback worked predominantly with the Adult Literacy Program through the Santa Barbara Public Library System. Once a week he traveled with the program to Camp Los Prietos for juvenile delinquents. "I still do that," he said. "I take a crew up every Monday evening."

He selects and delivers books to organizations such as the Isla Vista Halfway House and the Amber House for unwed mothers. "I also do quite menial things for



"If I'd known the way they were going to treat me, I probably would a) not have resigned, b) never (reimbursed) them any money because I didn't think I had to, and said 'alright, come and get me.'"

them. I address envelopes and make phone calls," he added.

The former chancellor said he would return to teach history at UCSB if a position were offered to him, but says he has offers in business and other fields. He has not decided what he will do when his lawsuits are settled. "It's hard to say. There's so many variables."



TONY POLLOCK/Daily Nexus

Former chancellor Robert Huttenback found the on campus University House unsuitable due to noise from the airport and proximity to the residence halls. This led to use of university funds for improvement of the Huttenbacks' Mission Canyon home.

Missing Silver Investigation Tarnished Huttenback Image

Many Claimed Chancellor Involved with Insurance Fraud

By Maxwell C. Donnelly
Staff Writer

At approximately 10:00 p.m. on June 24, 1983, then-chancellor Robert Huttenback's wife, Freda, contacted the UCSB Police Department to report that \$8,000 worth of silverware had been stolen from the Huttenback's Mission Canyon home.

It seemed simple enough, it could even have been considered policy at the time, for a detective from the UCSB Police Department to investigate the case, in spite of the fact the Huttenbacks' house was located almost ten miles from campus. However, many people involved with the case have since pointed to it as an example of the powers the Huttenbacks had at the university, and of the crimes they allegedly committed.

The case led to a charge of insurance fraud against the Huttenbacks in 1986, and an acquittal in 1988. In spite of the acquittal, Se-

nior Deputy District Attorney Darryl Perlin, the prosecuting attorney in the case, still claims the Huttenbacks "tried to rip-off the insurance company. They did rip them off."

According to Perlin, the UCSB police should not have been involved in the investigation beyond filling out the initial courtesy report, because the case was outside their jurisdiction.

"There's no question about it, that was improper. They had no jurisdiction, it was an offense committed in the (Santa Barbara) Sheriff's Department area," Perlin said.

"The UCPD investigated the case because the Huttenbacks regarded the PD, as well as everything else connected with the university, as their kingdom. That's not university property, nobody else could call the UCPD if such a thing happened," Perlin said.

"They definitely had a 'kingdom' going," said an ex-UCPD employee who wished to

See POLICE, p.6A

Trial Participants Frustrated One Year After Convictions

Prosecutor Says Judge Demonstrated Bias For Defense

By Matt Fitzsimons
Staff Writer

The criminal trial of Dr. Robert Huttenback lasted less than three months, but for many of those involved in the case the frustration and disappointment they experienced has proven more enduring.

Harry Stokes was a member of the jury, and cast the dissenting vote which acquitted Huttenback and his wife of insurance fraud. "I wanted to let him off completely," Stokes said this Monday.

According to Stokes, he "went along," as a compromise, with the other 11 jurors in pronouncing the Huttenbacks guilty of embezzling over \$100,000 from the university. In return, the others did not resist Stokes' "not guilty" vote on fraud charges.

"If I could do it again, I would hold out longer (for an acquittal on all counts). I don't think (Huttenback) honestly knew" about university and state money used at his house, Stokes said.

"It was my first experience in a jury trial, and it was a real eye-opener," Stokes said. He particularly finds fault with the jury system and believes guilt or innocence should be determined by judges. His fellow jurors, he claims, were unduly influenced by media reports about Huttenback prior to the trial. "(Huttenback) was

guilty before the trial started," Stokes said. "I just get a little infuriated every time I think about it," he added.

Huttenback echoed those sentiments when he said that only "idiots or liars" could say they had not heard about the Huttenback case from the media.

Senior Deputy District Attorney Darryl Perlin helped prosecute Huttenback, and said he often thinks about the case. "It was the most unpleasant, gut-wrenching experience I've ever had in a court of law," Perlin said last month.

Perlin alleges that the trial's judge, Zel Canter, was biased in favor of the defense. "(Canter) belittled (the prosecuting attorneys) in front of the jury and ruled against us on almost everything. I don't think he ever thought we'd convict (the Huttenbacks); (Canter) didn't even show up for the verdict. I've never seen that happen before," Perlin said.

Perlin believes Canter demonstrated his bias when he suspended sentence on the Huttenbacks' despite recommendations from the probation department and district attorney asking for prison terms. "The judge was influenced by Huttenback's powerful and influential friends. He personally liked and identified with the Huttenbacks. (The suspended sentence) was so

See UPSET, p.8A

TRIAL: Huttenbacks Are Convicted

contractors, the DA negotiated a plea bargain with Ferdinandson. In exchange for information, the maximum prison time Ferdinandson might serve was cut from eight years to four. Ferdinandson also agreed to pay \$100,000 in restitution to the university after his parole, a debt secured by a lien on Ferdinandson's quarter-million-dollar home. In exchange, the university agreed to retire Ferdinandson with full pension benefits.

