

Control Over by Involves Schiff Case

Editor Remains, Sides With Faculty Advisor In Holding Stories

By JAMES SCHUTZE

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MSU Editors Resign Michigan

Seventy-Five Years of Editorial Freedom

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aculty advisor would have refused
permission to publish the state-
ments had Welis given his permis-
sion.

Schiff's case is presently being
ried in the U.S. District Court in
Grand Rapids. Schiff claims he
was dismissed from MSU because
of his political activism on cam-

THE SITUATION AT MSU: FREEDOM ISN'T UNIVERSAL

A MICHIGAN STATE student walked wearily from the Heritage Room of State's luxurious Kellogg Center and slumped into a leather chair. He had just finished witnessing in behalf of Paul Schiff before the Faculty Committee on Student Affairs.

"Do you have anything you'd like to say about the hearing for the Michigan Daily?" I asked.

"Sure," he snapped. "Tell them down there that they ought to be damn thankful for whatever freedom they have. Tell them that they should be very grateful they are treated like human beings every once in a while."

The tone of his remarks resounded behind much of the murmured conversation going on in the anteroom. The content of his remarks was clarified in a statement made outside the hearing room by Stu Dowty of the Committee for Student Rights.

"We defend the right of the Young Americans for Freedom to distribute copies of Non Dare Call It Treason. We defend our own right to distribute copies of Logos. In effect, what we are fighting for is the right to freedom of press as guaranteed in the First Amendment. The only problem is that up here the First Amendment only applies to those people the administration decides to apply it to. YAF can distribute Stormer's book without harassment. We are threatened with police action when we distribute Logos!!"

PAUL SCHIFF was expelled from Michigan State University because he allegedly violated the university's distribution policy has a great deal to say about Michigan State itself.

When the Daily asked Dr. Eldon Nonnamaker of the Office of Student Activities for a clarification of State's policy on distribution, Dr. Nonnamaker pointed to a copy of the 1964-65 Sparta Guide. The guide, a hand

book for student organizations states specifically that, "there shall be no door to door distribution of any nature." Schiff distributed copies of Logos door to door. The violation seems to be ridiculously clear.

Hugh Anderson, vice-chairman of the East Lansing Branch of the American Civil Liberties Union, had some remarks to make, however, which put Schiff's case in a different light. "The university has never denied," Anderson said, that three weeks after the distribution, in the May 11 issue of the State News, it was reported that President John Hannah had approved the rule on door to door distribution on May 10. "The rule at the time of the distribution was, as stated by Hannah in a letter to the American Civil Liberties Union in February, that there was no ban or bar on distribution of literature in dormitories or elsewhere."

THE STORY GOES ON. Schiff had been originally refused readmission to the university because he violated the distribution rules, because he participated in demonstrations, and because he criticized the mayor of East Lansing in a public meeting. Someone evidently realized that a student can't be expelled for exercising his First Amendment rights, all of which are involved in the charges above, so a new charge was leveled against Schiff.

Michigan State decided that Schiff, who was admitted as a provisional student, had failed to satisfy the stipulations of his provisional acceptance. Mysteriously, Schiff had already been allowed to reregister for another term when this decision was made. Mysteriously, he had been allowed to pay fees for another term. Mysteriously, a copy of transcript indicating that his status had been changed from provisional to regular was "corrected" to return his status to that of a provisional student.

Schiff was not justly treated by Michigan State when he was refused readmission for exercising his First Amendment rights. Schiff was probably not justly treated when Michigan State accused him of misrepresenting his status as a student.

The wrong against Schiff will not be righted by less than a decision of the Faculty Committee on Student Affairs offering him immediate readmission, the permanent removal of any slur of his character from his academic record, and an apology from President Hannah.

WHAT LESSON can be drawn from the case of Paul Schiff?

President Hatcher stated to a meeting of University alumni Tuesday that, "As citizens, students have the same freedom of speech, peaceful assembly, and right of petition guaranteed to all citizens by our Constitution."

The administration of the University has endowed the student body of this institution with an atmosphere of democratic freedom of expression: to abuse either that freedom or its use by persons we consider mistaken or offensive is to invite the developments of an atmosphere like the one prevailing at Michigan State.

Wise students will receive this statement as a challenge to both responsible and active exercise of a freedom not everyone enjoys.

—JAMES SCHUTZE

Reprinted from THE MICHIGAN DAILY

Editorials printed in THE MICHIGAN DAILY express the individual opinions of staff writers or the editors.

On June 21, 1965, Paul M. Schiff was denied readmission to Michigan State University. Previously a graduate student in economics, Schiff had been accepted to do graduate work in the History Department.

During the summer and early fall, rumors and speculation abounded: the case was before the public, but the facts were in a state of flux.

It was not until after a Federal District Court ruling on October 14 that the University formally specified its reasons for denying Schiff readmission, and granted him a hearing in which he could defend himself against the charges.

For the first time the "Schiff Case" Documents are being presented to the University community for their examination. The two documents printed here are Vice-president Muzak's reasons for Denial of readmission, and Paul Schiff's Answer (minus exhibits and affidavits). They are the basic documents which the Faculty Committee must weigh in reaching its decision on Schiff's status.

On Nov. 16, the State News was given copies of these documents at its request. But on the orders of its faculty advisor and general manager, Louis Borman, it refused to publish them, contending that their publication at this time might "prejudice" the deliberations of the Faculty Committee.

This action by Borman was acquiesced to by Editor-in-Chief, Charles Wells, but provoked cries of censorship from the rest of the editorial staff--and their subsequent resignations from the State News. (Many other staff members also resigned in protest.) Apparently the new staff did not feel that this action was newsworthy to the University community. No comment appeared in the next issue of the paper, MSU students and faculty received its information from copies of the Michigan Daily (3000 copies were sold on campus on Friday, Nov. 19.)

CSR is printing the two documents at this time because it fails to understand how public knowledge of the facts in this case could prejudice the members of the Faculty Committee one way or the other--unless one questions the competence of these faculty members to decide the case on its merits alone.

Paul Schiff specifically requested that his hearing be open to the public. The choice between an open and a closed hearing is traditionally accorded to the defendant, even at MSU. Schiff's request was denied; the University opted for secrecy.

