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Anarchy On the Campus

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ANARCHY
ON THE
CAMPUS



Lewis F. Powell, Jr., is a member of the Board of Directors of Ethyl Corporation and a leading Richmond attorney. As past president of the American Bar Association and as an appointee to President Johnson's Commission on Law Enforcement and Administration of Justice, Mr. Powell has a varied and most useful experience in the profession of law and its application. In addition, Mr. Powell is a member of the Virginia State Board of Education, and a trustee of Washington & Lee University. This article, "Anarchy on the Campus," is presented here from a speech given by Mr. Powell on May 20, 1968, before the Virginia Retail Merchants Association.

ANARCHY ON THE CAMPUS



You may have seen the story in Life Magazine.

The first sentence read:

"With the brashness of a victorious banana-republic revolutionary, the mustachioed undergraduate sat in the chair of the President of Columbia University and puffed on an expropriated cigar."¹

The accompanying picture showed a student, looking like a junior Castro, seated at President Kirk's desk—smoking one of Dr. Kirk's cigars. This was one of the leaders of some 600 radical students who seized—and held for a week—five buildings on the Columbia campus, including the President's office. They also held the Dean as a hostage for 26 hours.

Stories in the press disclosed the filth and wreckage left in the University buildings when the rebels were finally evicted by the police. The damage—estimated at several hundred thousand dollars—was deliberate vandalism of furniture and furnishings. President Kirk's personal files were rifled.

Yet, despite this vicious hoodlumism, many faculty members defended the students, and criticized Dr. Kirk when—quite belatedly—he called the police.

The full consequences of this ravishing of a great university cannot yet be assessed. In the short term, thousands of decent students were deprived of an education, and the acrimony and bitterness—among students and faculty—destroyed the atmosphere of scholarship and detachment which should be the hallmark of a university campus.

Serious as these consequences are, they might not cause national concern if the Columbia experience were an isolated episode. But it is by no means isolated. For several years there has been a growing movement, vaguely described as the New Left on the Campus, which preaches

hatred of and revolt against authority. It is not too much to say—the leaders themselves boast of it—that they are fermenting revolution against our educational system, and, indeed, against our country.

We are witnessing, with no inconsequential participation by faculty members as well as students, an organized attempt to destroy the free institutions of higher learning which have required centuries to develop and refine. As the New York Times, in commenting on the Columbia revolt, put it:

Student leftists are employing "intolerably undemocratic" methods designed to "undermine academic freedom and free society itself".

The roots of the movement in America go back at least to the formation in 1962 of the leftist organization which has taken the lead—named ironically, Students for Democratic Society (SDS). Little attention was paid the young radicals until the 1965 rebellion at Berkeley, California. As the Berkeley revolt has been the inspiration and the model for much that has followed, it may be useful to recall what happened.

Employing the familiar techniques of civil disobedience—sit-ins and coercive demonstrations—students created at Berkeley the same sort of havoc we have seen recently at Columbia. The original student demand was for greater free speech. But when a timid and vacillating administration capitulated, new demands were immediately made. The call for unfettered free speech deteriorated into the "filthy speech movement".

The irony is that few, if any, campuses afforded greater freedom of discussion. In subsequent Congressional testimony, Prof. Peterson stated that the University of California already tolerated free discussion of "every variety of radical politics"; that student meetings—openly held—advocated everything from "imbibing of marijuana" to "selling contraceptives in the student union".²



The Berkeley experience was the first frightening example of what massive civil disobedience techniques can do to an institution of learning.

In the three years since Berkeley, we have seen scores of campus disorders across the country, with the militancy of leftist student groups increasing in geometric proportion to the irresolution of college administrators who have lacked the courage, as well as faculty backing, to deal firmly with lawlessness.

