

CAMPUS UNREST

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It's a temptation to talk to you about some recent developments in the law or our course in Law and its Function for 200 undergraduate college students, or about the exciting program of legal education that we see developing at Oregon to utilize the great new building that is now nearing completion as a result of the voter's confidence demonstrated two years ago. Rather than that however, I want to talk to you about some problems that occupy much of my attention that you really share with me. A major problem of democracy, of education, of faith, campus unrest.

There is a strange atmosphere on our campuses. There is an uncertainty as to what can occur when any sizeable group of students gather. This is an uncertainty that can grow to a fear when a crowd goes charging toward a building shouting epithets, left wing slogans and profanity that would put a mule skinner to shame. The uncertainty is never being able to predict how these affairs will come off and fearing that violence will occur before there is opportunity to defuse it by identification and discussion of the issue. The potential for trouble from small incidents forces the University to use its energies putting out little brushfires rather than on constructive efforts to correct the underlying causes of unrest. What are some of the underlying causes of campus unrest? Do they lie with the universities or with society or with both? With an affluent generation which has scarcely ever had to worry about making a living or about the material things in life, the concern of youth has shifted to the primary values of justice and equality and quality of life.

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In considering problems ~~with which our nation and~~ our communities face, we are at once struck with the importance of law and of respect for law in making this national joint venture in democracy work successfully. Respect for law rests on the individual. Our system rests on respect for law by the vast majority of individuals within our country. For lawyers it is important to note that respect for law begins with making law respectable, and, hence, we must ~~be much concerned about~~ ^{give major attention to} keeping law abreast of social change, because ~~if~~ ^{if} law is used repeatedly as an obstacle to change, it will be viewed as an undesirable impediment by all who want to improve society. If law is to remain viable and responsive to the needs of the community, ^{the legal profession has} ~~lawyers have~~ the responsibility as caretakers of the law to keep it from becoming stagnant.

The problem, however, is broader, because respect for law rests upon our community as a whole. We often raise the question, "Why do so many of our young people seem to disregard the law?" Perhaps it is because their ~~adult~~ ^{adult} leaders teach them to disregard it. Casual disregard of the law and values of justice and equality by the leaders of our society, US, you and me, suggest to others that our preaching far exceeds our practice in this area.

An example is our use of the automobile. Many of us do not comply with speed limits or parking restrictions.

We seldom become indignant over game law violations or the violations of building codes designed for the health and safety of our citizens, ^{and their becoming a nuisance}

When a father shows lack of concern about a traffic regulation or talks of padding his expense account, the impact on the younger members of the family is clear. All of this leads to a breakdown in the respect for law.

The breakdown in the respect for law leads to the atmosphere of violence that we find in our society. A most troubling element in today's crisis is the use of violence as an instrument for securing social reform. We see it

being used by many segments of our society and we wonder why. Perhaps we should take a close look at ourselves. We Americans are accustomed to violence. We raise our children on it. We haven't been at peace in the lifetime of our young people. We created the possibility of nuclear destruction. We make heroes of our killers on television, in the movies, in the news. Modern industry and transportation are replete with violence to men and our environment. Yet we tend to assume that the violent injuries and death which result are ^{an impersonal} a statistical price which we pay for these advancements.

When people are frustrated by inadequate ^{legal} legal channels of appeal or redress, they strike out violently. If we are to change this use of violence, we must begin at home with each of us doing what we can to find and express better ways of resolving matters than by the use of violence.

A part of this syndrome that is most disturbing to all of us and with which, as an educator, I am daily concerned, is the threat of violence that occurs on university campuses. Our universities are microcosms of society, miniature models of our communities, where we send our children to get over that awkward age between adolescence and maturity. About the time that we become convinced as parents that the 2-to-1 teacher ratio that we have as to each of our children has not produced perfect children, we send them to college. We ask our universities to train these children, raised on violence, to make a better world than we have made and to do it with very limited support from us. ~~Whose children are these?~~

Why do we have dissent, protest and violence on our campuses? Or anywhere? First of all, as we noted before, our young are well-trained in violence and in a violent society. Second, violence gains attention and humans often are more concerned with getting attention than with the merits of an issue.

This attention, which centers upon an individual engaged in violence, is extended and multiplied as our modern communications put the violent episode into everyone's livingroom. Today, a person can gain the attention of more people in a few seconds than most of us will know in a lifetime.