Why?

Perhaps the publication of these documents will provide a partial answer. We print them without further comment, but with the hope that the transcript of the entire proceedings will shortly be made public by the University.

THE

SCHIFF

DOCUMENTS

FUZAK'S CHARGES

SCHIFF'S

RESPONSE

IN REAPPLICATION OF PAUL M. SCHIFF FOR
READMISSION TO MICHIGAN STATE UNIVERSITY AS
A GRADUATE STUDENT AND A CANDIDATE FOR A DEGREE

John A. Fuzak, Vice President of Michigan State University and acting with authority in its behalf, specifies the following reasons for the denial of said petition for readmission, in accordance with the direction of the District Court for the Western District of Michigan, Southern Division:

1. Said petitioner has openly and defiantly refused to abide by a regulation of said University, approved and adopted at the request of students living in dormitories on the campus, prohibiting door-to-door distribution was attempted during the night time.
2. Said petitioner refused to desist from his violation of said regulation when requested to do so and in a publication periodically made by him, ostensibly on behalf of a student organization which was not recognized by the University, ridiculed the reasons for said regulation and publicly announced through a publication especially conducted by him on behalf of said unrecognized group, known as the Committee for Student Rights, that said regulation would be opposed.
3. Because of his defiant attitude and open attack on the enforcement of a reasonable regulation of the University, petitioner encouraged others to indulge in like conduct. Circulation of publications, including that as conducted by petitioner, was permitted in dormitories by placing the periodical known as "Logos" at a designated place in each dormitory where anyone desiring it might take it.

4. Petitioner refused to recognize and abide by a regulation of the University requiring student organizations to secure recognition from the institution before functioning upon the campus. His conduct was such that it resulted in the encouragement of students and others to disregard said regulation, which was essential to the orderly conduct of student affairs.
5. The open and defiant course of conduct in which petitioner indulged was deliberately pursued by him in order to discredit the University, the administration of the affairs thereof, the faculty, and the student body. Such course of conduct was pursued deliberately, with the obvious purpose of accomplishing such results, and in total disregard of the obligations imposed on the Board of Trustees, the administrative officers and the faculty of the institution under the Constitution and laws of the State of Michigan.
6. Petitioner, at a public meeting on the campus of the University, subjected a member of the faculty to public ridicule, and by his words and conduct on said occasion, induced students of the University to participate in acts of civil disobedience.
7. Said petitioner was first enrolled as a student in the University on a provisional basis, that is, under the requirement that he maintain a satisfactory academic record in seeking a degree. Petitioner has taken the position improperly that he had satisfactorily complied with the provisional requirements and that upon completion of a thesis was eligible to receive a degree. The facts in this respect are wholly at variance with the petitioner's claim of regularly pursuing a degree at Michigan State University.
8. The conduct of petitioner, as above mentioned, and the unsupported claims that he has advanced, are such as to justify and require in the protection of the aims and purposes of Michigan State University, that he be denied readmission thereto.

Dated at East Lansing,
Michigan this 22 day
of October, 1965.

Respectfully submitted,

John A. Fuzak

RE: PAUL M. SCHIFF: DENIAL OF READMISSION TO
MICHIGAN STATE UNIVERSITY

Answer to list of reasons submitted by Vice-President John A. Fuzak for the denial of my readmission to Michigan State University as a graduate student and as a candidate for a degree.

* * * * *

I have received a list of reasons for the denial of my readmission to Michigan State University for the summer term, 1965. The document, dated October 22, 1965, submitted to me in accordance with the opinion of the United States District Court for the western District of Michigan, by John A. Fuzak, Vice-President for Student Affairs, includes eight numbered paragraphs. I will reply to them in the same numerical order in which they have been set down by Vice-President Fuzak:

1. I am charged with "openly and defiantly" violating a regulation prohibiting door-to-door distribution of literature in University residence halls. While the charge is unspecific with respect to time and place, I understand from previous communications with Vice-President Fuzak and Eldon Nonnamaker, Dean of Students, that this charge refers to my distribution of the Committee for Student Rights (CSR) newsletter, "Logos", in Case Hall on April 23, 1965.

Although I was aware on April 23 that the Faculty Committee on Student Affairs had on or about the same day recommended a new rule prohibiting the door-to-door distribution of literature in student dormitories, it was and is my understanding that the new rule would not become effective unless and until approved by University President John A. Hannah or the Board of Trustees.

The first notice that I received that the new rule had been approved and become effective was on May 11, 1965, some three weeks after the incident occurred, when the following information was conveyed by the "State News":

President John A. Hannah approved Monday (May 10) the new printed material distribution policy in a letter to the chairman of the Faculty Committee on Student Affairs.

The proposals by the Mens Halls Association and Women's Inter-resident Hall Council can now be considered official University policy, said Charles Titkemeyer, associate professor of anatomy and committee chairman.

Until President Hannah approved the new distribution rule, the official policy of the University was to the best of my information and belief, that set forth in a letter from President Hannah to Mrs. Roy Emery, Secretary of the Lansing Branch of the American Civil Liberties Union, dated February 24, 1965, a copy of which is attached as Exhibit A:

...The University has provided no ban or bar to the distribution of their (CSR) publications, which have been distributed through the dormitories and elsewhere, and it is not planned to inhibit in any way such distribution by them or by any other group.

I deny that the new distribution rule is desirable or necessary, but regardless of my lack of sympathy with or respect for the rule, I have complied therewith since its approval by President Hannah. I have made or caused to be made no distribution of literature door-to-door in the dormitories since April 23, 1965.

My distribution of "Logos" in Case Hall on April 23, 1965, was performed in a way that would not annoy or harass the residents, by quietly sliding the pamphlets under room doors.

2. As above stated, I violated no existing rule of the University in the distribution of "Logos" on April 23, 1965, or at any other time.