When county investigators subpoenaed university records six months before Ferdinandson's conviction, among the thousands of documents received was a UC Police Department report. The papers documented the theft of antique silverware from the Huttenback's Mission Canyon home. The Huttenbacks had reported the theft to the UCPD in June, 1983. Although the theft was under Sheriff's Department jurisdiction, and UCPD had no legal authority to investigate the matter, a university detective was assigned to the case.

On Sept. 7, 1983, Mrs. Huttenback informed UCPD she had found the missing silver-

ware under a couch. Mrs. Huttenback told the police she did not want to know who had stolen the silverware and asked that the case be closed. The UCPD dropped the investigation.

But among records examined by the county were insurance documents showing the Huttenback's had received \$8,000 dollars for the missing silver. According to an affidavit by Detective Thomas, the Huttenbacks did not report the discovery of the silver to the insurance company until after they were aware of the county probe. That was in December, 1986—three years after the silver was recovered.

According to Perlin, it was then the county began to "really focus on Huttenback." But the university was still resisting the investigation. "We needed, because of all the trouble from Kroes and Watson, someone to go in and get something accomplished," he said. In fall 1986, the DA called State Senator Gary Hart (D-Santa Barbara), requesting that Hart ask the state to conduct an audit of the university and the UCSB Foundation.

Hart contacted Sacramento, and within days a team of auditors arrived at

the campus. "(The state auditors) have a great deal of power.... They made clear they would cut off state money if the university did not cooperate (with providing information)," Perlin said.

The California Auditor General's four-month investigation revealed an additional \$100,000 spent on Huttenback's home expenditure's overlooked by Robert Tuffnell, the university auditor. The state auditor determined Huttenback was personally responsible for most of \$271,000 spent renovating the home.

March 16, Robert and Freda Huttenback were arrested and charged with 12 felony counts, including embezzlement, insurance fraud, and tax evasion for failing to report the \$8,000 insurance settlement and university money used toward home renovations. Dr. Huttenback called the charges "an obscenity."

The trial began May 11, 1988, and ended on July 15. Witnesses ranged from UC President David Gardner to Julia Child, famous cook and close friend of the Huttenbacks. Testimony ran the gamut as well. Jurors were in-

See RESIGN, p.7A

FACILITIES: Only Ferdinandson Went to Prison, Serving Over 2 Years

Continued from p.1A

"Justice has been done to Ferdinandson, but to nobody else," Senior Deputy District Attorney Darryl Perlin said, making reference to the treatment the Huttenbacks, other university administrators and outside contractors received.

In a decision that surprised most jurors and shocked the Santa Barbara District Attorney's office and county probation office — both of whom had recommended a multi-year prison term — Superior Court Judge Zel Canter sentenced Robert Huttenback to 1,000 hours community service and offered his sympathy to the Huttenbacks for the embarrassment they had suffered throughout the well-publicized trial.

Testimony throughout the proceedings implicated six private contracting firms. Although the owners of three of the firms were fined, two were granted immunity

to testify and the sixth had his charges dropped.

In the last two years, owing to a state law which prohibits the university from discriminating against any qualified bidder, all six firms — Goleta Plumbing, Ruben Gomez Painting, Pacific Acoustics, Stewart's Derooting, Hayward's and Griffin Tree & Landscape Company — have contracted with UCSB for a total of approximately \$325,000.

Prior to his conviction, the 60-year-old former facilities manager spent the 16 years since his 1970 hiring at UCSB covering up falsehoods on his job application — a degree from Massachusetts Institute of Technology, the rank of staff sergeant in the Air Force and no felony convictions.

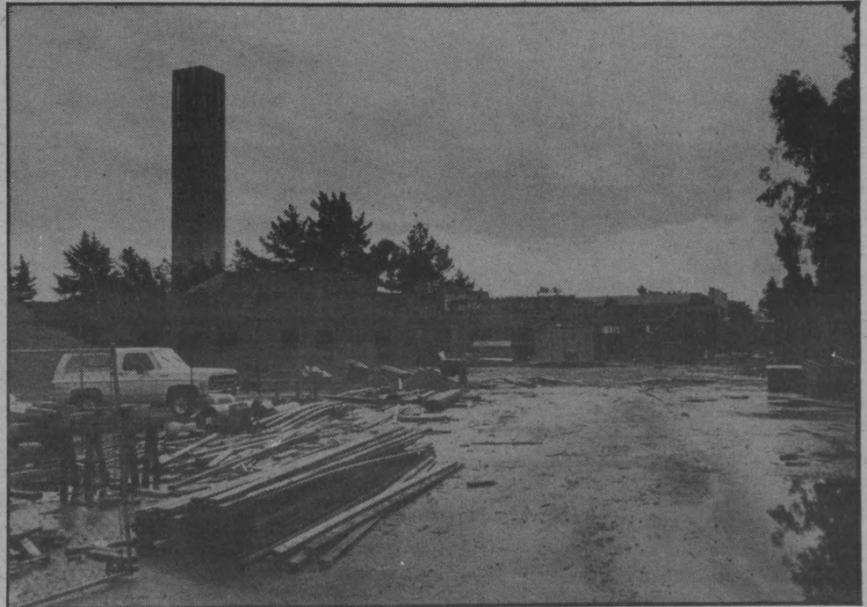
Ferdinandson never attended MIT, had only attained the military rank of corporal and, prior to his involvement in the contract padding, had 4 felony and 6