With the machines of mass communication multiplying, feeding and keeping this attention to violence alive, it comes to be expected. Further, we have violence because violence has proven to be a successful means of accomplishing social reform. Most affirmative state and national programs important to the laborer, to the black, to the poor, have followed almost immediately upon some form of violent demonstration. ^{As a nation} We have a practice of acting only to alleviate crises, and until we learn to act in faith rather than in fear, this pattern is likely to continue.

So far, we have identified reasons why violence might occur anywhere. But why should it so often occur on our campuses? One reason is because there is cause for reform in our educational systems, ~~to meet our needs~~. Students become painfully aware of these needs and they may react in a potentially violent way. Because universities are miniature models of society where most of our problems of society are apparent and are explored, there is still another reason why our campuses have been the center of much of this activity. This is because we have come to see education as the means of solving most of the problems which confront us. Most of my generation, like me, were depression children and we fought our way out of poverty by education. How many times have you heard, "Invest in your education, no one can take that away from you no matter how hard times get."

Public education combined with land grant colleges has helped transform

the rural economy of this nation into the most productive agricultural and industrial economy in the world. So, today, many people are turning to our universities and seeking direction with regard to other social problems. To many, the university is a panacea for all ills.

Whether these are problems of discrimination or employment or of the poor, the universities become centers of attention.

Further, violence breeds violence, for violent repression intensifies violent reaction. Many of our most conscientious and intelligent educational leaders are attempting to avoid the escalation of violence by utilizing approaches to problems which do not involve violent repression.

In a campus situation in which violence occurs, there is a wide spread chain reaction. I am pleased that Oregon has not had the violence that has plagued many other schools. In fact, in circles outside of Oregon, the University of Oregon has an enviable record for avoiding the most serious types of problems. This is not to say we do not have our share of embarrassing or difficult to explain non-violent incidents. These embarrassing incidents follow a fairly typical pattern. There is on every campus large numbers of students seriously concerned about problems of our society ^{and our} educational system. There is also on every campus a small group which seeks to embarrass, and, even to destroy our educational system. The smaller group will often create support for some form of demonstration that relates to the issues which seem to be important to the larger group. Then the small group will extend the demonstration or seize upon something to create an incident that will tend to involve as many of the larger group as possible. The mass communications media play into their hands by centering attention upon these

incidents until there is an inference that the entire operation of the university is involved and that matters of substance of the educational system are going to pot.

Then many members of the public react and a common reaction seems to be that "We'll cut off support for the programs in which you are successful because of a couple shacks on the lawn or a few hundred pounds of grapes in a cafeteria."

What can I say to you when you ask "What should we do about what is going on at the universities?" I can only respond in this fashion: We must keep our perspective and we must identify and distinguish between matters which are important and matters which are not important to the total educational program. The first thing that should be kept in mind is that only a small proportion of students have been involved in the recent disturbances on our campuses throughout the country. It is a serious mistake to say that all students are going bad *or that all demonstrations are bad.*

It is true, they have much to learn, but so do we all; and we also ought to bear in mind, "that youth is a disability that one gets over all too soon." (Griswold, Masses of People address). Further, no responsible educator, condones violence or destruction. Those who injure people, ransack a building, break into offices, or destroy property, have no appreciation of either a university or of democracy. At Oregon we have had almost none of this. The campus is not a haven for those who break our laws and those who do, know, and have been warned, that they will be dealt with firmly but justly, by whatever measures are applicable. We also should be aware that because of the attention that is focused upon our campuses, many non-student groups attempt to utilize the campus for the purpose of obtaining publicity in the mass-media for their particular views.

The university does not endorse the positions of speakers on its campus, neither does it impliedly endorse them by permitting only ^{those} whose views are approved. Speakers are programmed to obtain a balance of different views. Put simply, the university is a free forum for the exchange of ideas and in the open market place, those worthy of being accepted will survive, while the others will not. As was restated in Tinker v. Des Moines Independent Community School District 89 S.Ct. 733, 739 (1969):

"The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools." Shelton v. Tucker, [364 U.S. 479, 487, 81 S.Ct. 247, 5 L.Ed.2d 231]. The classroom is peculiarly the 'marketplace of ideas.' The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues, [rather] than through any kind of authoritative selection'. * * *

Second, I would urge that we distinguish among our universities. All universities are not the same, and while they have similar problems, they are not identical. At Oregon we feel that we have an adequate collection of embarrassing problems that occur on our campus without being forced to bear the burden of those that occur elsewhere. Universities must be permitted to make needed changes and encouraged by adequate support to do so before the matter becomes a major issue on campus. We must be able to anticipate some of the reasonable demands on the universities.