I admit that I argued in the April 23, 1965, issue of "Logos", a copy of which is attached as Exhibit B, that the proposed new distribution rule was badly conceived, should be rescinded before its implementation and that CSR opposes the rule. I deny that I "ridiculed" the rule, if such allegation be material, but instead say that my article in "Logos" was a serious effort to demonstrate the unsoundness of the rule, for the purpose of persuading the University's administration not to adopt or implement the proposed rule. I pointed out in the "Logos" article that the new rule raised First Amendment issues of freedom of press; that it inhibited communication; that it would have little effect upon the maintaining of quiet and privacy in the dormitories; and that it appeared to be directed primarily at CSR.

My right to continue my education at the University cannot and should not be denied on the basis that I publicly disagreed with a proposed change in University policy. I do not believe that the proper functioning of the University required that students either publicly express approval of proposed or existing rules or remain silent.

3. I am charged with having a "defiant attitude", which even if true is not a proper basis for denying my right to continue my education at the University in the absence of improper conduct. I deny that I have a "defiant attitude" within any normal meaning of those words. Instead, my attitude is one of earnestly and conscientiously attempting to help improve the University as a community of scholars and teachers. This, I believe, can be done only by criticizing aspects of the University which need improvement and offering proposals to bring about that end.

I am charged with making an "open attack" upon a "reasonable regulation" but my right to criticize the new distribution rule cannot depend upon whether that rule is "reasonable in the view of the Administration. Although my public criticism of the rule may have encouraged others to make similar criticisms, I have at no time advocated disobedience of

the rule, but instead urged in "Logos" that the rule be rescinded (see Exhibit B). Indeed, I have urged students to not violate the rule.

4. I am charged with refusing "to recognize and abide by a regulation...requiring student organizations to secure recognition from the institution", and, by my conduct, encouraging other students "to disregard said regulation". It is further alleged that this rule "was essential to the orderly conduct of student affairs."

I deny that CSR is or was in violation of any University rule in failing to seek or obtain "recognition." Section 13 of the regulations promulgated by the All University Student Government, relating to recognition of student organizations, provides only that "A defunct organization (one not chartered by Student Government) shall be considered nonexistent and shall have no rights or privileges as an organization." The University has never interpreted the "recognition" rules as prohibiting student membership in CSR or any other unrecognized group. CSR has continuously and publicly functioned since fall, 1964, and functions today, yet to my knowledge no officer or member thereof has been advised by the University that he is in violation of the rules. To my knowledge, no member of CSR other than myself has ever been disciplined in any way on the basis of such association per se.

I spoke to Vice President Fuzak two or three times during winter term 1965. I was never advised or informed, verbally or in writing, that, by virtue of being the editor of "Logos", I was in violation of a University regulation requiring the registration of student organizations. As shown by Exhibit A, President Hannah recognized the right of CSR to function on campus without recognition.

On information and belief, this fall at least two representatives of CSR, Bary Sommer, Executive Secretary, and Gary Sawatski, On-campus Coordinator, personally discussed with several officials of the University issues of concern to CSR, including distribution of CSR literature, but were not advised that they or CSR are in violation of any University rule.

Even if University rules require CSA to be "recognized," I neither have nor had authority to apply for such recognition on behalf of CSA.

The rules of the All University Student Government, if construed so as to make membership in CSA unlawful, are in violation of the First and Fourteenth Amendments to the United States Constitution, in that they arbitrarily prohibit free association, assembly, speech and press. CSR is a loose association of students and others formed for the purposes, inter alia, of improving the climate at the University for discussion and debate of public issues; improving University library facilities; improving and clarifying the rules affecting student conduct; and bringing about equal housing opportunities for all students in the East Lansing community. The right to associate for these purposes can not be made to depend upon the approval of Student Government or the meeting of the intricate requirements of the "recognition rules" set forth at pages 2-9 of "Sparta Guide," Fall 1964 Edition.

I deny that the application of the "recognition rule" to CSR is essential to or helpful in the orderly conduct of student affairs. If the application of the rule to CSR is essential, the proper method of applying the rule is to notify CSR through its officers that it must seek recognition, rather than arbitrarily denying my readmission without prior notice that such action would or might result from membership in CSR. Such penalty is wholly unnecessary, is unduly harsh, and is discriminatory.

5. I deny the charges that I indulged in a "defiant course of conduct" or that I have at any time attempted to discredit the University, its administration, the faculty or the student body. I object to this charge being made without specifics as to how anything I have ever done since becoming a student at the University in the fall quarter of 1963 has brought discredit to the University or any segment of the University community. If this charge relates to the charges in paragraphs 1 through 4, I deny that the distribution of "Logos" on April 23, 1965, my editorial

in the April 23 issue of "Logos" criticizing the new proposed distribution rule and suggesting an alternative thereto, and my membership in an organization that has not sought University recognition, have brought, or are bringing, discredit to the University.

On the contrary, my participation in CSR has had the purpose and effect of bringing credit to the University and of making the University an institution that may be held in higher repute throughout the country. I have vigorously advocated in "Logos" and elsewhere the improvement of University library facilities; I have attacked the unreasonableness of University housing rules, which through the efforts of myself and many others were modified and made more reasonable this year; I have attacked the arbitrary imposition of discipline by University officials not based upon any clearly defined University rules or policies; I have attacked the restrictions and inhibitions upon free speech and free discussion placed by the University's administration, such as those brought to bear upon me in this case; and I have vigorously urged that the University publicly state its support for an ordinance in East Lansing that would assure equal housing opportunities for all persons in the University community regardless of race or religion. It has been and is my belief that the University has not acted with credit to itself in the aforementioned areas and that if the University changed its policies and rules in these areas, it would achieve greater status and respect in the community of universities and colleges.

To be sure, CSR has subjected both individuals and practices to criticism, feeling critical evaluation to be our inalienable right and duty. However, our aim has never been to simply ridicule and demean, but to hopefully induce the types of changes that would benefit Michigan State University -- that would enable it to better fulfill the promises of an educational institution and its own stated ideals.

Perhaps it is unnecessary to belabor this point, but I think what is "discrediting" to a University is usually a matter of opinion, and rarely a matter of incontrovertible fact. I am informed and believe that in July, the Michigan State University chapter of the American Association of University Professors (AAUP) sent a letter to President Hannah, urging him to reconsider the decision not to readmit me. The AAUP listed three reasons for this position. One of these was that this action by the administration would hurt the academic reputation of Michigan State University throughout the country. In other words, in the opinion of the AAUP, the action taken by the administrative officials of Michigan State University has tended to discredit the University. See, also, the "Statement on Faculty responsibility for the Academic Freedom of Students," AAUP Bulletin, Autumn 1964, pp. 254-257, attached as Exhibit C.