Not only has there been an absence of firmness, but often—far too often—appeasement oriented presidents and faculties have given in to student coercion by granting their demands. Indeed, it cannot be doubted that this escalating lawlessness has been encouraged—not deterred—by the excessive tolerance so widely practiced by those in authority. After initial capitulation to demands, the typical university goes through the charade of imposing a few transitory penalties, and then—again buckling to pressure—grants amnesty to all concerned.

The predictable and inevitable result of this policy of appeasement and retreat is increased militancy, accompanied by scorn and utter contempt for the appeasers.

The average citizen and parent, dismayed by the expanding discord, is bewildered by the motivation of the student radicals. There is nothing new about a certain restlessness on the part of students. Johnny has always developed a lot of ideas at college which make his old man nervous. But Johnny matures in due time, as he faces the realities of making a living, and as his student liberalism is tempered by experience and responsibility. This has been a natural and wholesome evolution, contributing to a desirable process of ordered social change.

But the New Left on the campus is not within this honored American tradition. It does not want ordered and evolutionary change. It demands revolutionary change—now! As restrained an observer as President Pusey of Harvard has described some of this radicalism as the “crudest display of force . . . clearly intended to be no less than a revolutionary struggle for power”.

If the New Left is engaged in a struggle for power, the questions of “what kind of power” and “power for what purpose” become of vital importance. The professed tactical objectives are usually associated with emotional causes—such as civil rights, poverty, and American foreign policy—especially in Vietnam.

But the underlying strategic goals of the New Left are no less than destruction of our most cherished democratic institutions—our system of higher education and our form of government.

As a New York Times interview reported, the rebels “oppose the very structure of the American type university”. They demand that control of our higher institutions of learning, whether state or privately endowed, be turned over exclusively to the faculty and students.

Their ultimate goal is destruction of representative democracy.³ The enemy, as the New Leftists view it, is our present system of constitutional government, with legislative power vested in elected representatives and executive power in an elected president. They assert that American “society and all of its institutions” are “rotten”. There is a virulent hatred of the system, and “the power structure”.

They propose to substitute, by revolutionary means, what they call a “participatory democracy”. This would be a so-called “communitarian” system, modeled after the theory (though not in fact the practice) of Castro’s Cuba and Mao’s China. The people’s will would be expressed directly through mass demonstrations, rather than by elected representatives. In short, democracy is to be exercised primarily by one’s feet—through mobs in the streets.

Prof. Staughton Lynd, formerly a co-faculty member with Dr. Coffin at Yale, is a leading advocate of democracy. Prof. Lynd admits that revolution is necessary to accomplish this radical change in our system. He speaks of “students chaining themselves to the Capitol in wave after wave of massive disobedience.” He says it could mean people setting up their own “continental congresses” all over the country, defying elected officials, and sending their



own emissaries "to make direct contact with the peoples of other countries."⁴

Prof. Lynd, practicing what he preached, made an illegal visit to Hanoi—giving aid and comfort to the Communist enemy.

What is the organizational structure of the New Left? It is difficult to identify, as it is essentially a conglomeration of organizations, groups and individuals. The principal components are, however, well known. They include Students for a Democratic Society, W.E.B. DuBois Clubs, Student Non-Violent Coordinating Committee (SNCC), Progressive Labor Party, and a host of so-called peace organizations.

Perhaps the most effective of these is the misnamed Students for a Democratic Society, with chapters on most of the major college campuses. Appropriately, its daily newsletter is named "Fire Bomb". J. Edgar Hoover says that SDS is supported by the Communist Party, and in turn SDS "supports Communist objectives and tactics".⁵

Some of the leadership in other New Left organizations is also Communist and much of it is Communist oriented—some toward Havana and Peiping rather than Moscow.

It is important to remember, however, that many of the participating and sympathizing students are neither Communist nor revolutionaries. For the most part, these are the dupes. Many are motivated by a perverted sense of idealism, and are taken in by the professed causes of the New Left. Others are genuinely disenchanted by the unsolved problems of this perplexing age, and alienated from those in authority—on the campus and in government.