misdemeanor convictions for crimes ranging from defrauding an innkeeper to transporting counterfeiting equipment across state lines. He had also already served 3 federal prison sentences and 3 county jail terms dating back as far as 1950.

Although Ferdinandson agrees he is fully responsible for his criminal actions at UCSB, Perlin sees his most recent illegal endeavor as a sort of "falling off the wagon" after a 14-year attempt at an honest living. Both men have pointed to a poor example of fiscal responsibility set by Huttenback and his administrative staff as a temptation too great for the former facilities manager.

But in an interview last week, Ferdinandson, who is writing a book about his 17 years at UCSB, was quick to point out he was ultimately responsible for his own actions. "(Huttenback's beha-

See FACILITIES, p.8A



As manager of operations for UCSB Facilities Management, Holger Chris Ferdinandson had several local contractors add hundreds of thousands of dollars to campus construction projects. Ferdinandson was recently paroled after serving 28 months for his crimes.

Tenure Criticized As a Protection For 'Deadwood' Campus Faculty

By Chris Ziegler
Staff Writer

The professorial tenure system has recently come under fire, in part because of the amount of time the university deliberated before suspending the salary of UCSB history professor Robert Huttenback because he may be unfit to teach.

The tenure debate arises not just as a result of the Huttenback case, but also from the alleged lack of time professors spend teaching in comparison to research.

UCSB Vice Chancellor for Institutional Advancement Edward Birch said the university feels the Santa Barbara community's displeasure and concern over the Huttenback scandal through erosion of public and financial support.

Letters from community members to local newspapers during 1988-89 also expressed anger at the amount of time used

by Academic Senate committees to resolve the issue of the former chancellor's continued drawing of an \$84,000 salary from the university.

In a recently published book called "ProfScam, The Demise of Higher Education," which is a harsh criticism of professors, universities and the tenure system, author Charles J. Sykes calls tenure "the ultimate protection from accountability."

However, UCSB history professor Robert Kelley said that because the Supreme Court has defined tenure granted by public universities as property, it cannot be removed without due process, as according to the 14th Amendment of the U.S. Constitution.

"Society pays a price for everything," Kelley said, explaining that by guaranteeing academic freedom, societies gain the "benefit of the released skills and intelli-

See TENURE, p.6A

RESIGN: At Request of President

Continued from p.1A
built on campus, the Academic Senate launched investigations into the administration of the university.

While three senate committees conducted separate but overlapping inquiries, nine faculty leaders secretly drafted a letter to UC President David Gardner calling for Huttenback's resignation. The April 7 letter alleged problems with the

chancellor's handling of financial and academic matters, his alienation of student leaders, and an inability to provide the moral authority to lead the campus.

Gardner declined to get involved, instructing the letter's authors to discuss their views with Huttenback himself.

Days later, the letter was leaked to the press. While criticism of Huttenback shar-

pened, the confident chancellor insisted his stewardship was secure.

But on April 21, anonymous sources quoted in the Nexus said Huttenback spent over \$20,000 of university funds on improvements to his Mission Canyon home. According to the Santa Barbara District Attorney and trial transcripts, UC Se-

See RESIGN, p.5A

NINE: Huttenback Style Conflicted

Continued from p.2A
of Nine, such as when some of his departmental colleagues supported an Academic Senate bill calling for the nine professors' censure, which was defeated.

According to Flacks, there was a "worry about whether the faculty could be brought back together" after the letter was leaked to the newspapers and the censure resolution was introduced.

Those members of the Gang of Nine interviewed emphasized that their purpose at the time was to keep the governance problems private and that they were not responsible for the leaking of the letter to the press, an act for which Johnson and Flacks believe Huttenback may have been responsible.

Education professor and then committee on academic personnel chair Lawrence Iannaccone believes it is the nature of systems to punish, or at least not reward, whistle-blowers, which he considers the group to have been. Iannaccone said if he had known that Huttenback would have received a suspended sentence for embezzlement, he would have urged the senate leaders to pursue the matter further than they did. "(Huttenback's trial judge) Zel Canter was really the one who caused the problem," of trying to dismiss Huttenback

from the university, Iannaccone said.