I am anxious to resume my studies at Michigan State University. I wish to pursue a program leading to a Master's degree, and perhaps to a Doctoral degree. I do not wish these degrees from a discredited institution.

I deny that "the bringing of discredit to the University" is a proper basis for the denial of my right to continue my education at the University, when the basis for such charge lies solely in the exercise of my First Amendment rights of speech, association, and press on subjects of vital concern to the University, its faculty and students.

6. Vice President Fuzak charges in paragraph 6 that I subjected a member of the faculty to public ridicule at a meeting on the campus and induced students at the University to engage in acts of civil disobedience. Although no specifics as to time, place or the person "ridiculed" are stated in the charge, I can only guess that it refers to a meeting of the National Association for the Advancement of Colored People (NAACP) held in late May, 1965, at which Mr. Gordon Thomas, of the Speech Department, spoke in his capacity as Mayor of East Lansing. At such meeting, in a heated debate, I

verbally attacked Mayor Thomas for refusing to acknowledge that he had previously told civil rights leaders that he favored city legislation requiring applicants for rental licenses to file a non-discriminatory pledge. This, of course, I had a right to do pursuant to the free speech guarantee of the First Amendment of the United States Constitution and a moral obligation to do since the issue was of vital public concern.

I deny that at the aforementioned meeting I induced University students to participate in acts of civil disobedience. I did participate with 58 other persons, mostly students, in a peaceful demonstration in front of the East Lansing City Hall, urging the adoption of a fair housing ordinance. Although 59 demonstrators were arrested and charged with obstructing traffic, 56 of those persons (including myself) did not plead guilty and our cases have not yet come to trial. Even should I subsequently be convicted of obstructing traffic, such a violation occurring in the context of the conscientious struggle for equal opportunity is not evidence of my unsuitability for continued education at the University. In my view, the 59 demonstrators (including myself) were pursuing the highest purposes and goals of the University in demonstrating our concern with discriminatory housing in East Lansing and our courage to subject ourselves to possible fine or imprisonment in pursuit of this democratic ideal. The University could only bring discredit upon itself by heaping additional penalties upon penalties, if any, imposed by civil authorities for our expression of support for equal housing opportunities.

7. I admit that I was first enrolled as a student at the University in the fall quarter of 1963 on a provisional basis, and that I was required to maintain a satisfactory academic record in seeking a graduate degree. To the best of my knowledge and belief, the exact terms of my provisional standing were that I complete two basic courses in Economics which I had not taken as an undergraduate with a grade of B or better. Having completed both courses with a grade of B, I was at the conclusion of winter quarter, given the status of a regular student, and I am informed and believe this is shown by

the transcript of my academic record in the files of the University, a copy of which is attached as Exhibit D. I object to a charge now being made for the first time that my academic record is in any way deficient, since this matter was not advanced as a reason for the denial of my right to continue my education at the time of such denial in June of 1965, or at the time on June 23, 1965, when I requested of Vice President Fuzak a statement of the reasons for my expulsion. On information and belief, on or about June 23, 1965, Vice President Fuzak, in response to inquiries by several members of the faculty, specifically and categorically denied that my academic performance had anything to do with my expulsion, as shown by the affidavits of Professors Charles Larrowe and Russell Allen, attached hereto. In addition, I was accepted on June 3, 1965, for admission to the school for advanced graduate studies to pursue a Master's program in History after a review of my academic record, as shown by the letter to me from Walter R. Fee, Chairman of the Department of History, dated June 3, 1965, a copy of which is attached as Exhibit E.

On October 27, 1965, I talked with Professor John Henderson, Director of Graduate Studies in the Economics Department, and was told that nothing in my academic record precluded further study at this University.

I am unable to respond to the charges contained in the second and third sentences of paragraph 7, which, allege that I have improperly taken the position that I have complied with the requirements for obtaining a Master's degree, other than completion of a thesis, or, that the facts are "wholly at variance" with my claim of regularly pursuing the degree. I request therefore, that such charges either be withdrawn, or, in the alternative, made sufficiently specific that I may respond thereto.

I have never been advised or notified, formally or informally, by anyone connected with the Economics Department, the College of Business, or the University Administration that my academic record to date precludes me from obtaining a Master's degree upon satisfactory completion of my thesis in Economics and the passing of an oral examination.

8. I deny that any of the conduct referred to in the prior seven charges, no matter how broadly such charges are construed, could justify denial of my right to continue my education at the University. I deny that the protection of the aims and purposes of the University require and justify the denial of my readmission, and object to this charge as being so vague as to be meaningless and for failure to specify what specific aims and purposes of the University require denial of readmission. I deny that I have advanced "unsupported claims," and request that this charge be withdrawn in the absence of being advised as to what claims I have made that are unsupported. I deny that the making of "unsupported claims" is a proper ground for denial of readmission, at least in the absence of the most unusual circumstances not shown here. If "unsupported claims" refers to my criticism of the University's new literature-distribution rule and my proposal of a substitute therefor, I deny that such criticism is or can be a proper ground for my expulsion.

RELIEF REQUESTED

I request that those charges which are so vague and unspecific that I was unable to respond thereto in this answer be made sufficiently specific to enable me to answer, or that they be withdrawn.

I further request that paragraphs 6 and 7 of the charges, dealing with the criticism of Mayor Thomas and my academic standing, respectively, be stricken for the reason that the denial of my readmission to the University was not based upon such charges, as more fully set forth in

my complaint filed with the United States District Court for the Western District of Michigan, Docket No. 5147. Such charges are mere after-thoughts, raised for the first time, long after the denial of readmission.

I further request that upon conclusion of the hearing on the charges against me, the person or persons conducting such hearing advise me of their decision in writing with a statement of the facts and reasons in support of the decision made.

