



Students for Free Speech

Vol. 1 No. 1 3/20/67

Louis Diskin, a member
of the U.S. Communist Party,
will speak on campus, Thursday at
noon

DECLARATION OF PRINCIPLES

We, as human beings, possess certain inherent rights. As citizens of the United States we are further guaranteed Constitutional rights. As university students our status requires a free learning environment, one which encourages unrestrained investigation and inquiry into all realms of human thought and natural phenomena. We affirm our intention to exercise our rights as human beings, as citizens, and as students. Therefore, we will resist all attempts by the Board of Trustees and the Administration of our University to control, limit, or abolish these rights.

Just as the Board of Trustees cannot assume the role of a court defining the Bill of Rights, neither can the Administration determine the boundaries of academic freedom at the University of Illinois. The faculty and the students--the essential university--themselves define the extent of academic freedom by the limits attained in their pursuit of knowledge. Academic freedom is vital to the role of the university as a leader. The great university provides vision and direction for the society; it is not molded by society.

Recent action by the Board of Trustees, with the complicity of the Administration, denying University recognition of the W.E.B. DuBois Club, and the decision by the Administration to support the constitutionality of the Clabaugh Act in the courts have necessitated our formation.

Students for Free Speech (SFS) is formed therefore to exercise our freedoms--human, Constitutional, and educational--and to resist, from whatever source, attempts to negotiate away or abridge these rights. Neither the foreign policy involvements of the United States, external political and financial pressures, nor the fears expressed by the Trustees and Administrators will alter our stand.

We seek nothing, we request nothing, we demand nothing from the Board of Trustees and the Administration. We simply declare our intention as human beings, as citizens, and as students to act on our rights.

-Students for Free Speech-

These amendments to the United States Constitution provide the legal basis for the position of the SFS.

AMENDMENTS

Article I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Article XIV: Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I may not agree with what you say, but I will defend to the death your right to say it - - Voltaire

LEGAL BRIEF

Legal and policy reasons advanced by fifteen law professors for individual and university efforts to repeal the Clabaugh Act and to narrow its application were released today in a statement which was sent to the president and Board of Trustees in advance of their recent meeting. The following informative excerpts are from this general statement:

Current controversies surround the responses which the University of Illinois is called upon to make in a number of different situations involving the state Clabaugh Act. The individual signers below are members of the university law faculty. They join privately in the public expression of these views, drafted initially by the first signer, in the hope of contributing to informed discussion and consideration of questions having mixed aspects of law and university policy.

A. Clabaugh Act Blindness

The Clabaugh Act, however motivated by concern for American freedom and education, suffers from fatal blindness to two major considerations: a legal one arising from the nature of American freedom, and an educational one arising from the nature of a university. Neither can be ignored in shaping the university's responses to Clabaugh Act situations.

1. The Legal Consideration

The legal consideration lies in the attempt of the Act to describe activities, including expression of thought, to be prohibited at the University of Illinois in terms so vague and sweeping as to leave unclear what views may fall under it. The words "seditious," "subversive," and "un-American"--proscribing words of the Act--are presumably aimed at foreign power and totalitarian ideology. But, those words can scatter over so many views that differ from any strongly-held dominant, majority, or government view on public policy questions that the traditional American freedom sought to be protected can be struck down. That freedom is endangered when authorities are armed with a blunderbuss statute, though fashioned out of patriotic intention, that can spray any suspect disagreement. That principle is among the first forged in the country's history. Fear for the American government in its infancy prompted passage of the infamous alien and sedition laws, which sought in time of crisis and excitement to penalize any activity "to stir up sedition" or "abet any hostile designs of any foreign nation." Aimed at "sedition," the language of the laws was used to put down opponents of the Federalist national administration. The Federalist party was wrecked by its sponsorship of those laws; the laws were repudiated and repealed as an unwarranted intrusion on liberty. Jefferson said of them:

"If there be any among us who would wish to change (this Union's) form (of government), let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