But the hard core New Leftists are revolutionaries. Their foreign policy posture, and their domestic goals, are straight Communist Party line.

In reflecting upon the New Left movement in this country, one is struck by the parallelism in other democratic countries. We have seen leftist students in Germany try, by mass coercive demonstrations, to close down newspapers which were anti-Communist. At the very time rioters seized Columbia University, pro-Peiping students

were demonstrating in Rome, and students were burning American flags in Tokyo.

The most chilling example of student discord, and where it can lead, was the recent experience in France. Starting with leftist students seizing the Sorbonne, and hoisting Viet Cong flags, the Communist dominated trade unions then moved in and paralyzed France with a general strike.

The Premier of France, whose normal posture had been one of genuflecting to the Communists, concluded that the rebellious French students were led by "agitators . . . belonging to an international organization." In emphasizing the gravity of the situation, Mr. Pompidou said:

"Not just the French government, but civilization itself, is on trial. I see no precedent in our history since the hopeless days of the 15th Century when the structures of the Middle Ages were collapsing."⁶

The situation in America differs from that in France. We are fortunate to have a vast middle class of stable citizens, and our major labor unions are not Communist controlled. But the extremist black power movement, committed to revolution, is closely aligned with the New Left. The universities are the first target. In a lead editorial, the Washington Post—rarely intolerant of deviant conduct—commented:

"The (New Leftists) . . . regard the universities as the soft spot in a society they are trying to bring down The rebels are out of touch with and do not understand the principles of democracy. . . . The language they talk is that of anarchy They are totally at war with everything this country has ever stood for."

The Post has not overstated the threat to our universities. Even the most liberally complacent university president must by now be concerned. But what can be done?

First, a word of caution. Care must be exercised to distinguish between the revolutionaries and the vast majority of students and faculty members who—like society in general—are really the victims of the New Leftists. Moreover, the universities must always foster and encourage



—and never suppress—the freedom of students to express their views, to protest injustice, and to promote social changes in which they believe. Our universities must be preserved as citadels of free inquiry, devoted to the concept that rational discussion is the surest way to truth and to a resolution of honest differences.

It must also be recognized that some of our universities—especially the larger ones—have been conspicuously unresponsive to legitimate concerns.

There is resulting student ferment and dissatisfaction. Channels of communication—announced in advance—must be established between responsible students and the administration. Greater student participation, in matters of their legitimate concern, must be arranged and scrupulously nurtured. These students who constitute the great majority, even of the activists, must be treated with consideration. It would be folly to push them into the camp of the New Leftist radicals.

But the line must be drawn—sharply and resolutely—between those willing to observe traditional methods of rational discussion and orderly procedures, and those who resort to lawless coercion.⁸ The latter are the New Leftist revolutionaries. Like their Communist heroes, the only language they understand is force. Such students, and the faculty members who support them in their lawlessness, have forfeited any right to “negotiate” or to remain as members of a university community.⁹

University administrators would do well to remember that history demonstrates the capacity for evil of fanatical minorities. Such minorities have gained control of many of the universities in Latin American countries, with disastrous consequences well known to all who are interested in education. These universities are the models of the New Leftists. Their heroes—admittedly—are Che Guevara, Fidel Castro and Mao Tse-tung.

