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STATEMENT ON STUDENT UNREST  
AT THE UNIVERSITY OF OREGON

By

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Causes of the Problem

The principal problems giving rise to student unrest are societal: above all, the unpopular war in Vietnam, and the underlying threat of annihilation to the human race which has over-shadowed the entire life of this generation of students. It is not simply that students are opposed to war, rather, that they are opposed to this war: they believe its purpose ill-defined and unconvincing, they are exposed, in vivid TV programming, to its sufferings and brutalities; they perceive Congress as equivocal, unwilling to declare war and hesitant to stop it; and they look upon a succession of Presidents who appear to act willfully, beyond the power of the people to influence their decisions. That they are partially wrong, that they vastly underestimate even their own power to influence decisions, does not alter the way they think or feel. Unhappily, radicals talk chiefly to radicals, students to students, adults to adults.

But it was not the war that sparked violence and disruption on campuses. The first outbreak at Berkeley in 1964 was prompted by restrictions on traditional student rights to hear speakers of their choice, to distribute campaign hand-outs, and to collect funds for social or political causes. Students responded in a united front, from Goldwaterites to Maoists. There followed the first angry rallies, the first arbitrary suspensions and subsequent reinstatements, the first demands, the first sit-ins, the first mass arrests. The movement spread not so much through conspiratorial organization as by news media until it became a contagion, first the peaceful and non-disruptive but anxious teach-ins, the protest, the march, the rude interruption and rejection of speakers, the strike, the mill-in, and acts of violence: rock throwing, bombs, fire, with resultant widespread destruction of property.

The "causes" to which students rally are without number: violation of the rights of the blacks, and other minorities, the plight of the poor of whatever race, pollution of the environment, bureaucratization of enterprise--public or private--and the consequent dehumanization of man, the affluent society's mad rush for material possessions. All of these find their expression on the campuses, the R.O.T.C., requirements for reporting on draft status, research contracts not infrequently sponsored by or related to military departments, investment policies, recruitment by companies, admission requirements that exclude the minorities, destruction of housing for university expansion, regulation of personal conduct and life styles.

These issues are especially appealing to the young. Youth has always been idealistic, rebellious, and impatient with slow processes of change. These impulses are now caught up in a world-wide mass movement. No man can offer an adequate explanation. Many have tried, from Bruno

Bettelheim who deplures the permissiveness of parents to Louis Fever who offers the Freudian explanation of the oedipus complex and the deauthorization of the elders. But mass movements come and go. As the late Justice Learned Hand observed: "Ideas are as infectious as bacteria and appear to run their course like epidemics. First, there is little immunity, nearly all individuals are susceptible, so that the disease spreads like a prairie fire. Next, a period where the curve of infection, as the pathologists say, remains level; this may last a long time. Last a decline of the curve which, so far as is known, nothing can check. The virus has lost its potency, or some immunity has established itself in a wholly mysterious way."

The rebellion is no doubt enhanced by the breakdown of our value system, from the loss of the influence of the church to the loosening of sexual standards, in press and theater as well as in conduct, and even to the decline of conventional good manners and acceptable behavior.

And, of course, for pragmatic Americans the test of the means is in the results. The young validate their tactics by the lunch counter sit-ins in the South, the protests of Martin Luther King, the riot in Watts, the long-hot summer of 1967 when disorders occurred in 123 cities, riots in 23, and out of that the Civil Rights Legislation, the desegregation of public facilities and the beginning of desegregation of the schools, the formation of the National Alliance of Business and the pledging of half a million jobs for blacks. If they are historically minded the young point to the revolt of the farmers in 1890 and 1933, to labor's invention of the sit-ins in 1935, to fifty years of women's marches, protests and nights in jail; and the subsequent legislation protecting the farmer and labor and extending the franchise to women. And students are not unawful of the fact that their own protests have brought widespread changes in the University, from the introduction of due process into disciplinary action to the relaxation of rules in living organizations and extensive changes in the curriculum.

One of the remarkable things about our society is that although we have suffered violent disruption we have generally reacted to it not simply with repression but with both a determination to contain the violence and a compassionate concern to redress the wrongs that prompted the protest. The American ethic, as Gunnar Myrdall said, of "liberty, equality, justice and a fair opportunity for everybody", is deeply bred into us. I only hope that we shall call upon that ethic in our dealing with student protest.

We must not shrug off the student activists with the thought that they are few in number. Those committed to violence and destruction of society are few, indeed, but those who share with the radicals the desire for change are many--forty per cent of the 1969 senior class, Fortune magazine said in reporting a survey of over 100 American colleges and universities.

The radicals are always quick to enlarge their ranks, even temporarily, if they can exploit an issue of deep concern to the moderates. During the week of events encompassing Cambodia and Kent State, I talked to a women's honorary on campus, bright, able young women, well-groomed and good mannered, chosen for their leadership in traditional activities. They were that night anxious and concerned, some of them despairing enough to say that they believed the radicals were right, that only violence would bring change. I know that is a dangerous tenet--that violence reaps violence, aggression reaps repression, that student movements in history have frequently had disastrous consequences to the students themselves. The danger is that by our inability to change rapidly enough or by our clumsy efforts to control the tactics of the few radicals we will radicalize the many who are concerned.