Respectfully submitted,

Paul M. Schiff

BEFORE THE FACULTY COMMITTEE ON
STUDENT AFFAIRS of MICHIGAN STATE UNIVERSITY

RE PAUL M. SCHIFF: DENIAL OF READMISSION

Summary of Testimony
of Witnesses for Paul M. Schiff

To the Faculty Committee:

I am advised that the following persons will appear before your committee to testify or be examined upon the indicated subjects on November 16, 1965:

Brian Keleher:

Mr. Keleher, a student, will rebut and explain that portion of witness Andriga's testimony concerning the alleged violation of the University's speakers policy by the Socialists Club.

Stuart Dowdy:

Mr. Dowdy, a graduate student, will testify that the distribution of Logos by Mr. Schiff and himself in Case Hall on April 23, 1965, was quiet and orderly; that such distribution was not in violation of existing rules of the University; that he was summoned to appear before a "fact-finding committee" in May, but was not disciplined in any way. Mr. Dowdy will also testify that he was executive secretary of CSR; that he, if anyone, had the authority to seek University recognition of CSR; that neither he nor CSR was requested to seek recognition by University authorities; and that CSR voluntarily decided to forego the privileges incident to "recognition", such as use of University facilities.

Michael Kindman:

Mr. Kindman, a student, will testify with respect to the NAACP meeting at which Mayor Thomas spoke, and the demonstration which followed, referred to by Witnesses Hankins, Patriarche and Fuzak.

Hartford Jennings:

Mr. Jennings, a student, will testify that Mayor Thomas did in fact misstate the truth at the NAACP meeting; and that he, Jennings, was the leader of the demonstration the same evening in East Lansing.

Hugh B. Anderson:

Mr. Anderson, a Lansing attorney and Vice-Chairman of the Lansing ACLU, will testify with respect to statements made by Witness Fuzak at a meeting on July 19, 1965, in President John Hannah's office.

Russel Allen:

Professor Allen will be available for examination upon his affidavit previously filed in this matter.

Walter Adams:

Professor Adams of the Economics Department will offer in evidence the letter of the AAUP to the Administration, relating to Mr. Schiff's denial of readmission, and will rebut the characterization given by Witness Fuzak to the oral representations made by AAUP representatives.

Charles Larrowe:

Professor Larrowe of the Economics Department will testify that Mr. Schiff had good reason to believe, until November 9, 1965, that he was in good standing in the Economics Department; that it is unusual to alter a student's official transcript by retyping, as was done recently with respect to Mr. Schiff; that Mr. Schiff's failure to register for the Spring quarter of 1965 is not unusual; that the recent review of Mr. Schiff's standing in the economics department is unusual; and that the "T" appearing on Mr. Schiff's transcript, testified to by Witness Lancilotti, has no meaning to him.

Gary Sommer:

Mr. Sommer, a student, will testify that he is now the Executive Secretary of CSR, that he has not been requested by the Administration to seek recognition for the group; that Mayor Thomas did misstate the truth in the NAACP meeting referred to by Administration witnesses; and that the demonstration in East Lansing was led by Hartford Jennings and Mr. Sommer, and not by Mr. Schiff.

Paul M. Schiff:

Mr. Schiff will explain and rebut certain portions of the testimony of Administration witnesses.

Respectfully submitted,

PAUL M. SCHIFF

THE SCHIFF CASE: THREE MAJOR MYTHS

(Comments on the chronology of the Schiff case by Professor Charles P. Larrowe at the AAUP meeting, December 13, 1965)

I think the best way for me to discuss the chronology of the Schiff case is to comment on three major myths concerning it and ask you to refer to the chronology as I go along. These myths, which I gather enjoy ^{Some Currency} ~~wide acceptance~~ among the faculty, are:

- (1) The administration has presented an accurate account of the case.
- (2) Paul Schiff's scholastic record is not good and he did not have the status of a candidate for a degree;
- (3) The faculty committee on student affairs is, in truth, a faculty committee and, as such, its report deserves respect.

* * *

I will now discuss each of these myths, beginning with the first -- the administration has presented an accurate account of the case.

It has not, for regrettably, someone seems to have misinformed President Hannah about the facts in the case. Those of you who were at the academic senate meeting on December 1 will remember that the president told us that vice president Fuzak wrote Mr. Schiff on a Tuesday -- September 21, 1965 --

informing him that if he wanted to apply for readmission for fall quarter, he should do so before Friday, the 24th of September. The president went on to say -- in effect -- that upon receiving this letter, Mr. Schiff filed his suit in federal court. The president's remarks to the senate were, more precisely: (quote)

"On the 23rd of September, the student's attorneys filed suit in federal court, charging that the denial of readmission violated the student's rights under the First and Fourteenth Amendments. When this happened [he emphasized this, you will remember -- when this happened] the university felt it had to defend itself..." (unquote)

But the president was ill-served by whoever briefed him on the sequence of these events. This is regrettable, for the sequence of these events -- the exchange of letters and the filing of the suit -- has a critical bearing on how one feels about how Mr. Schiff and the administration have conducted themselves in this whole affair.

If the president was provided with a garbled chronology of the case, what are the facts?

If you will turn to pages 1 and 2 of the chronology, you will see that Mr. Schiff signed the complaint and brief before a notary on September 16 -- five days before he received any notification from the university that he would be considered for readmission. The suit was filed in the federal court in Grand Rapids at 2:30 PM on September 20. That was a Monday -- a day to keep in mind as we continue.

So Mr. Schiff's suit was filed by his attorneys at 2:30 PM on Monday. On Tuesday, a special messenger bearing vice president Fuzak's letter, also dated, as the chronology shows, September 20, was hand-delivered to Mr. Schiff. On Thursday, Mr. Schiff's reply was hand-delivered to vice president Fuzak's office.

An accurate chronology of the case, then, leaves one with quite a different impression of Mr. Schiff's behavior in that crucial week in September. I repeat, the papers filed in federal court on his behalf were out of his hands on September 16. At that time, the administration had given Mr. Schiff -- and, indeed, the ACLU, and the officers of our AAUP chapter -- the impression that he had little if any hope of being readmitted.