While Political Science chair Cedric Robinson, another letter signatory, declined to discuss the group or the letter, he said at the May 20 Faculty Legislature meeting, "We are merely messengers, we are not the message."

Flacks believes one positive result of the Huttenback scandal is that the Academic Senate, and to an extent, the Associated Students, have gained more say in the management of the university. While some professors might believe that the power wielded by the faculty is more in theory than in practice, others say that under Huttenback, faculty participation in major decision making was nearly nonexistent.

"From his background in private higher education (Huttenback had been the chair of the Humanities and Social Sciences Division at CalTech before coming to UCSB) he was used to thinking of authority as being much more centralized in the person of the chief campus officer than was the usual custom in the University of California," UCSB History professor Robert Kelley wrote in his book, "Transitions, UC Santa Barbara 1909-1979."

When Proposition 13 passed in June 1978, many

within the university feared the loss of revenue and its resulting impact on UCSB. After various faculty and administration meetings held to plan the future, "many Senate leaders believed that a fundamental change in Senate-Administration relationships had taken place in the Huttenback chancellorship. His style was to push forward much more on his own with less systematic consultation and deliberation with all parties — and therefore, his associates would say, more vigor and less delay — than was normal practice in the university," Kelley wrote.

Iannaccone, chair of CEPAP in 1978-79, said he perceived, even back then, that Huttenback had "started a process of cutting out senate consultation," a major complaint of the faculty in 1986 and a primary reason for Sawyer's resignation.

Since 1986, the campus political careers of the group have been mixed, with some moving onto prominent faculty positions, such as Senate Chair Brownlee, and Political Science Chair Robinson. Odette and Johnson have not been involved with Academic Senate business, but Iannaccone and Flacks have continued to serve on committees, and Flacks was actively involved in the recent ethnicity requirement debate.

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Chancellor's Chair in Limbo Due to Withdrawal Of Pledges

By Chris Ziegler
Staff Writer

The chancellor's endowed chair, created in honor of then-UCSB chancellor Robert A. Huttenback in 1986, has laid dormant since Huttenback's resignation as chancellor prompted several donors to withdraw their pledges.

An endowed chair is a funding gift to a faculty member. A professor holding a chair may spend the interest towards academic pursuits, usually about ten percent, while the principle is invested in various areas of his or her research. The funds a faculty member receives from an endowed chair may not go to personal expenses, Vice Chancellor for Institutional Advancement Ed Birch said, adding that \$350,000 is the minimum amount for establishing an endowed chair.

The chancellor's endowed chair, approved by the Univer-

sity of California Board of Regents in November 1985, was intended to be a \$370,000 gift paid over five years from several prominent community members who were affiliates of the UCSB Foundation. It was designated the chancellor's endowed chair until Huttenback left his position as chancellor in spring, 1986. After that, the endowment was to be called the Robert A. Huttenback Chair.

The chair was awarded to faculty member Frank Wilczek, then a professor at UCSB's Institute of Theoretical Physics and now at the Institute for Advanced Studies at Princeton.

Wilczek said he received approximately \$20,000 for the few years he held the chair, and spent part of the money on books and travel expenses, both for himself and visiting scholars.

The total amount presently in the chair's fund is unclear. A list of endowed chairs from the UCSB Public Information office lists the endowment as "funding incomplete," while

UCSB University Development Director Charles Knox says the account has less than \$200,000.

Huttenback said about \$250,000 had been collected, adding that he did not see the Robert A. Huttenback chair listed in the Foundation's annual report for this year. "I think it's disappeared," he said.

Many of the sponsors of the chair said they reneged their pledges when Huttenback resigned from the chancellorship.

Gail Berkus, the wife of Barry Berkus, president of the Berkus Group in Santa Barbara, said that Huttenback's trial and subsequent criminal conviction caused them to break off their affiliation with the university.

Endowed chairs were brought to UCSB by Huttenback as a fundraising tool. The chair was only the fifth established at UCSB, although more have since been added.

RESIGN: Faculty Divided By Academic Senate's Probe Into Huttenback

Continued from p.4A

Senior Vice President Ronald Brady phoned Huttenback the same day, telling him University Auditor Robert Tuffnell was being sent to UCSB. Brady allegedly suggested Huttenback make a public announcement indicating Huttenback had requested the audit. Last week, Huttenback denied receiving Brady's call, and Brady declined to comment.

That afternoon, a statement issued from the Office of the Chancellor said Huttenback had requested a university audit into his expenditures. The statement also said Huttenback was prepared to accept responsibility for any amount the university determined to be his. However, the chancellor insisted the expenditures were legitimate since he used the off-campus residence for university fund raising.

