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Southern Industrial Relations
Conference
Blue Mountain, North Carolina
July 15, 1970
Lewis F. Powell, Jr.

THE ATTACK ON AMERICAN INSTITUTIONS

It is an inspiration to take part in opening this 51st annual session of your famous conference. There are hundreds of organizations devoted to various aspects of the free enterprise system. None is better known - certainly in the South - than yours. Over the past half century, you have made notable contributions to the bettering of human relations in southern industry.

It is also an inspiration to stand before an opening assembly of more than 1,200 delegates. You set an attendance example which would put lawyers' meetings - with which I am familiar - quite to shame.

The selection of a subject for my talk has given me some difficulty. I was asked to discuss a subject of broad general interest, as other speakers will address the problems which concern your conference. It would be pleasant to avoid depressing issues of our time, and even pleasanter if I tried

simply to amuse you. But these are not ordinary times, and you are not an ordinary audience. You are the front line of the free enterprise system; also you are dedicated Americans who believe that our economic and political system - free American democracy - is the best ever conceived by man.

Our democracy, and the values which it sustains, are under broad and virulent attack. For the first time in America's existence, there is concern that revolution could engulf this country. It may sound alarmist - even irrational - to suggest that revolution could come to the most prosperous and freest country in the world. Viewed historically, the conventional ingredients of revolution simply do not exist. Yet the chilling fact remains that revolution is being planned and seriously pressed by determined white and black radicals, who are winning acceptance and support - not from workers or farmers - but from students and intellectuals.

Voices of Revolution

Listen, if you will, to some of the voices regularly heard in our land:

William Kunstler, warmly welcomed on campuses:

"You must learn to fight in the streets, to revolt, to shoot guns. We will learn to do all of the things that property owners fear".*

Abbie Hoffman, New Left leader:

"Social justice in this savagely oppressed, police state country is not going to be won in the courts but in the streets."**

Black Panther Eldridge Cleaver, accorded generous publicity by our media:

"We are not reformists. . . . We are revolutionaries. . . . We have to destroy the present structure of power in the U.S., we have to overthrow the government . . . and we will do this by any means necessary."***

The SDS,**** with chapters on more than 200 campuses, openly plans and incites revolution:

*William F. Buckley, Jr., Richmond News Leader, June 18, 1970.

**Henry J. Taylor, Richmond Times Dispatch, column of June 24, 1970.

***William C. Sullivan, Assistant Director of the FBI, address on "Extremism and the Churches", Feb. 11, 1970, p. 9.

****Dr. Robert I. White, President of Kent University, testifying nearly a year before the Kent fatalities, described the systematic SDS disruptions on the campus and gave this description of SDS as an organization: "It (SDS) is an enemy of democratic procedures (and) of academic freedom." SDS advocates "property destruction and violence on our campuses." Investigation of SDS, Part 2, Kent University, House Internal Security Committee, June 24, 1969, pp. 479, 481.

"Until students are willing to destroy totally those repressive structures (the government, the military, the economic and educational systems of this country) - to attack and destroy the bourgeois social order - the student movement will . . . never be truly revolutionary . . . The buildings are yours for the burning, for until they are destroyed, along with civilization and its death, you will not live."*

These are not isolated examples. They could be multiplied by the thousands. The spokesmen are not underground conspirators, plotting and planning in secrecy. They are as open and notorious as Hitler and his storm troopers. They are lionized on the campus, in the theater and arts, in the national magazines and on television. They employ and exploit free speech and the free enterprise system with the view to destroying both. Indeed, future historians may not wonder so much that a small group of radical extremists sought to destroy America; rather they will wonder why the media and intellectual communities of our society built up these extremists into national figures of prominence, power and even adulation.**

*From an SDS publication quoted by J. Edgar Hoover, a Study in Marxist Revolutionary Violence: Students for a Democratic Society, Fordham Law Review, Vol. 38, Dec. 1969, p. 9. Mr. Hoover documents in detail the revolutionary objectives and techniques of the SDS and other New Leftist organizations.