The most unfortunate aspect, it seems to me, of the lapse from accuracy in the administration's account of the case is the impression it leaves that Paul Schiff waited until university officials made a generous overture to him and then ^{he} slapped them with a law suit. The record does not support that hypothesis. Indeed, it suggests an opposite one. Put the most charitable construction you can on the written record of this case and this is what you have: On September 20 -- that magic Monday -- two things happened. A suit was filed at 2:30 PM and a letter was written to Mr. Schiff saying that if he applied for re-admission, he might be taken back into the fold.

So much for the myth that the administration has presented an accurate account of the case.

I come now to the second major myth. As the university's brief to the federal court says: (quote) "Paul Schiff's scholastic record was not good and he did not have the status of a candidate for a degree." (unquote) In other words, as I have heard some of my colleagues say, Paul Schiff is an academic bum.

The basis for this myth is this: when Mr. Schiff was admitted as a provisional master's candidate in fall quarter, 1963, the economics department stipulated that he must achieve grades of B or better. In his first quarter, he did so, getting two As and three Bs. In his second quarter, he did so, getting four Bs. Had it not been for an oversight, one assumes, his status would have been changed from provisional to regular at the end of his second quarter. Had that been done, he would then have been subject to a standard requirement that he maintain a B average to qualify as a candidate for the degree.

His third quarter was spring, 1964. He got one A and two Cs. His cumulative average was still B-plus. But if the department had held him to the conditions of his admission, he could have been dropped. He was not.

In his fourth quarter, we continued to accept his tuition. He got a B, a C, and a deferred grade for the three thesis credits he had enrolled for. Once again, while he still had B average, he could have been dropped under the terms of his admission. He was not.

Winter quarter, 1965, was the fifth in which he registered for credit: one history course and six thesis credits. He got a B in history and a deferred grade for the thesis credits. He had now taken all the courses needed for the degree; and his B average did not distinguish him from many other masters' candidates in the department. He could, of course, have been dropped at the end of this fifth quarter for having received Cs in some of his courses along the line. He was not.

In spring quarter, he did not enroll. He did not as yet have an approved thesis subject, though he had submitted a proposal to his thesis adviser. This was the quarter when he decided he was disenchanted with economics and applied to the history department to do graduate work in history. This was the quarter, too, when he distributed "Logos" in the dormitory. It was also the quarter when, as the university's brief to the federal court points out: (quote)

"...the organization for which the plaintiff claims the right to speak was engaged, through some of its members at least, in certain disorderly conduct, commonly referred to as demonstrations. On one occasion, such conduct was directed against the common council of the City of East Lansing in an attempt to bring about the enactment of an ordinance for so-called 'open housing,' which occurrence resulted in much publicity to the detriment of the University. On another occasion, a demonstration in the form of a parade or march was conducted for the purpose of

bringing about certain changes in library management, which apparently plaintiff and his associates desired. The result of these occurrences and the defiant attitude of plaintiff and others whom he claims to represent was to cast reflections on the University and on its student body as a whole." (unquote)

In other words, he was a trouble maker on civil rights and a trouble maker on the university library.

In late June, after Mr. Schiff had been denied readmission and some of us on the faculty were asking members of the administration for the reasons, an assistant dean in the college of business made a discovery. Mr. Schiff's scholastic record was not good. He had not earned grades of B or better. And so, as you will see on page 1 of the chronology, the assistant dean ruled that Mr. Schiff (quote) "did not have the status of a candidate for a degree." (unquote) But neither the assistant dean nor any officer of the economic department, nor of the college, did Mr. Schiff the courtesy of notifying him that his academic record was flawed.

In the Williams committee hearings, Mr. Schiff was charged with misrepresenting his academic status. The implication of the charge was that he was an academic bum, he knew it, yet he pretended to be a legitimate student. The record does not support this contention. His scholastic performance -- a B average -- may not be good, but it's good enough.

So much for myth number two.

Now for the third major myth: the faculty committee on student affairs is, in truth, a faculty committee and, as such, its report deserves respect.

This myth shares with myth number two an element of truth. For this committee is, indeed, composed of faculty members. But referring to it as a faculty committee implies more than that. It implies that the committee is in some way representative of the faculty, has presumably been elected by the faculty, and is responsible to the faculty.

Recently I asked Dean Combs, secretary to the faculty, how this committee was selected. He consulted a bulky looseleaf notebook containing rules and regulations adopted by the university over the years. Failing to find in the notebook the answer to my question, he answered from memory. To begin with, he told me, when the committee is at full strength it has 11 members, one from each college. When the term of a member expires, the dean of his college sends three names to the committee on committees. The committee strikes one name, sends the other two to the president. The president chooses one of the two, appoints him to a three-year term.

How do deans choose the three names to send to the committee on committees, I asked. It varies according to the college, he answered. In one, the faculty might take a vote. If that were done, the names of the three persons getting the largest number of votes would be sent to the committee on committees. In another, the dean might ask his advisory committee to suggest three names.

In still another, the dean might pick three names without consulting anybody.

So much for the accountability of the Williams committee to the faculty at large.

Aside from the method of its selection, the question remains: does the committee's report deserve respect? If you will turn to page 1 of the chronology, you will find that on June 23, Mr. Schiff went to vice president Fuzak and asked if he could have a hearing before the faculty committee on student affairs. Vice president Fuzak told him no, that only a few weeks earlier he had told the committee about the action his office had taken with respect to Mr. Schiff, and that the committee had concurred in the action.

So much for the impartiality of the Williams committee when it sat as a jury in the October hearings directed by the federal court. In most administrative procedures I have studied in my professional work, the counterparts of the Williams committee would have disqualified themselves.

Turning now to the October hearing itself, if you will refer to page 3 of the chronology, you will see that on October 25, the president and the chairman of the academic freedom committee of our chapter of AAUP appeared before the Williams committee. Our representatives urged the committee to adopt the hearing procedure set out in the AAUP Bulletin of Autumn, 1964.