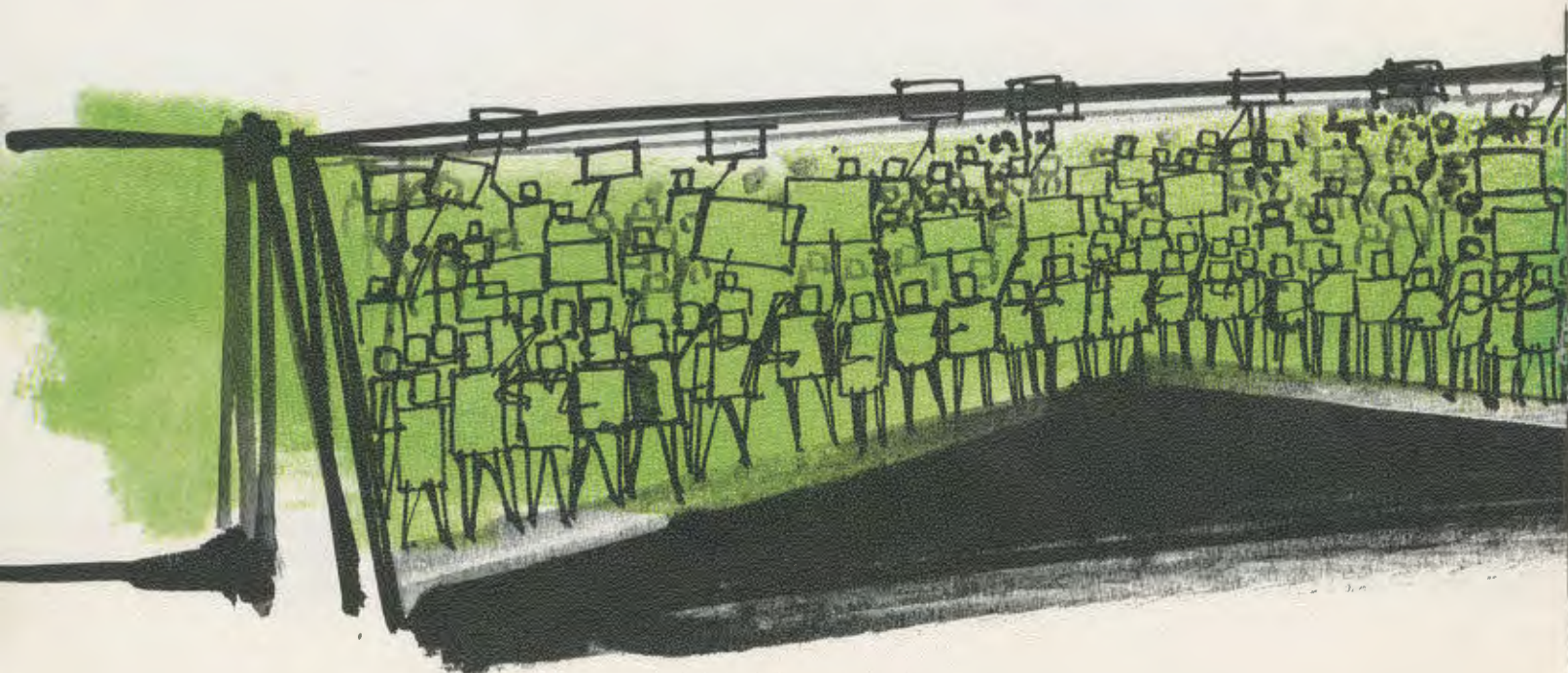
In a broader context, it is important to understand that there is a close relationship between the lawlessness on the campus and that in the streets. The underlying philosophy of the disorders which now rack America is the alien doctrine of civil disobedience. Unfortunately, this doctrine

has been accorded respectability by many influential Americans—including politicians, clergymen and campus intellectuals. These persons appear so enchanted by emotional slogans and causes that they give no thought either to the lawless means employed or to where the disobedience road will lead. With rioting, looting and burning becoming commonplace, this road is leading perilously close to disaster.

As we meet here tonight the headlines and the television screens are full of the so-called poor people’s demonstration in Washington. With the elaborate precautions taken by the government, including the massing of thousands of troops, this may not disintegrate into a riot.