**See Henry J. Taylor, Richmond Times Dispatch, July 8, 1970; see also Taylor, supra, June 24, 1970.

The Radical Organizations

The organizations behind the leaders include the SDS, the Weathermen, the Black Panthers, the Progressive Labor Party, the W.E.B. DuBois Clubs and numerous others. There is no single, monolithic revolutionary movement. But the New Leftist and black militant revolutionary groups cooperate and work together to achieve their common end - the destruction of the American system. They share common hatreds, common willingness to resort to violence, and they are Marxist oriented. Although perhaps not orchestrated by the Communist Party, they promote its ends and employ its techniques. Their heroes are Fidel Castro, Che Guevara, Ho Chi-minh and Mao Tse-tung.

The most visible element of the revolutionary movement is basically white and campus oriented. Led by the SDS, there are over 200 New Leftist committees and organizations consisting of perhaps 20,000 militant activists, plus an estimated 300,000 generally sympathetic supporters, chiefly among students, graduate students and younger faculty members.* Although this is a relatively small segment of our student

*See Sullivan, supra, p. 15.

population of some seven million, it has an influence and a capability for evil and violence far beyond its numerical strength. The New Leftists and black militant groups are the cutting edge of revolution.*

The Campus Base of Revolution

Lacking the traditional popular base of oppressed workers and peasants, ^{**} these radicals believe our society can be overthrown by new techniques. They understand that the levers of power - especially the means of influencing thought and emotion - are different in the modern world. They believe these levers can best be manipulated from and through the college campus, with a base of support being built among students, faculty and other intellectuals. Their first objective, therefore, has been to disrupt our major universities. As the Washington Post put it:

*There are, of course, some vicious rightist organizations in this country, including the Klan, Minutemen, and the National Socialist White People's Party. See Sullivan, supra, pp. 2-7. But these are small in size, short of finances, and lacking in any significant base of support. They commit isolated atrocities, but constitute no threat of revolution.

**There is the potential of a mass base among urban blacks. The rioting in some of our cities in the past indicates the significance of this potential, although the great majority of blacks are probably included among the "silent Americans" who oppose radical extremism from both the left and right.

"The (New Leftists) . . . regard the universities as the soft spot in a society they are trying to bring down. . . ."*

In a relatively few years, frightening progress has been made toward radicalizing the campus.** Beginning in 1965 at Berkeley, the movement has engulfed many of the most prestigious universities and is a recognized influence on almost every campus. Fascist techniques have been employed regularly. There has been widespread civil disobedience, accompanied by sit-ins, disorders, vandalism and arson. Colleges have been shut down; files looted; manuscripts destroyed and buildings burned. Freedom of speech has been denied, reasoned discourse repudiated and academic freedom endangered. The rights of nonradical students - to attend classes, to exercise freedom of choice, to hear moderate and conservative viewpoints, to participate in ROTC, and to enjoy the detached pursuit of truth and knowledge - have all been trampled upon.

*Washington Post, May 14, 1968. A student publication at the University of California, the Berkeley Barb, stated the New Leftist view as follows: "The universities cannot be reformed; they must be abandoned or closed down. They should be used as bases for action against society, but never taken seriously."

**The beginning of the New Left movement is generally credited to the organizing convention of SDS at Port Huron, Michigan, Aug. 1962.

***The New York Times editorially described the New Leftist radicals as "the new Fascists of our generation". Dec. 17, 1969.

The radicals' drive to establish the campus as the principal base of revolution continues to gain momentum.* University administrators confronted with non-negotiable "demands", backed by threats of coercion and violence, all too often surrender or resort to self-defeating appeasement. But most administrators deserve sympathy and assistance rather than condemnation. Faculty members, shielded by tenure and invoking academic freedom, frequently support student demands and oppose all sanctions. Non-radical students curiously ambivalent and easily duped, rarely come to the aid of their beleaguered university.

Educators Now Concerned

An increasing number of leading educators are now speaking out in justified alarm. President Pusey of Harvard, in his recent baccalaureate address, warned of "the New Left made up of students and some faculty who . . . would like to see our universities denigrated, maligned and even shut down."**

*The "Danger to the Universities", N.Y. Times editorial, June 28, 1970. See also Dr. Nathan Pusey's address, cited below.