The national AAUP recommendation is that if it appears that a student might be exposed to serious sanctions such as suspension, he should have the right to appeal to a hearing board composed of

faculty members selected by the faculty. The hearing board proceeding should be de novo, without reference to any matter previously developed in informal proceedings. Two other features of the national AAUP procedure are pertinent to the question of how we should view the Williams committee hearings. One is that the student should have the right to be represented by legal counsel, and to cross-examine adverse witnesses. The other is that, subject to the student's waiver, the hearing should be open. The Williams committee chose to reject these two recommendations, on the basis of a narrow interpretation of the court order directing that a hearing be held.

As Professor Williams said in his report to the senate:
 (quote) "The court directed that the body conducting the hearing should follow the procedure set forth by the judges who handed down the decision in Dixon v Alabama." (unquote)
 And in that case, the hearing had been closed and cross-examination not allowed.

But what the court in Grand Rapids told the university was that after Mr. Schiff had been given written charges and time to answer, he (quote). "...should be afforded an audience with the appropriate administrative authorities of Michigan State University..." and "...such audience shall be conducted in accordance with the guidelines laid down in Dixon v. Alabama." (unquote) As the president of our AAUP chapter told the Williams committee in October, when the committee was laying plans for the hearing, and again at the December 1 senate meeting, a reasonable interpretation of the court's order is that it

meant: give the student at least as good a procedure as Dixon was given. The Williams committee, I submit, was not legally prevented from going beyond the limited due process Mr. Dixon got at the hands of his college in Alabama.

So much for myth three.

* * *

What then is left of the three myths? For myself, I tick them off as follows:

(1) Because of a comedy of errors, the administration has not given us an accurate account of this case;

(2) The innuendo that Paul Schiff is an academic bum is ex post facto.

(3) The Williams committee hearings did not meet the standards laid down in the national AAUP recommendations for protecting the academic freedom of students.

A Position Paper

on the

Resignation of Six Staff Members

from the Editorial Board and News Department

of the State News

Over Differences on Editorial Policy

Various faculty members have made inquiries regarding the circumstances of the resignation of four editors from the editorial board and of two senior reporters from the reportorial staff of the State News on November 18, 1965. So that those in the academic community can be apprised of the sequence of events and of the circumstances that influenced the resignations, this position paper has been prepared.

* * *

Paul Schiff, a graduate in the Department of Economics, applied to the University in the summer of 1965 for readmission to continue his graduate study in the Department of History. His application was accepted by the Department of History, but subsequently Schiff's admission was denied by the University administration.

The State News, which publishes twice weekly during the Summer term and every class day during Fall, Winter, and Spring terms, gave brief news coverage during the summer of Schiff's attempt to seek readmission to the University. Eventually Schiff sought relief by filing charges against the University in the Federal District Court for Western Michigan at Grand Rapids, claiming the University had refused to allow him to register because of his campus political activity. The Lansing branch of the American Civil Liberties Union supported Schiff in his legal action.

The State News published brief news accounts of these events.

In October, the United States District Court at Grand Rapids remanded the case to the University, granting a 90-day period in which to resolve the controversy that had arisen from Schiff's request for readmission. Dr. John A. Fuzak, Vice President for Student Affairs, acting in accordance with the court's request, sent Paul Schiff a letter in which he specified the charges that had prompted the University to deny his readmission. The University Faculty Committee on Student Affairs, with Dr. Frederick D. Williams, associate professor of history, as chairman, was asked by the University administration to review Dr. Fuzak's letter to Schiff to determine whether the University had acted properly in denying Schiff's readmission. Schiff requested additional time to answer the charges brought by the University, and after his reply was given to the Faculty Committee on Student Affairs, closed hearings began in early November.

As the Faculty Committee met to determine whether Schiff should be readmitted to the University, speculation was widespread on campus as to what the University's specific charges against Schiff might be. Against this background the events of November sixteenth and the next eight days assume significance.

TUESDAY, NOVEMBER 16

About 5 p.m. Paul Schiff came to the State News office and gave copies of the University's charges and his reply to the charges to Jim Sterba, the campus editor.

Sterba had asked Schiff three weeks earlier if he would give the documents to the State News. Sterba had not agreed that they should be run in total, or at all.

Schiff had refused to give him the documents at the time because Sterba would not give him assurance that they would be published verbatim.

Dave Hanson, Administration reporter for the State News, had tried to obtain the documents from University officials. He had asked Dr. John A. Fuzak, Vice President for Student Affairs; James A. Denison, Assistant to the President; and Dr. Frederick D. Williams, chairman of the Faculty Committee on Student Affairs, if the documents would be available. Dr. Fuzak said the University would not provide the State News with the documents, but he said he saw nothing wrong with printing them if Schiff provided them. Dr. Williams declined comment on the case, other than stating the time and place of the Faculty Committee hearings. Mr. Denison had prepared background material for the Faculty Committee before the first hearing. Hanson asked Mr. Denison for a copy of the material and was told he first must have permission from Dr. Williams, the committee chairman, before he could be given the material. Hanson talked with Dr. Williams, who telephoned Mr. Denison that he approved the release.

No University official would comment on the Schiff case for the record. The University would provide no information to clarify its stand. Dr. Fuzak said the University charges represented a personal letter to Schiff and the University could not release it.

The editorial board of the State News, consisting of Charles C. Wells, editor-in-chief; Richard Schwartz, managing editor; Jom Sterba, campus editor; Mrs. Linda Miller Rockey, editor of the editorial page; and Larry Mogg, sports editor, met shortly after Schiff brought the documents to the State News. Jim Spaniolo, acting as assistant to the editor of the editorial page, also attended the meeting.

After carefully considering the documents, editorial board members were of the opinion that the two documents represented new facts in the case that ought to be presented to the student body and University community as soon as possible. After considering arguments for and against publishing the material, and of publishing documents of such varying lengths--the University's charges would run about 14½ inches in type and Schiff's reply about 90 inches--the board was unanimous in favor of running the material on the State News editorial page for Thursday, November 18.

