

March 2, 1970

Dear President Clark:

You have expressed concern over the possibility of campus disruption and stated that you would consider the handling of a current case as a test of the Student Conduct Code and its administration. As members of the Student Conduct Committee, which administers the Code, permit us to lay some thoughts before you:

1. You told the University faculty, at its February meeting: "Disruption cannot be tolerated." With this statement we agree. You also told the faculty, at its first meeting of this academic year, that a University is not equipped to deal with major disruption; and that in case of necessity, you would not shrink from calling on the civil authorities for help to maintain order. With this observation and resolve we also agree. But neither is the Student Conduct Code, with its administrative machinery, equipped to deal with major disorder. That is not the purpose for which they were established. That is not the test by which they should be judged.

2. Society does not depend on courts alone to maintain order, but uses police, and takes preventive measures. We suggest that the objective of maintaining order, so that the University may carry out its educational mission, also requires: a) preventive measures; b) police action; and c) judicial review.

a) Preventive measures would seem to call for advance discussion involving all elements of the University community, in order to remove causes for legitimate protest, if such exist, and in any case make clear to all the limits of behavior the University community will tolerate. Preventive measures should be taken right away, and continued.

b) Police action, when preventive measures fail, can only be taken at the time of the disruption--neither before nor after--and should aim at preventing or controlling violence, or obstruction of traffic, or other offenses against order, with the minimum of force consistent with the needs of the occasion. Since the University has no police, this will require calling on the civil authorities. The possibility of police intervention should be known in advance to the disrupters. Preparation for police action should include a clear understanding by all of the distinction between disruption and legitimate protest and freedom of speech.

We are confident that a clear consensus can be reached within the University community that will help prevent disruption; and that on that basis, intelligent and controlled police action will be seen as proper and acceptable,



if it should prove necessary.

c) Judicial review. Let the civil courts deal with infractions of civil law, the Student Courts with infractions of the Code.

3. These are times when many young people, stirred by ideals, anxieties, or frustrations, have become critical of conventional approaches to current issues. A University campus provides perfect guerilla terrain for those who would seek to play upon currents of unrest for their own ends. We believe it would be irresponsible to yield to deliberate disruption, and disastrous to respond to it in such a way as to build up sympathy for the disrupters. Only if preventive measures are neglected, and police action lacking or misapplied, will judicial review prove ineffective. With wise preventive measures and effective police action to precede its work, the Student Court system--given appropriate resources and support--will, we are confident, do its part.

In the light of these thoughts, we ask your support of our efforts in what we take to be a common cause.

Respectfully yours,

.....
Edwin F. Bue.....

.....
Frank Rotkey.....

.....
R. S. Freeman.....

.....
Milo Kement (with qualifications)

.....
Donald J. Chalmers.....

.....
John R. Sherman.....

.....