What, then, should we do to control or curtail violence and disruption?

1. Make the system work. That means, within the University, that we must change when change will serve the students and benefit the society, but that we must not yield to demands, however raucous their utterance, if they subvert the purposes which the University must serve. We shall not find easy agreement in either the need or the purposes, and efforts to accommodate these divergent views will give continued rise to unrest and conflict.

The resolution of societal problems is much more difficult than the solution of campus problems and the attempt undoubtedly will produce confrontation, and even violence, both of which will spill over onto the campus. The least that the public and its responsible leaders can do is to try to understand that society and not the University must be held accountable for society's problems. Beyond that, society, too, can and should change, at an accelerated pace, to translate the American creed from words to action. And as a beginning, the public should applaud the efforts of students who are now trying to take the issues into the community; the public should welcome them with open arms, whether they agree with them or not, in the knowledge that the students are validating the American democratic process and their constitutional rights.

2. The most effective control of disruption, or even violence, is the steady determination of the overwhelming majority of the students to get their education and to effect change, when change is desirable, within and through the system. In a democratic society law and order are not a product of the police state, or of the imposition of authority from without. It is rather an acceptance of the conventions and procedures of a society that on the whole is valued as just and humane. People ask me, "why doesn't the silent majority speak?" It speaks, loudly and clearly, by attending class and refusing to swell the protest rallies. It was this kind of control that made the so-called "strike" abortive on the

Oregon campus. It was this kind of control that rendered the "guerrilla theater" interruptions of the classroom ineffective and counter productive.

Social control by the peer group is, however, a sensitive instrument. It will not operate as a control if students believe that their fellows are unjustly, arbitrarily, or inhumanely treated. That is why the cry or fact of police brutality so effectively swells the ranks of protest. The young are quick to rebel against authority; they must, as Camus argued, rebel to assert themselves as men or women. In times of stress, unjust action or what students perceive to be unjust action, will rally them to support their aggrieved fellows, and a single dramatic incident can transform the rally into an angry mob. The social control has dissolved. A wise administrator and a wise public will recognize the value of peer control and will give it the time and latitude and the just climate in which to function.

3. Permit and facilitate the expression of mass grief, anger, exhilaration, or other emotion. People understand this when the emotion is grief, when the whole nation or an entire city is affected. And so, benumbed, they joined together in mourning the assassination of John F. Kennedy and Martin Luther King, Jr. They search for the appropriate symbol or act: flag at half-staff, the memorial service, the all-day vigil at the television screen. They understood, too, the exhilaration of victory, sometimes ridiculous in perspective, but overwhelming at the moment: the wild hysteria and the delirious marching in the streets when the Mets won the World Series; the all-night victory celebration after an election campaign, the hang-overs and the ineffective work day following and nobody caring. And they can look on indulgently at the ecstasy of youth, their University triumphant in the Rose Bowl, or their school victorious in the State basketball tournament. But when the young are in earnest, the older generation is anxious. The general community cannot understand the angry frustration the young experience over the war in Vietnam; they cannot understand the impassioned concern they feel for minority peoples. The public failed almost completely to perceive the depth of the shock and despair students felt in the proximity of the two events, the extension of the war into Cambodia and the death of four students at Kent State.

Students are people and must be responded to as people, but with a sensitivity to their peculiar values and perceptions. University officials, who are close enough to them to assess their need for emotional outlet or symbolic response or who are faced with a question of safety to the campus, should retain the latitude to take appropriate action. At the same time the University ought not allow itself to be bludgeoned into action by a small, aggressive, and vociferous minority which does not represent a significant percentage of the students. Nor can the University, save at the peril of its existence as a university, allow itself to be forced into partisan politics.

4. Discipline. The Commission on Campus Government and Student Dissent of the American Bar Association concluded that "The interests of the public and higher education will be best served by entrusting the primary responsibility for the maintenance of order on the campus to the universities when they are willing and able to perform the function." I heartily endorse that position.

It is in the disciplinary process that the University has failed most signally in its effort to control student disruption. The code itself, a model approach copied by many institutions across the country, is excellent but it needs changes in content and administration. The code does not cover some types of disruptive activity. The procedures are too involved, the administrative office is woefully understaffed. The simple process of identifying participants requires an enormous investment of time by skilled and competent personnel. Of the eighteen persons cited for disruption of the Placement services, only one has been found guilty and placed on probation; another found guilty in the lower court was released on appeal because the code did not cover the kind of disruption in which he was engaged. Sixteen others have not yet been given hearings. Plainly, the code and the procedures must be revised, and its administration must be improved.