One of the techniques of civil disobedience is the massive street demonstration. Many of these lead to riots and disorder, and even the so-called peaceful demonstration is often a form of coercion which sets a dismaying example. It professes to be an exercise of the right to assemble and petition one’s government. The founding fathers never imagined that these rights would be corrupted and distorted into their present chaotic dimensions. This, indeed, is the type of participatory democracy which the New Leftists want. If carried to its logical conclusion, pressure groups will compete with each other to muster the largest mobs. Representative government will first be bypassed and eventually disintegrate in the inevitable chaos. The ultimate end result will be an authoritarian dictatorship either of the left or the right—with all of the repression that this implies.

I have been talking about the national scene. Here in Virginia, with a state government and with university administrations responsive to the honored traditions of this state, we have experienced few intrusions from the New Left. The presidents and faculties of our universities and colleges, and particularly the student bodies, deserve the commendation and support of our people. President Shannon at the University of Virginia has recently set a splendid example for all to follow in his policy statement with respect to preserving channels of communication while tolerating no lawless conduct.



Now, some concluding comments:

The question most frequently asked is what can responsible citizens do to reverse the trend towards anarchy. There is, of course, no dramatic or easy answer. Yet, it is distinctly possible, unless the apathetic majority soon asserts itself, that the New Leftist minority—with its fierce hatred and utter ruthlessness—will destroy the most cherished values of western civilization.

There are many pressing needs in this country and worldwide—which we cannot discuss at this time. I do not minimize any of them. I do say that none can be met—indeed there will be no opportunity for enduring social progress—unless we preserve an ordered society, governed by the rule of law.

Thus, the first and overriding priority is revitalizing the rule of law. This means the meeting of lawlessness with appropriate force to put it down—whether it be conventional crime, sit-ins on the campus or riots in the streets; it means taking a stand against civil disobedience in all of its forms; and it also means insistence upon the orderly processes of our democratic system, rather than supine toleration of marching mobs of mindless demonstrators.¹⁰

The law abiding, responsible citizens of this country—and these are an overwhelming majority of our people of all races—have been sitting mutely on the sidelines while varying shades of revolutionaries are tearing apart the fabric of our free society.

The time has come for the majority to assert itself, to demand that elected officials, ministers, educators and opinion makers in the media respect and preserve the honored codes of civilized man, and abandon their excessive tolerance of the demands and conduct of the radical extremists.

The great American majority have seemed to be too intimidated or too apathetic to speak out against the New Leftist tyranny, and against those who justify and encourage it. If this silence and inaction continue much longer what has happened to other civilizations in history can and will happen to ours.

¹ Life, May 10, 1968.

² Hearings, Subcommittee of Senate Judiciary Committee, 89th Congress. Part 1, p. 17, et seq.

³ Washington Post editorial, May 14, 1968, quoting article in New Republic: "Everywhere, the purpose (is) to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge".

⁴ See Walsh, What the Students Want, Commonweal Magazine, Nov. 19, 1965, pp. 206, 207.

⁵ U.S. News & World Report, May 20, 1968, p. 40.

⁶ Premier Pompidou, quoted in Washington Post, May 15, 1968.

⁷ Washington Post, May 14, 1968. A student publication at the University of California "The Berkeley Barb", states 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". N.Y. Times Magazine Section, May 18, 1968, p. 104.

⁸ A majority of the law school faculty at Columbia, in supporting the calling of police, said: "Using muscles instead of minds to express dissent has no place in the academic setting". See text of statement, N.Y. Times, May 17, 1968; editorial comment, N.Y. Times, May 18, 1968. Cf. the mishandling at Columbia with the firmness at the University of Chicago, where sit-in students were ordered to leave or be expelled by a designated hour. See editorial, N.Y. Times, May 18, 1968.

⁹ See Interview with Dr. Logan Wilson, President of American Council of Education, U.S. News & World Report, May 20, 1968, pp. 41-44.

¹⁰ As a lawyer, I am mindful of preserving cherished First Amendment rights. But the right to assemble and petition is not unlimited. Massed mobs in the street become unlawfully coercive when they interfere seriously with the rights of other citizens and tend to provoke violence.



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