That spirit has animated interpretations of the Bill of Rights, in the name of which no little blood has been lost, in the United States Supreme Court decisions of many eras from that date to the most recent re-affirmation of it this year. In a 1967 case, a New York statute undertook to direct the state university board to bar employment to persons engaging in "treasonable or seditious" activities or utterances or advocacy of the violent overthrow of the government. The United States Supreme Court held the statute unconstitutional and invalid. The Court said:

"Our experience under the Sedition Act of 1798 taught us that dangers fatal to First Amendment freedoms inhere in the word 'seditious'...the possible scope of 'seditious' utterances or acts has virtually no limits...We cannot gainsay the potential effect of this obscure wording...The crucial consideration is that no teacher can know just where the line is drawn between 'seditious' and nonseditious utterances. (The "overthrow" provisions) also have the same defect of vagueness. This provision is plainly susceptible to sweeping and improper application."

2. The Educational Consideration

a. The University Historically

The nature of a university is the second consideration to which the Clabaugh Act is fatally blind in its attempt to impose on one university in Illinois a supervisory role in controlling expression. Historically the university has been a place--administratively an institution--where the interest of man is served by transmitting, interpreting, and expanding knowledge without fear, favor, or interference. The integrity of such an undertaking is destroyed when power--whether of king, army, church, or state--is applied to it for the purpose of shaping or circumscribing in any way the scope of inquiry or the manner of its pursuit. Intellectual freedom is not a privilege asserted for the benefit of intellectuals; it is a first necessary condition of motive and atmosphere to any true transmission, re-examination, and analysis of knowledge and values.

It is true, of course, that for many purposes an American state university is a "state" institution; even, technically, its property may be viewed for some purposes as state property and its employees as state employees. It is also vitally dependent on the state for tax-supported financial assistance, although it also has other important financial constituents: resident and non-resident undergraduate and graduate students who pay tuition, fees and other expenses; private, individual, corporate, and foundation donors of gifts, endowments, scholarships, and research grants; numerous agencies and funds of the federal government.

When a state legislature assumes that state support carries with it a power to measure permissible views expressed at the university by a legislative or political standard, however clear that standard may look to one whose uppermost fears are of the communist ideas, the door is opened to crippling the university. The Clabaugh Act assumes that power. Its mandate would compel or be taken to compel the university to investigate, monitor, and control, and to discriminate in granting use of its facilities, on the basis of whether views

expressed or activities conducted conform to sweeping, catch-all standards. Those standards would be applied to groups, to group members, to individuals speaking at group meetings, to group charters, and to views allegedly motivating the formation of campus groups or other groups with which campus groups might be affiliated. Once entering upon scrupulous compliance, moreover, the university may have to apply those standards before occurrences and expressions as well as after. Thus it is thrust into the role of vigilant censor.

Considering the wide spectrum of views on every subject which a university has the difficult and delicate task of encouraging the university community to explore, such monitoring direction and authority would counterweigh, if not cancel, its efforts to foster conditions conducive to free, bold, and imaginative teaching and research. It might survive, well-financed perhaps, as an efficient educational servant of the state, but not as a true university. The image of a true university is cast in a tradition of intellectual freedom founded in Greece and handed down through the autonomous communities of scholars which have comprised the great universities of the western world. An expression of it, in which the University on Illinois could proudly concur, was made in 1894 in a resolution of the board of regents of the state university of a sister state, Wisconsin, as memorialized in bronze by its alumni class of 1910:

"Whatever else may be the limitations which
trammel inquiry elsewhere, we believe that
(this) great state university should ever
encourage that continual and fearless sifting
and winnowing by which alone the truth can
be found."

b. The Modern University

The nature of a modern university adds another dimension to its historic image. Knowledge has accelerated changes in knowledge and in life. The expansion of knowledge and the need to relate it to the past, to present problems, and to future conditions calls for a higher competence, energy, imagination, and dispassion than ever. More young people in number and proportion of the population than in any other time or country participate in the American university experience. Their time of life, the modern world, and the contemporaneous development of man's mind all spur them to understand and search for new knowledge as well as old, new forms, new arrangements, new meanings, and new insights. If education is to mean anything to man today, an important thrust of it must be toward shaping an inclination and style of thought that is questioning, critical and experimental.