Two days later, administrative sources said Huttenback spent over \$100,000 of university money to maintain and improve his Mission Canyon home. Huttenback replied that if the expenditures exceeded \$100,000, he'd "been ripped off."

But according to a suit filed in Alameda County Superior Court, Huttenback and his wife, Freda, knew as early as February, 1986, that university records showed over \$100,000 had been spent refurbishing their kitchen alone. The suit was filed on Huttenback's behalf in June of 1987.

In May, the Academic Senate's Committee on Shared Governance confirmed Sawyer had quit after Huttenback committed \$260,000 to lay groundwork for a proposed \$160 million co-generation facility, a project Sawyer believed to be

riddled with problems. CSG reported Sawyer's position as vice chancellor had been "eroded" under Huttenback,

chancellorial decisions experienced a sudden loss of influence, and concluded such behavior was typical of

Huttenback was also under attack from student leaders. In the spring Associated Students elections, activist Doug Yates was elected president on a platform of overthrowing the chancellor. During that same election, an average three out of four students participating voted no confidence in Huttenback.

and "some important decisions (had) been made without ... the knowledge of the Vice Chancellor."

CSG also repeated Sawyer's observation that employees who objected to

the "administrative style which has led to a breakdown of shared governance."

CSG members asked the powerful Committee on Education Policy and Plan-

ning to offer its views on the administration. In its May 12 Annual Report, CEPAP acknowledged Huttenback's commitment to excellence in fund raising and expanding certain academic programs but also declared a "crisis in governance" and questioned the future of the university if Huttenback continued as chancellor.

As it prepared its reports on the administration, the ranks of the senate became divided. A resolution was introduced calling for a vote of no confidence in the nine faculty members who originally called for Huttenback's resignation, ostensibly because senate leaders had sent the letter to Gardner without consulting their respective committees, while another asked for a no confidence vote in Huttenback. Both re-

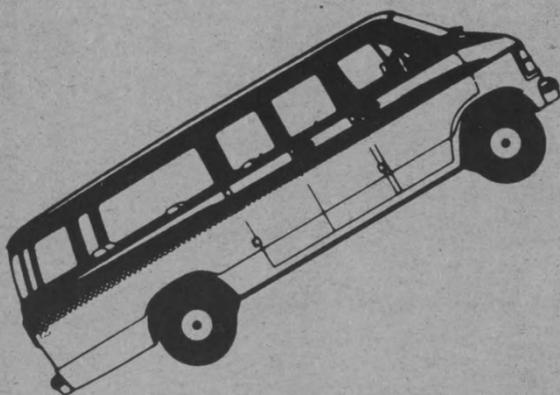
solutions were killed, but only after the May 20 Senate meeting degenerated into a melee of accusations. When it was over, the faculty legislature had approved a senate investigation of the procedures used by the nine faculty leaders and a formal request to President Gardner for a system wide review of Huttenback.

"There were (faculty) members with their own agendas," Huttenback's Vice Chancellor for Administrative Services Robert Kroes said. "Faculty can be very unprofessional and childish in the way they act."

Huttenback was also under attack from student leaders. In the spring, Associated Students elections, activist Doug Yates was elected president on a platform of

See RESIGN, p.7A

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POLICE: Insurer "Ripped Off"

Continued from p.3A
remain anonymous. "The PD couldn't turn them down," the source continued, "(The Huttenbacks) wielded so much power at that time, had made so many demands that had already been met, it didn't even seem unusual to go take the report. The impression was basically 'do what they want.'"

Dr. Huttenback said calling the UCPD as opposed to the Sheriff's Dept. was standard procedure. "I think when Derry Bowles was here, who was police chief before Randy Lingle, he had asked us to do that. He felt we were his chancellor, and the fact that we were living off campus didn't make any difference," Huttenback said. Lingle declined to comment.

In a July 4 letter to the Chubb Insurance Group, Mrs. Huttenback requested that an insurance draft of \$8,000 be paid to her, according to an affidavit prepared by Sheriff's Dept. detective Owen B. Thomas.

According to the affidavit, Mrs. Huttenback was notified on Aug. 30, 1983 that Detective Sue Malloy was going to set up polygraph exams for the caterers and housekeepers employed at the Huttenback residency. On Sept. 7, 1983, Mrs. Huttenback informed Det. Malloy that the missing silverware had been found under a couch in the Huttenback residence.

Mrs. Huttenback told Det. Malloy she preferred not to know who had taken her silverware and wanted no further investigation, according to the affidavit.

Neither the Huttenbacks nor the UCPD notified the insurance companies of the discovery, according to Perlin.

According to the affidavit, the Huttenbacks met with an investigator from the Chubb Group on or about Oct. 26, 1983. During that meeting the Huttenbacks stated they felt the silverware must have been stolen while they were walking their dog.

"The Huttenbacks at no

time disclosed to (the investigator) that they had recovered the silverware... nor did they offer to give back the \$8,000 they received from Chubb Group in payment for their reported loss," the affidavit said.