**New York Times, June 10, 1970. Dr. Pusey speaks with authority, in view of the disruptions which have torn Harvard. In his annual report for 1968-69, he condemned "the use of force and . . . coercive tactics"; he also cited the "suppression of the rights of others and the contemptuous treatment of contrary views."

In a perceptive article in the New Republic, Prof. Bickel condemned the toleration of violence at Yale.* He spoke of the "filthy and violent rhetoric", and of the irrelevance of "truth" and the traditional function of a university.**

In a similar vein, a noted faculty member at Michigan described the situation there as no less than "the destruction of this university as a great center of learning". He went on to say:

"That violence and disruption either cannot or will not be punished by the university; that the Big Lie, loudly proclaimed, can become the truth; that the desires of the overwhelming majority of students - who only want to learn - and of the overwhelming majority of the faculty - who only want to teach - count for little or nothing.

* * * *

"There is no reason (on the campus). There is only power."***

*Alexander M. Bickel, The Toleration of Violence on the Campus, The New Republic, June 13, 1970, p. 15, et seq.

**Stewart Alsop, an alumnus of Yale and noted columnist, concluded that "Yale is in danger of becoming intellectually a closed society," where leftists and radicals are accorded warm and respectable audiences but moderates and conservatives "get no real hearing at all". Newsweek, May 18, 1970.

***Prof. Gardner Ackley, former chairman of the President's Council of Economic Advisers, quoted in column of Jenkin Lloyd Jones, the Washington Star, May 16, 1970.

Manipulation of the Nonradical Students

This rending apart of academic life on the campus could not have been accomplished by the radicals alone, even with the toleration and unwillingness to enforce discipline so often manifested by campus authorities.

One of the ingredients which gives credibility to the radical movement is the significant measure of support accorded by the nonradical students.* The extent of such support has varied from campus to campus, and has depended much upon the tactical "cause". There has been general unanimity on issues relating to the Vietnam war and to alleged racism. There also has been surprising student support for spurious issues such as alleged repression, injustice in the courts, brutality by the police and machinations by the "military-industrial complex". On these and related issues many non-radical students and faculty members swallow the party line of the revolutionaries. There is an astonishing absence

*See address of Prof. Philip B. Kurland, Professor of Law at University of Chicago, before Chicago Bar Association on Jan. 22, 1970. He pointed out that "a very large number of students are in sympathy" with the goals of "the movement", and that there is little visible student opposition to the coercion and disorders of their radical colleagues.

of critical analysis and little concern for truth. At times, campuses have been engulfed by mass hysteria in an almost total flight from reason.*

It is evident that the modern university has failed in its historic task of training young minds to be skeptical of sloganeers, to question the glib huckster, and to seek rational rather than emotional solutions. Radical leaders have been able consistently to inflame, confuse, exploit and even radicalize tens of thousands of fine young Americans - almost as if they were untutored children.

The Question - Why?

Why are so many of these students, often from our finest homes, so vulnerable to radical "mind-blowing"?** A national columnist, writing about Yale, recently said:

*See Prof. Bickel's description of what happened at Yale. Bickel, supra. The concurrence of the Cambodian operation (studiously labeled an "invasion of a neutral country"), the fatalities at Kent, and the widely publicized view of President Brewster of Yale as to the alleged unfairness of trials, caused the first general student strike in the history of this country - with some 760 campuses taking part. Richmond Times Dispatch, June 24, 1970.

**For an analysis of "mind-blowing" as a tactic of revolution, see Richard Gambino, writing in Freedom at Issue, July-August, 1970, p. 6, a publication of Freedom House.

"Yale, like every other major college, is graduating scores of bright young men who are practitioners of 'the politics of despair'. These young men despise the American political and economic system . . . (their) minds seem to be wholly closed. They live, not by rational discussion, but by mindless slogans."*

What indeed has caused this widespread disaffection and disillusionment? Radical exhortation and subversion could hardly do it alone, although there is far more of this - better organized and more skillfully conducted - than most of us would suppose. The Vietnamese war is certainly a major contributing cause of the alienation among the young. The serious domestic problems also cause genuine concern.**

But it is difficult to believe that the sum total of these causes, significant as they are, accounts for the willingness of so many young people - in varying degrees - to participate in civil disobedience, to disrupt their own educational opportunity, to embrace or tolerate coercion, and to denigrate the entire American system.