In this state of educational affairs, the attempt to mark boundaries beyond which ideas or information on a given subject are too dangerous to hear or be expressed undoes the main effort to fashion an open and flexible mind. To any extent that such boundary-making succeeds, it re-enforces many other pressures that guide thought into safe and comfortable channels. To the more likely extent that it fails, it serves only as an indefensible target of grievance against fear-based attempts to circumscribe inquiry. The net result, then, is only to keep the university in an uproar as the energies

of the faculty, students, and administration are dissipated from one place to another, and to further fray academic relationships that already hang on fraying threads.

Conclusion

The course recommended owes something to the realization that the university has a balance to strike. It should not needlessly alienate the public it serves and the legislative supporters on whom it relies in part to survive. But to survive as a university, it is obliged to resist winds of public and legislative suspicion and fear of unpopular, even hated, ideas. In periods of acute national frustration and anxiety, those winds blow up into rages, sometimes reflected in statutes, in which all extreme dissidents are automatically identified with battlefield enemies. At a calculated risk of some legislative disfavor, we think the university's wisest course would be a consistent one of firm respect for law with equally firm and open commitment to the freedom which the university requires and the constitution protects.

George T. Frampton

David C. Baum

Marion W. Benfield, Jr.

Rubin G. Cohn

Wyllie H. Davis

Roger W. Findley

Stephen B. Goldberg

Peter Hay

Harry D. Krause

Wayne R. LaFave

John H. McCord

Sheldon J. Plager

Ralph Reisner

Eugene F. Scoles

J. Nelson Young

"I realize by statute that the University of Illinois is subject to the control of the Illinois General Assembly. However, limitations such as these can result in the consideration of the educational affairs of the University in terms of the political values of the State and not the academic values so highly regarded by the educators of today. I am positive you (the Board of Trustees) share the viewpoint that education must be above partisan politics. Educational institutions can flourish only if the rights of dissent and political advocacy are maintained against all attempts at abridgement.

Excerpt from Bob Outis' statement
at the March 14 Board of Trustees
meeting.

UNIVERSITY OF WISCONSIN FACULTY LETTER

The following letter, by a faculty member, was published in "The Daily Cardinal", the student newspaper of the University of Wisconsin. It was written in reaction to the Wisconsin Student Senate's suspension of a recognized University group. The decision of the Student Court to review the suspension was a cause of great concern to the Administration.

The letter is produced, in part, below:

I do not mean to belabor seemingly tiny, isolated internal details of the operation of the University. My precise point is that they are not "tiny" details; they are far from "internal"; and they are not "isolated." Rather it is an example of a distinct, planned pattern

of control by administrative officials. It is all part of that insidious enigma--discretionary administrative decision making.

That the rules and regulations, and particularly procedures for handling them, at this University are confusing, cryptic, almost Alice-in-Wonderlandish at times is not, as one would have you believe, a result of patchwork planning or incomplete reform. It reveals the whole basic thesis on which the administration operates--possession of the maximum discretion possible. Discretion tends to reach a maximum when it contains two qualities--invisibility and lack of objective standards.

Excessive use of the telephone; small, unannounced back room meetings where oral decisions are made (a la the "no picket signs in the building" rule, conjured up in a four man meeting the day before the Dow Protests); buck-passing; rule by committee, and the myriad other techniques that tend to cloud WHO is making a decision and WHAT that decision is until it is too late to affect the decision, are all part of the conscious attempt to make the rendering of decisions invisible. For an invisible decision is one that is unfettered by the influences of any unwanted factors.

Conflicting rules of conduct, unclear routes of procedure, broad delegations of responsibility in the "best interest of the student," "for the good of the University community," or "to protect the normal functions of the University" exist so as to keep at a minimum any objective standards by which decisions are to be made.

In University administration, standards must be kept at a minimum; epithets and slogans must be constantly repeated until accepted as standards by an unthinking public. This is not to say that the administration acts irrationally or without reason. It is to say, rather that their reasons are their own, and decisions are made for their own purposes.