Third, I would urge you to distinguish between those matters which are important to the educational program and those matters which are not.

Take, for example, the little rhubarb at the University of Oregon last spring when a local person concerned with Lane County poverty problems wanted to publicize some of these problems, he started to build a shack on the Student Union lawn. When he was told that as a person unrelated to the University, he could not use University facilities for this purpose and that the shack would be removed, a student group agreed to sponsor his poverty demonstration. The Student Union is a student center and the activities there are scheduled by a Student Administrative Board. This Student Administrative Board, exercising this responsibility, as it does for dances or various types of student meetings, approved the erection of a "poverty village" to call attention to problems of poverty in the local community. They attached specific conditions: no living in the shacks, no fires, no cooking in the shacks, and some others. They directed that those unapproved shacks be removed and they were. After the shacks were on the lawn for awhile some of the sponsors built cooking fires. Then the Student Board revoked their permit and directed the shacks to be removed. The shacks were removed, one by a sponsoring organization, the other by the University Physical Plant personnel and the expenses of removal and repairing the lawn are ^{with} ~~being~~ charged against the student organization.

This was a demonstration of concern for the poverty problem which this country and the community faces. It occurred in a non-violent fashion upon an area for student activities and ^{was} approved under student government regulations. The University said this is essentially a student matter. Whether it assisted the needs of the poor, has yet to be proven. But, it ^{did} has created a considerable stir as to why the University let it happen. I ask you this. When pressed with matters of how you present an effective educational program with limited

resources, trying to get teachers, trying to determine the educational validity behind particular programs, how much time should be given to a matter which really concerns only a few feet of lawn at the student center? Is this really something that goes to the substance of the educational program?

On the other hand, this occurrence is also representative of that kind of a problem which could create a major campus incident if not appropriately handled. For example, if ^{slight} this decision had been taken away from the Student Administrative Board which had been otherwise delegated the matter of scheduling facilities at the Student Union, you immediately have the charge that the University is reneging on its agreement so far as student government and responsibility was concerned. This would have been an issue of great importance to most students and could have precipitated a major crisis. Or, suppose that another group of students had been permitted to go in and forcibly tear down the shacks. Undoubtedly, someone would have been hurt, perhaps killed. Would this be responsible University action? On the other hand, a needless confrontation was avoided and what did result was a temporary and rather unsightly structure on the lawn for a little over a week which created considerable discussion among the students. It ended up with the students policing themselves and the students asserting a responsibility for the enforcement of their regulations upon other students. This kind of experience in responsible self-government is an important educational objective.

Last week, a so-called radical coalition held a mock trial and convicted the University of "crimes against humanity." Perhaps 800 attended.

A demonstration followed of about 200 and then a group of some 150 or so went to the University faculty meeting which is open to the public. All but about 25 sat in the visitors gallery. These 25 refused to move to the visitor's gallery and four or five attempted to speak without the consent of the chairman and disrupted the meeting. The next day only 25-50 of the group could be mustered for an unsuccessful attempt to close the University. The ASUO Student Senate censured the radical group for disruption of the faculty meeting. A few things emerge clearly from this and other incidents. There is a small hard core of extremists who parrot Marxist terms and violent rhetoric but who quickly lose the support of the curious and the concerned student. Further, the regular student government asserted itself not only to disassociate itself from the radical group but also affirmatively put itself on record as opposed to the group's disruptive tactics.

Most of the issues facing the University, here or elsewhere, come down to the question of who is to run the University and how shall it be governed. The University is not an easy institution to govern. It is the equivalent of a community of some sixteen or seventeen thousand people in which the ratio of youth to age is very high indeed. We have nearly half the high school graduates on campuses, nearly 7 million and this is the most heterogeneous and volatile group ever assembled. Our students are bright, diverse; they come from as many segments of society as it is possible to imagine, and this is as it should be. These students are in an educational climate in which it is customary to be skeptical of traditional values and to explore critically the elements of our culture. Thus our own democratic commitment to the think for yourself["] approach in education of ~~independent thinking~~["] stimulates some

dissent - again as it should. There are good students; there are poor students; there are many indifferent students, many react differently in this open forum of ideas, the university. There are some who want to correct all of the evils of the world and none of their own; there are some who pay no attention at all to the evils of the world but only to the idea of how they can get a better job. The people who make up the faculty of this University or of others, are men of extraordinary intellect, hard work and accomplishment in their own fields. Once outside their field of specialization, they are as varied as any other men in their perspectives of what is important, in their willingness to identify the relevant facts, and in their responses. As in other groups, some of them are politically very wise and some of them are political idiots. Most are in between. But they are not children nor are they simply hired schoolmasters. They value their independence very highly and there are not enough of them to go around and they are in high demand everywhere. They do not take orders from presidents or from deans. They are colleagues, associates, to be persuaded of their views just as I am attempting to persuade you.