Thomas' review of insurance records regarding the Huttenback claim showed that the Huttenbacks, prior to the criminal investigation, at no time contacted either of their insurers to report the recovery of the silverware.

Mrs. Huttenback contacted the Chubb Group in December 1986, after Thomas had been investigating the insurance claim for two months, and told them she recovered the silverware.

Based on these findings, Det. Thomas believed the Huttenbacks submitted a fraudulent insurance claim in order to obtain monies for a European vacation. In addition, Thomas reported that the Huttenbacks had failed to report the \$8,000 they received from Chubb Group on their 1983 California Income Tax return.

TENURE

Continued from p.4A
gence of their scholars and scientists."

Other criticism of tenure and professors has come from *Los Angeles Times* book editor Jack Miles, who is concerned that the state may not be getting its money's worth from UC.

In a recent column, Miles addressed "deadwood" professors who have tenure but do not maintain their research and publishing, as ex-

pected by the university.

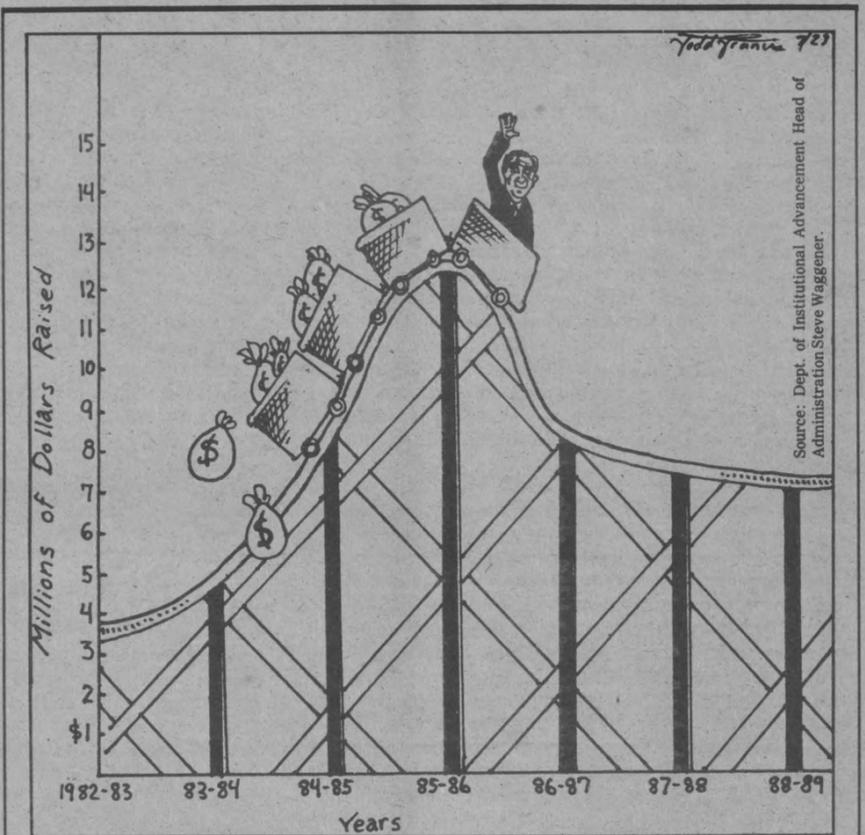
"In any other walk of life, someone who — over the years — failed to discharge a major portion of his or her responsibilities would be fired. UC professors who fail to do research are not fired," Miles wrote, adding he believes the amount of required teaching hours at UC should be increased.

UCSB Sociology professor Richard Flacks rejects Miles' attack on tenure, saying that although there are some people "who lose their productivity ... no one has come up

with a better idea for protecting the right of faculty to pursue their intellectual agendas without threat" of political pressure.

The "accountability process is what keeps most faculty honest," Flacks said, referring to the regular, intensive faculty reviews which professors must undergo.

While faculty are not paid as well as in other professions requiring comparable educations, Flacks believes the academic freedom gained from tenure is worth the smaller paycheck.



Even Robert Huttenback's most vocal opponents concede that he was an effective fundraiser. Private donations to UCSB dropped substantially after his resignation in 1986, and the former chancellor estimates that if he had remained the top administrator, the campus would be \$50-100 million richer.

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Peripheral Projects Sore Spot For Huttenback

During April and May of 1986, the Academic Senate investigation of then-Chancellor Robert Huttenback's management of fiscal and administrative resources raised suspicions about the efficiency and intent of certain "peripheral" projects established by Huttenback.

Calling for restraint on the "chancellor's inclination to allocate discretionary resources to areas which are away from the academic core and which carry unassessed risks," the standing Committee on Educational Policy and Academic Planning disagreed with Huttenback's decisions to fund the peripheral projects.