Why then does the action of Student Court disturb the administration so out of proportion to the significance of the event? Because it represents a threat, however tiny, to their discretionary administrative decision making. First, students have taken it upon themselves to consider a matter normally within the "discretion of administrators," and therefore threaten to readjust a power relationship by removing a small amount of discretion from the Administration and redistribute it. What is worse, the students in this instance, are a "court" which traditionally (no matter how ineffectively at times) stands for the two things powerful discretion cannot tolerate--visibility of decision making, and articulated standards supported by evidence rather than the "good sense of our deans." I do not suggest that it is Student Court which will set all objective standards, or otherwise be the panacea for an intolerable situation. Rather, it may EXPOSE the LACK of standards in present decision making. This is what is disturbing to Fleming (Wisconsin Chancellor) and his kitchen cabinet.

Protection of this total discretion is essential to the secretly planned society--where decisions are made to enhance the roles of the decision makers, not to affect the problems at hand; where the nature and quality of life becomes irrelevant but the power to control life is an end in itself. "Expertise" and "ignorance" have become the new intellectual equivalents of the old "have" and "have not."

We are deprived today of nothing so mundane as food or clothing.

Rather we are deprived of the right to make decisions. We are convinced by the decision makers that we can really have no meaningful affect on our lives unless we trust to them and so, of

necessity, we must support them and their decisions or perish. "My decision maker, right or wrong!"

"The only fence against the world is a thorough knowledge of it."

-John Locke-

F.A.R...P.A.R. ORGANIZE

FAR and PAR students will host Students for Free Speech representative Joe Allen and visiting Professor Thomas DeBooy at an open meeting to be held Monday, March 20 in the FAR multi-purpose room at 7 pm/

The students will present the tape recording of a meeting between Dean of Students Stanton Millet and twenty members of Students Against the Clabaugh Act. Allen and DeBooy will discuss the goals and activities of the Students for Free Speech movement. The meeting is to be completely open to any questions raised by those attending.

"this is an opportunity for the students of this area to hear as I did the untenable position on and Clabaugh Act and academic freedom that Millet and the administration has taken." said FAR resident Steve Schmidt, one of the twenty who met with Millet.

The twenty-four students who gathered to organize this meeting at FAR also approved a proposal that an information booth be established to answer questions concerning the Monday evening program or the Students For Free Speech in general. Such a booth will be set up on Monday morning in front of the main office of FAR.

Another purpose of the booth is to distribute copies of a letter which students can sign and send to their representatives and senators in the state legislature which urges support of Representative Anthony Scariano's bill to repeal the Clabaugh Act. Lists of these legislators will be available at the booth.

"This is the first Students for Free Speech project of its kind to originate in the dormitories on this campus. Since the initial call last Friday, our support has steadily grown especially in Oglesby and Trelease to where we anticipate a successful meeting Monday. Our hope is that other dorm complexes will institute similar action in the very near future," said Joe Hardin, one of the organizers of the project.

Students for Free Speech met at the Channing-Murray foundation Sunday afternoon and voted to adopt the following: 1) A statement of basic human rights; 2) A platform of specific provisions to be created at the meeting of the steering committee, Wednesday, March 22; 3) That the Steering Committee of SFS seek the written support of a guest speaker from Student Senate and other campus organizations; 4) That SFS protect the right of any student to hear a guest speaker, if necessary by the petitioning of all members of SFS for punishment similar to that bestowed upon any individual; 5) Movements similar to that of SFS at other Universities be studied in determining direction for the movement; 6) That the Steering Committee create the organizational means by which to test the Clabaugh Act.

At the subsequent meeting of the Steering Committee of SFS the following was approved: 1) That the communication be established with the AAUP to determine the possibility of a censure on the Administration and Trustees of the UI; 2) To investigate the possibilities of obtaining University legal counsel to defend student rights; 3) To establish liasons with various faculty groups on campus; 4) That Vic Berkey and Bob Outis shall represent SFS as press contacts; 5) Committee heads were selected and action initiated. At the same meeting, it was stated that SFS has received \$30 in contributions. The Steering Committee has also established means for control and appropriation of all funds.

ALL LABOR DONATED BY MEMBERS OF SFS