These are the groups of faculty and students who make up our universities and who some people feel can be ruled as if they were grade school children or if they were ^{temporary} ~~ordinary~~ employees without any job protection. The big issue today is how these diverse groups are to work together with the alumni and public in the governing of the university. The university is struggling to work out in a peaceful and reasonable fashion, the way in which its internal affairs will be governed. This question involves issues that are very

difficult and sensitive and which have the makings of a destructive conflict that could destroy the university as an important asset to the people of the state. It is most important that it not be decided on the basis of a single issue or in a precipitous manner. The major task of any president of a modern university is how his institution can be steered through this time of trouble and how peaceably to evolve a working balance among the trustees, the university administration, the faculty, the students, the alumni, state government and the public. This is exceedingly difficult and calls for all of the statesmanship and political ingenuity that can be centered in one person. No one is going to bring it off entirely smoothly. Some will handle it so badly that the whole institution may blow up, as occurred at Columbia, where a very inflexible administration had existed for a long time. The great university president will not be one who has no problems on his campus because there will be no such campuses or presidents. Neither will the great university president be one who temporarily represses each of these flareups or summarily punishes those who trigger them off. But rather history will judge the great university president of our day as one "Who brought his institution to a new and stable constitutional equilibrium, enabling it thereafter to grow and thrive and get on with its academic work of education and research." (Manning, Letter to Homer Mitchell, Nov. 1, 1968).

As you know, I am new to Oregon, and I came to Oregon because I believe that Oregon had every right to be proud of the University of Oregon. The University of Oregon has a reputation throughout the country of being a good university, open to the expression and discussion of different ideas; a university which has its feet on the ground so far as meeting the pressures

to which every university is subjected. We make our share of mistakes but by and large, Oregon's students are hardworking and conscientious, and willing to accept responsibility; and the faculty and administration is willing for the students to share responsibility where it can be demonstrated that they can make an effective contribution. It has thus far avoided the kind of violence and disruption that lack of respect and trust can bring to a university. In those matters which really count, namely, its educational program, the quality of its faculty, and the quality of its students, it is giving the students and the public a very good return on their investment. I have great confidence in its future.

This university like other universities is at the cutting edge of society. The greatest service which these universities can render is to provide a place where through the processes of education, research and exchange of ideas, issues can be worked out in an open forum of discussion and peaceful resolution. With adequate support, as miniature copies of our larger society, the universities not only can resolve their problems but in so doing will pose solutions to similar problems for the rest of society. A major step toward meeting the needs of society will be taken by encouraging the universities to approach the difficult problems they face with the confidence of full support from their legislature, from their alumni, and from the public at large.

As an educator as well as a lawyer, I see and feel some of the mixed emotions of our youth, the dissatisfaction and despair, the feeling of crisis, the enthusiasm for change, both the promise and frustration for the future that our young people have. In their way, they seek justice and equality for all men. This should be encouraged. Their enthusiasm and concern needs to be channeled in constructive directions, but never stifled. We need to listen

to them, as they need to listen to us. This is why the University, which is really a very fragile structure, requires even more than our political society, a scrupulous and continued dedication to the conditions of orderly and peaceful discussion. You will find in the youth today an idealism and a desire for a better society that is exciting; but what is even more refreshing, you will find in some, an energy and willingness to work that is beyond belief-- particularly beyond the belief of us who are parents of teenagers.

And, if we are to maintain justice for all citizens, our society must be both responsive and responsible. It must be structured to respect the interests of both the majority and the minority while protecting the rights of all as individuals. It takes much effort and intelligence on the part of each of us to make democracy work.

All across our country, we must bring all Americans into our society by aggressively attacking the causes of unrest among the poor and by dealing with people in such a way that their personal dignity is respected. We must make certain our laws are just and justly administered with legal services available to all to assure that all are treated with justice and equality.