The projects include the controversial co-generation proposal, the Hutchins Center, the Institute of Human Systems, the Global Environmental Research Organization (GERO), the Food and Wine Institute, and the \$107-million Campaign for UCSB.

As a prime example of costly projects which do not specifically contribute to the academic nature of the university, CEPAP cited Huttenback's support of the co-generation project. The proposal called for the development of a \$260 million power plant on campus which would utilize waste heat from an electric generation plant in order to extract additional energy, which could be sold to parties outside of the university, such as offshore oil platforms.

A special faculty committee reviewing the co-generation project found problems in its initial planning and reported flaws in the bidding process. The winning

bid to build the power plant was submitted by Barney Klinger, a board member of the UCSB Foundation and close friend of Huttenback. The committee noted Klinger's plan disregarded terms specified by the university when it advertised for bids, giving him an unfair advantage over other potential contractors.

Huttenback said the project was "a brilliant idea" that would have "provided the university with power ... and it would have brought to the university guaranteed income for 12 years with a minimum of \$5 million a year."

Huttenback also defended his decision not to ask for an Academic Senate review of the co-generation proposal. "This is just the kind of thing faculties don't know about," Huttenback said. "Faculties don't know about business. They just don't. And to consult them on it is just absurd."

But when interviewed last week, Committee on Academic Personnel Chair Laurence Iannaccone called the project "a multi-million dollar scam," and said had the project been accepted, it would have been a "local HUD" scandal.

CEPAP also reported that Huttenback had bypassed the office of then-Vice Chancellor Raymond Sawyer and committed \$268,000 for baseline air monitoring, money which would only be returned to the university if a new bidding process produces a contract to build a plant. Last week, Huttenback said it is unlikely that will happen.

— Jeff Solomon

TRIAL

Continued from p.3A

formed one day about the finer points of university housing regulations, and heard a housekeeper describe Mrs. Huttenback's fear of ghosts the next.

In the end, the verdict was unanimous. The former chancellor and his wife were convicted of embezzling over \$100,000 from UCSB. Mrs. Huttenback was acquitted of other charges, but the former chancellor was convicted of five counts of tax evasion for not reporting the stolen funds as income. In an 11-1 split decision, with one juror finding reasonable doubt, both were found innocent of insurance fraud. The guilty convictions

are currently being appealed by the Huttenbacks.

On Sept. 7 1988, Santa Maria Superior Court Judge Zel Canter imposed \$70,000 in fines and a five-year probation on the couple. He also assigned 1,000 hours of community service to Dr. Huttenback. The sentences were lighter than the recommendations of the county probation department and DA; both agencies had asked for prison sentences.

Prior to sentencing, Canter received letters from local industrialists, university heads and other influential people requesting leniency. In pronouncing sentence, Judge Canter extended his sympathies to the Huttenbacks for the public embarrassments they had been subjected to during the course of the trial, and compared their

predicament to a Shakespearean tragedy.

That same day, Vice Chancellor Gordon Hammes wrote UCSB Chancellor Barbara Uehling, recommending university disciplinary action on the basis of the conviction. After suspending Huttenback with full pay from teaching, Uehling submitted Hammes' memo to the Academic Senate Committee on Privilege and Tenure as a formal charge of misconduct.

After months of inconclusive debate, CPT formed a special hearing committee in June, 1989. The committee unanimously recommended one month later that Huttenback be dismissed from the faculty. Uehling forwarded the committee's recommendation along with her own,

also asking for dismissal, to President Gardner.

On July 20, Gardner asked the regents to dismiss Huttenback immediately. The regents rejected Gardner's recommendation, and an identical recommendation for dismissal submitted by the regent's committee on finance. The full board voted in closed session to continue Huttenback's suspension, but without pay. The resolution called for Huttenback's immediate dismissal should the convictions be upheld after his appeals are exhausted.

If that happens, Huttenback will be the first person in the 121-year history of the university to lose tenure. Huttenback, however, said he will retire if his convictions are upheld.

RESIGN

Continued from p.5A

overthrowing the chancellor. During that same election, an average three out of four students participating voted no confidence in Huttenback.

Two weeks later, Tuf-

nell's audit was released, reporting the chancellor had inappropriately used \$174,087 of university money. Admitting no wrongdoing, Huttenback nonetheless pledged to repay the debt. Referring to personal funds he claimed to have already invested in the house, Hut-

tenback said refunding the

university would drive him "from a genteel poverty to a more robust form of the same."

In June, a second audit was commissioned system wide to investigate allegations surrounding loans given to Huttenback by the UCSB Foundation, a nonprofit corporation formed in

1973 to encourage private donations to UCSB.

Huttenback and Gardner met in Berkeley on July 2. According to Huttenback, Gardner suggested Huttenback "think about" resigning.

On July 11, Huttenback submitted to Gardner his resignation as chancellor.

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FACILITIES: Kitchen Fiasco Told

Continued from p.3A
vior) was not an excuse," he said. "I want to make that perfectly clear. It was my fault, and ..."