*Stewart Alsop, Yale and the Deadly Danger, Newsweek, May 18, 1970.

**It is fashionable in some circles to blame Vice President Agnew for fermenting campus discord. Those who believe this ignore the fact that the campus revolt commenced in 1962, gained momentum in 1965 at U. of Calif. and was in full stride long before Agnew became a "household word".

The Attack on Policies and Goals

It seems to me that there is a more fundamental reason for this extraordinary susceptibility to revolutionary exploitation. The reason is difficult to identify by a word or a phrase, but in substance it is the pervasive attack on the policies, values, goals and processes of our democratic society. More specifically, it is the unending barrage of insidious criticism leveled by Americans against America itself, our institutions, our system of government and upon the values which for centuries have sustained western civilization.

Upon analysis, this attack is directed against two categories of targets. The first is against national policies and goals, not just those of a particular administration but against long-established nonpartisan national policies.

In foreign affairs, the targets include our traditional commitments to help preserve a measure of world order, to join with other free nations in resisting Communist aggression, and to maintain a strong national defense. The false charge is that America is imperialistic and militaristic.*

*Many Americans join with Arnold J. Toynbee in savagely slandering this country as more "dangerous" to the world than Soviet Russia. See Reston, N.Y. Times, May 27, 1970.

On the domestic scene, the targets under attack relate to serious and important issues, but the underlying premise of the destructive criticism is that our free enterprise system is "rotten" and that somehow we have become a wholly selfish, materialistic, racist and repressive society - with unworthy goals and warped priorities.

There always has been debate and dissent with respect to national policies and goals. No thoughtful person would wish to inhibit even the most vicious criticism. As a lawyer, I am particularly sensitive to the preservation of these rights, which are rooted so deeply in our Bill of Rights and in the Anglo-American tradition. Dissent and divergent views have helped mold national character and policy, and they contribute vitally to the solution of national problems.

Thus, I make no suggestion that the present broadly based attack is beyond the limits of permissible dissent. It is appropriate to recognize, however, that it has new and disquieting dimensions. The attack is directed against policies and goals which most Americans have heretofore respected. It has a volume, intensity and intolerance which may be unprecedented. It condones coercion and encourages disregard of due process.*

*Dr. Sidney Hook, "The Perverse Ideology of Violence", an essay appearing in the Washington Post, May 17, 1970.

Some elements of it, both in form and substance, reflect a notable parallelism with the Communist propaganda line against this country.*

The Attack on Processes and Values

The second category of this attack is more subtle. It relates to the most vital elements of what we call the American system. The targets here include both processes and values. The processes now being questioned seriously - for the first time in our national existence - include the very fundamentals of a representative free democracy: majority rule, checks and balances, due process and the rule of law itself.

The values which sustain these processes of representative democracy are also being questioned, ridiculed and twisted. They include such concepts as duty, loyalty, patriotism, honor, decency, morality, civility, respect, tolerance, the dignity of work, and national pride - in America's past, present and future.**

*For unabashed examples, recently given wide publicity by a national magazine, see articles by Professors Eugene D. Genovese and Staughton Lynd, Newsweek, July 6, 1970, pp. 25, 30. For a wiser and more rational analysis of contemporary America, see the article in the same magazine by the distinguished historian, Dr. Daniel J. Boorstin, supra, p. 27.

**For an analysis of the attack being made on these values and an eloquent defense of them, see James L. Robertson, Vice-Chairman, Federal Reserve Board, writing in U.S. News & World Report, June 9, 1969, p. 93, et seq.