The faculty now has before it a revision of the code, proposed by student members of the Student Conduct Committee, which, if approved, will provide an adequate coverage and an adequate definition of disruption. Faculty and students are now discussing means to improve the procedures so that students can be given a prompt and equitable hearing. Regrettably, these deliberations proceed at a slow pace, but apparently that is inevitable in any deliberative body, not excluding faculty members and students whose primary responsibilities are instruction and learning. In the long run, as the American Bar Association observed, the interests of the public and the University can best be served only if the faculty and students assume the responsibility of maintaining order.

It should be noted that some types of disciplinary action are not possible, equitable, or effective. One of the most frequent questions asked of me is "Why don't you suspend or expel the troublemakers?" For one thing some suspended students, relieved of their classroom duties, return to the campus as full-time agitators. For another, arbitrary suspension will simply spread the problem to other students and enlarge the protest and increase the temperature of the protestors. But even more important is the attitude of the courts. Until a half dozen years ago, courts generally refused to intervene in college or university disciplinary cases. In more recent years, the courts have supported the claims of students who have been severely and unjustly punished without due process and they have ordered their reinstatement.

I believe, nonetheless, that suspension is sometimes essential to the peace of the campus, and that if the University cannot establish controls to prevent their continued participation in disruptive activities, the Legislature may have to deny the suspended student access to the campus.

5. Some cases of disruption are clearly beyond the competence of disciplinary procedures. Riots and threats of riot demand the intervention of police for restraint and protection; destruction of property, or attack on persons, whether by a group or by individuals, and the disruptive occupancy of buildings require the intervention of police, arrests subsequent to the event, or the use of the injunctive process. The University has not hesitated to call upon law enforcement agencies for assistance. It is supported by the code, which states explicitly that the University will not intervene to protect the student if he has acted in violation of the law. The conditions under which police are called and the manner in which they respond will determine whether an incident will be contained or whether it will swell the crowd of disrupters.

#### Implementation of Board policy

The inquiry into student disruption raises the question of whether the University has attempted, faithfully, to implement the board policy. I believe it has. The Vice-Chancellor's memorandum of May 21, 1970, cites the Board's action of December 9, 1968, which provides that "... resort to violence, physical abuse of persons, or threats of such abuse, destruction of property, or overt interference with the operation of the institutions is contrary to the spirit and freedom of the academic community and should be dealt with by appropriate institutional and/or legal sanctions..."

The Board's statement affirms the president's authority in matters of discipline and his responsibility to the Board. It also affirms his (1) "heavy reliance... upon the faculty...", and (2) "the importance of active student involvement in deliberative and decision-making processes affecting students."

In addition, the charter of the University, as cited in the Oregon Revised Statutes (352.010) stipulates that "the president and professors constitute the faculty of the University of Oregon and as such have the immediate government and discipline of it and the students therein..."

In response to the charge of the Board and within the charter of the University, the president has worked with the appropriate faculty committees in an effort to improve the disciplinary code and procedure, and to make full use of law enforcement agencies when it was appropriate. Relevant documents are attached.

It is of first importance that faculty be involved in the management of student discipline. The Cox Commission, in its investigation of disruption and closure of Columbia University, said of the University's

failure to prevent the outbreak: "The important point is that the faculty did not participate...There was extraordinarily high intellectual kinship and morale, but little encouragement of a strong sense of institutional responsibility." Despite the shortcomings of the disciplinary code, the great involvement of faculty and students at the University of Oregon, the endless hours of discussion, their presence at times of threatened disruption, the formation of the student-faculty coalition, all contributed greatly to the University's ability to control recent events and to prevent the outbreak of widespread violence and rioting.

#### Appropriate Action for Legislature and Board

At the insistence of an alumnus of the University and at the request of the president, the dean of the School of Law has recently convened a panel of lawyers to review problems of disruption and to make recommendations both to the Legislature and to the University. It is possible that new legislation is required. Proposals should emanate from the Board after careful study.

As concerns institutional disciplinary policies, the most appropriate action of the Board, I believe, would be to re-affirm its statement of December, 1968, and to require institutions to report by December, 1970, what steps they have taken, in the light of recent problems, to implement Board policy.

As an alternative, the Board may wish to instruct the president to initiate ad hoc procedures to be utilized until the faculty and students have developed an adequate procedure. Such action may be necessary, but it carries with it the risk that a disaffected faculty will not feel the sense of community responsibility and will not contribute the will and energy necessary to restore and maintain order. The intervention of the regents and the trustees, the legislature and the governor in California have not restored order to the troubled campuses of that state. Law and order are not imposed from without, save in a police state, but are the products of a just society, determined to protect its integrity and to take action on its own initiative against those who seek to destroy it.

One of the most important steps that the Board and the Legislature (acting through the Emergency Board) could take would be to appropriate funds to support much needed personnel in the student affairs office, from a high ranking vice-president to additional staff and persons skilled in investigatory techniques.

I do not believe that tranquil days lie before us, but I do believe that the University of Oregon has the will and the competence to contain those disorders that lie within its province to contain, and the prudence to seek help from law enforcement agencies when it needs it.