"And you paid for it," Ferdinandson's wife Connie said, adding that to this day she is still unsure why her husband risked everything they had for a "few thousand" dollars.

"When I saw what Huttenback was doing, I said 'what the hell am I doing this for,'" Ferdinandson said of the opportunities he saw to make money through the construction Huttenback was having on his off-campus residence.

"It became pretty obvious that no one seemed to care inasmuch as I was involved with misuses of funds at the residence of Chancellor Huttenback," Ferdinandson said.

Huttenback, himself, said there was "obviously not" enough oversight of Ferdinandson while he supervised work on the chancellor's house. "It wasn't my job," to directly supervise him, Huttenback said.

Ferdinandson also said Huttenback personally assisted in his promotion to the principal engineer's post. However, Huttenback said he was in no way involved with any of Ferdinandson's promotions.

Both Perlin and Ferdinandson maintain that all those in the administrative chain above Ferdinandson — including Huttenback — were either aware of or involved in the misuse of university funds at the Hutten-

backs' private residence.

According to Ferdinandson, Huttenback's executive assistant Betsy Watson, Assistant Chancellor of Budget and Administrative Operations Roger Horton and Assistant Vice Chancellor Ted Towne were "certainly" aware of the improprieties involved in the Mission Canyon home and Cheadle renovations.

Watson, Horton and Towne are no longer employed by the university and could not be reached for comment.

Ferdinandson also said Vice Chancellor of Administrative Services Robert Kroes was "certainly" aware of the legal implications of his actions within the Huttenback administration. Although Kroes admitted he was aware of the expenditures at the chancellor's off-campus residence, he denied any knowledge at the time as to whether they exceeded Huttenback's annual housing allowance.

However, Ferdinandson believes Kroes was very concerned about rubbing Huttenback the wrong way and suffering consequences. "You have Kroes who is basically just saying 'you do what you have to do,'" in order to keep your position in the Huttenback hierarchy, Ferdinandson said.

"When you're a member of management, you don't have the rights of a common employee," he said. "You're there at the pleasure of the chancellor."

According to Ferdinandson, Freda Huttenback was

"very vindictive, and Dr. Huttenback had no problem whatsoever on following through on Freda's dislikes." Because of this, "Ted (Towne) was very afraid of being fired or replaced," he said.

On his own confrontations with Freda Huttenback, Ferdinandson said he did not pursue the issue of getting competitive bids on jobs done at the chancellor's residence because she was adamant about using specific decorators and contractors and Ferdinandson had been given a "specific instruction" from Kroes through Towne to "keep Freda happy."

However, the former chancellor said the 'keep Freda happy' comment was "programmed (into the witnesses) by the district attorney."

Asked what he believed would have happened to him had he pursued the competitive bidding issue with Freda Huttenback, Ferdinandson said, "I feel I would have been fired or let go, or at least put in a corner someplace counting nails."

Ferdinandson said Freda Huttenback's "demands were top priority (in the facilities management department)," and he "finally had to put a man (at the chancellor's residence) full-time," draining facilities resources that would otherwise be completing jobs on the university campus.

"Her constant requirement for changes was basically what caused the whole cost overrun."



More than one year after Robert and Freda Huttenback were convicted, they are once again awaiting their day in court. They don't expect their appeal to be heard for several more months.

UPSET: Judge Refuses to Comment

Continued from p.3A
frustrating," Perlin said.

Canter refused to comment last week on any aspect of the trial as the Huttenbacks are appealing the decision.

Stokes said he was satisfied with the sentence. "Apparently, the judge felt the same way as I did.... What the hell good would it do to send that man to jail?"

Dodd Young, a member of the grand jury which originally investigated Huttenback, said he was surprised by the sentence. "The judge did not send a strong message to those who elect to commit white collar crimes," Young said. "If you have enough money and are im-

portant enough, you can stay out of jail when other people would go."

Young said he was particularly upset with Canter's explanation of the sentence. "He said he suspended sentence and imposed probation) because of the humiliation suffered and remorse expressed by (Huttenback). I've seen no humiliation and no remorse," Young said.

When asked if he believed Canter was influenced by public opinion, Huttenback said "very much so," but would not elaborate.

Perlin is also disappointed with the university over a financial settlement reached with Huttenback's Vice Chancellor for Administra-

tive Services Robert Kroes. According to Perlin, Kroes was aware of illegal expenditures under Huttenback and attempted to interfere in the criminal investigation into Huttenback's administration. Kroes vehemently denied both charges this week, and said last year his dismissal had nothing to do with campus fiscal abuses.

Kroes was let go by UCSB Chancellor Barbara Uehling soon after her arrival in 1987. Kroes filed a wrongful dismissal suit against the university, and the university settled out of court. In a deal Perlin called "obscene," Kroes received over \$300,000 and a one-year, \$100,000 consulting contract.

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