We have all witnessed - through the media and elsewhere - countless examples of this broad-ranging attack on America. With respect to national policy, the day seldom passes without America's role in Vietnam being condemned, frequently in the identical words of Communist communiques, as "unjust", "immoral" and "imperialistic". Reasonable men may differ as to the wisdom of our southeast Asian policies, especially in committing ourselves to a land war in Asia. But it is one thing to be critical of policy, and quite something else falsely to accuse one's country of the evils systematically practiced by our enemies.*

On the home front, as this audience knows better than most, the free enterprise system is under corrosive attack; blue collar workers are ridiculed for their patriotism; our flag is defiled; Fourth of July ceremonies are derided**and disrupted; our military services are reviled; our police are called pigs and accused of brutality; our courts are charged with injustice

*One of the characteristics of much of this criticism is the tendency to place all of the blame on America and rarely to find any fault with the Communists.

**See, for example, column of Tom Wicker, New York Times, July 5, 1970. Radicals demanded the right to place Viet Cong flags on the Ellipse behind the White House for the July 4th "Honor America Day". See Time, July 6, 1970, p. 8.

and unfairness; draft dodging is commended; civil disobedience is encouraged; coercion, confrontation and violence are tolerated and justified;* and the processes of our democratic system are constantly maligned as unresponsive and repressive.

The Intellectual Base of Criticism

The most defamatory part of this criticism comes, of course, from the radical extremists who wish to destroy America. But the hard-core revolutionaries are a relatively small segment of our population. They would have little chance of achieving this goal without the participation by an influential spectrum of Americans who choose to attack and undermine, rather than defend, our basic values and institutions.

Many of those who join in this attack, in varying degrees, come from the most influential segments of our population: namely, from among the communications media, and from among those who write and editorialize in our leading journals, who are prominent in the arts and theater, who preach in the pulpits and who teach on the college campuses. An increasing number of politicians seek to build their reputations by irresponsible indictments of their own country and society.

*See Hook, supra.

Dr. Milton Friedman, commenting on this incongruous support of revolution, recently warned:

"It (is) crystal clear that the foundations of our free society are under wide-ranging and powerful attack - not by a Communist or any other conspiracy but by misguided individuals parroting one another and unwittingly serving ends they would never intentionally promote."*

Perhaps few of these individuals consciously intend to support or encourage revolution, but their influence - unwitting as it may be - is nevertheless profound. They call themselves and each other "intellectuals". Their influence is strong in the media, in scholarly and popular journals, in the arts and theater, in the church and in education. Some are instrumental in arranging the unprecedented publicity - through the mass media and by invitation to write and speak - which is provided for revolutionary spokesmen, including many with criminal records. Others, including rich and famous people, contribute to radical causes and entertain Black Panthers and other extremists in their homes.**

*Dr. Milton Friedman, Prof. of Economics, U. of Chicago, writing in a Foreword to Dr. Arthur A. Shenfield's Rockford College lectures entitled "The Ideological War Against Western Society", copyrighted 1970 by Rockford College. Dr. Shenfield's lectures document the extent to which certain members of the intellectual community are waging ideological warfare against the values of western society.

**See Tom Wolfe's brilliant article on the Radical Chic, in the June 8, 1970 issue of New York. He described among others, the lavish party given by the Leonard Bernstein's for Black Panthers.

At this point I wish to be perfectly clear. I make no indiscriminate criticism of our scholars, writers, ministers or artists. The overwhelming majority of them are fine Americans and our country profoundly needs both their support and their criticism. My concern is directed toward the articulate minority who seem so inflamed by what they conceive to be the evils of our society that they are prepared to help tear it down, apparently giving little thought to the consequences of their conduct. It is the persistent, insidious and persuasive voice of this minority - often combining half truths with fiction and even falsehood - which seems, above all other voices, to reach and shape the minds of so many young people.

President Pusey recently spoke of this:

"Underlying and even supporting the many disturbances which have shaken our campuses, is an as yet only vaguely articulated, but nevertheless widely shared, feeling of revulsion against the values and modes of living of the enlightened society based on reason, tolerance and the advancement of science which humane people have dreamed about, and have through generations been struggling to create."*

In short, we are witnessing what in effect is an ideological assault on the fundamentals of our system and our

*Dr. Nathan M. Pusey, supra.

most basic beliefs. If this assault continues long enough, without a balance of strong and constructive responses, the forces which it generates and the persons whom it embitters could frustrate the processes of democracy and destroy our most cherished institutions. Indeed, this assault could pave the way for the anarchy and despotism which are the prime goals of the revolutionaries.

The America Which is Defamed

Before concluding may I say just a word about the country which is the object of all this calumny.

Despite the agonizing and intractable problems which concern, divide and frustrate us, and which must be addressed with utmost determination, America is still the envy of the world. The people of virtually every other country would like to emigrate to America. In other free countries the millions who would like to live here are restrained only by our immigration laws. In all Communist countries the people, as if they were slaves and criminals, are restrained by walls and barbed wires - not merely from emigrating to America but indeed from leaving their Communist countries at all.

Let those who glibly mouth the Communist line slogans take a look at the Berlin Wall, a monstrosity which is an affront to the dignity of man and which exemplifies the inherent repression of Marxist doctrine.

There is still some poverty in America, but the fact is that we enjoy the highest standard of living on a national basis known to history, and many who are regarded as poverty-stricken in this country would be prosperous indeed compared with standards which prevail in most of the world.

We have witnessed racial injustice in the past, as has every other country with significant racial diversity. But contrary to the guilt-ridden views of those who talk about reparations for past injustice,* a people can fairly be judged only by their record - not that of earlier generations. Racism, in all shapes and forms, is now prohibited by laws which provide the most sweeping civil liberties ever enacted by any country for the benefit of a minority race. Racial prejudices in the hearts of men cannot be legislated out of existence; they will pass only as human beings learn to respect and deserve to be respected by others.

*Black militants have demanded high reparations for injustices of the past, and many church and New Leftist groups have responded sympathetically.

But whatever else may be said, the people in this country - quite without regard to race or origin - have a far greater opportunity for education and economic advancement than in any other country in all history.

Americans - also without regard to race or origin - enjoy more real freedom, with individual rights honored and protected to a great extent, than the people of any nation other than the few which share with us the inspiring traditions of Magna Carta and the Bill of Rights.

At all levels of our society, from the local community to the national government, there is unprecedented compassion for the underprivileged and desire to get on with needed social reform.

In international relations, despite the slander to the contrary, we have been the least imperialistic of any major power in the history of civilization. We have maintained at great expense to our taxpayers a military capability - not for conquest - but to protect America and the free world from enemies who would destroy us; and our citizens have generously shared their wealth with the peoples of other nations in a manner quite without precedent.

This, in brief, is the America which the radical left would destroy. This is the America which also is the target of a concerted ideological assault from many of our fellow citizens. This indeed is the America which so many of our young - confused, deceived and even brainwashed - seem to have lost faith in.

These are times that try men's souls. The currents of discord and unreason are running strongly. It may well be later than most of us think. The average citizen increasingly wonders what can be done to reverse this tide. There certainly is no dramatic answer.

One thing we should not do is to lose faith in the nonradical students. They will be a part of the older generation in a few short years. Our country will then depend upon them for responsible citizenship. They will soon begin to understand - what we now know - that the revolutionaries wish to destroy their future and their opportunity to live in freedom. Let us condemn - not our own sons and daughters - but the Pied-pipers who so grievously mislead and exploit them.

There are many things that most of us neglect to do. This is a representative democracy, with our government at all levels, our educational institutions, our media, our churches

and our schools all ultimately responsive and responsible to the people. Now is the time for every citizen to make his voice heard - not merely by his vote, but by informing himself on issues, by communicating frequently with those in positions of authority in government and in all of our institutions. We should stop being silent Americans. While recognizing always the need for change, all of us should speak up strongly for what is good in this great country.

We should, perhaps above all else, try to promote an awareness - especially among the young - that basically there are only two systems of government: namely, (i) democracy and (ii) totalitarian dictatorship. The choice which the revolutionaries pose is between these two systems. America either will continue as a free democracy, in which the majority rules through elected legislative and executive branches; or there will be anarchy, followed by a dictatorship. It will then matter little whether it is leftist or rightist. The liberties of our people will have been lost, and all of the conditions now falsely alleged to exist in our society will in fact oppress our people.