Board members then speculated about the possible reaction of Louis Berman, fiscal adviser and general manager of the State News, toward publication of the Schiff documents. Concern was expressed about Mr. Berman's negative attitude toward any coverage given the Schiff case. It was pointed out that mark-ups of each day's paper by Mr. Berman unfailingly noted unfavorable comment next to stories about the Schiff case, regardless of how thorough or impartial the reporting had been. Substantiating their concern that Mr. Berman might actually pull the material at press, the editors believed, were two incidents, one fairly recent:

1. Mr. Berman had handed down a flat order during the summer that no letter about Schiff, pro or con, could be printed in the State News. He had said the State News had fanned the cause of Schiff and his followers during the previous school year, and that as general manager he refused to allow the newspaper to fall into the same trap ever again. At the time Wells, the editor, had expressed distaste for the

decision, but he said he believed the point was not worth pressing, preferring to wait for something "bigger," should it arise during Fall term.

2. Mr. Berman, within just two weeks of the November 16 editorial board meeting, had scrapped the lead story on page one, which had been written by Wells, concerning a recall of Jim Tanck, cabinet president of the Associated Students of Michigan State University. Mr. Berman had said that it was unethical to report a closed meeting that Wells had attended as a non-voting member of the student board. Wells, who maintained that members of the board understood that he would print anything that evolved from the meetings, had previously been informed by ASMSU Board Chairman John McQuitty that Tanck's recall was impending. McQuitty did not then, nor at any other time, request that Wells not print the story. After discussing the pulling of the story with the State News editorial board, Wells said he would not make an issue of the incident. Wells then honored an editorial board request to resign his position with student government because of his conflict of interest, thereby eliminating any future run-in with Mr. Berman.

Schwartz asked if all editorial board members would stand by their decisions to publish the Schiff material whatever course of action might follow. Every manner of reaction by Mr. Berman was considered and there was a tacit decision to stand by the board's decision to publish the documents.

After the editorial board meeting, Wells talked with Schwartz, discussing the seriousness of the matter. Wells said he was willing to do whatever necessary to run the material. When Schwartz asked how Wells thought Mr. Berman would react, Wells replied that he did not know.

WEDNESDAY, NOVEMBER 17

Hanson, who had not seen the two documents, went to the State News office Wednesday morning to read them. He talked to Wells about them and Wells said copies of the documents should be typed double-spaced and in the style used for material to be published in the State News. Hanson typed the University charges and Laurel Pratt, a reporter, typed the 15-page reply from Schiff.

Wells told Hanson that he knew Mr. Berman would not like the idea of printing the documents, but that he thought they should be printed. Hanson asked Wells what he would do if Mr. Berman refused to permit publication of the documents. Wells replied that he was unsure what he would do, that he had responsibilities to consider, and that he had not made a final decision. Hanson suggested that it might be prudent for Wells to talk to Mr. Berman before the editorial board convened later in the day to make plans for publication of the Schiff materials. Wells said he thought it would be better for all of the editors to stand united to face Mr. Berman.

A little after 10 a.m. Mr. Berman went to Wells's office. The door was closed and they talked for nearly an hour. When Wells and Mr. Berman came out of the office, they both paused at Mrs. Rockey's desk. Wells told Mrs. Rockey that Mr. Berman didn't think the State News should publish the documents because publication might prejudice the case. Students might call members of the Faculty Committee on Student Affairs and try to pressure them in Schiff's favor, Mr. Berman told Mrs. Rockey.

When the editorial board met Wednesday afternoon, Wells announced that he thought the material in the Schiff case should not be published in Thursday's paper, because pressure might be brought on the Faculty Committee and he didn't want the State News to influence the committee's deliberations. Wells was asked if Mr. Berman had influenced his change of mind. He replied that he had "talked with Berman." There was a general discussion on how pressure could be brought to bear. Sterba suggested that a vote be taken of the faculty committee on whether to print the material and that the editorial board go along with the committee's decision. He also suggested telephoning the federal judge in Grand Rapids. Wells replied, "We'll see."

Mr. Berman entered the meeting and the general discussion continued. The length of the two documents was brought up, and it was mentioned that the University could not reply since the court now had jurisdiction. Mr. Berman said that he personally hoped "they throw the book at Schiff." Mr. Berman said, "I've only given you two flat nos before, but I'm giving you a flat no now. When it comes to the judgment of 20-year-olds and the judgment of those who have been in the business for 42 years, I'll stick with the decision of those in the business for 42 years."

During the discussion, Mr. Berman also commented: "I'm glad Chuck agrees with me because I don't want to have to tell you that you can't print this." Wells then asked Mr. Berman to leave the conference room so that he could talk with the editors. Mr. Berman left.

It again was suggested that the federal judge be called and that one of the editors should talk to members of the Faculty Committee. Wells agreed to do both while the editors assisted the staff in putting out Thursday's paper.

Another editorial page now was prepared for the Thursday issue, with some of the material previously scheduled for the Friday issue to fill the space that had been allotted to the Schiff documents. During these preparations, Wells spent about an hour and a half talking with Mr. Berman. Sterba telephoned Dr. Gordon A. Sabine, Vice President for Special Projects, to determine the legality of printing the documents. Vice President Sabine said he didn't know about the legality, but he suggested that Sterba get in touch with Dr. Fred S. Siebert, dean of the College of Communication Arts and a recognized authority on law of the press. Sterba called Dr. Siebert and explained that the charges were drawn up before the Faculty Committee on Student Affairs had met in closed session. The essential charges had been made in court, Sterba said. Dr. Siebert said that since the documents were part of the public record, he believed the State News had a right to print them. He said he did not believe the newspaper had the right to print the material from the closed sessions of the Faculty Committee.

When the editorial board reconvened at 6 p.m., Wells said he had telephoned Judge Noel Fox, United States District Judge at Grand Rapids. The judge had told Wells to use his own judgment. "Are we legal?" Sterba asked. Wells replied, "We won't be held in contempt of court." Wells then reported that he had talked to Professor Williams at the door of the room where the Faculty Committee was hearing the Schiff case, and had told him what the State News was considering. Professor Williams talked to members of

the committee and then told Wells to use his own judgment about publication of the documents.

(Two days later Dr. Williams told Sterba that he would not tell Wells to print the material because it might look as though the committee had influence the publication of the documents. He told Sterba that the committee members did not object to the printing of the documents and that it was "silly" to think that pressure could have been created since the committee already had the documents.)

Wells commented that even if the committee members said it would feel no pressure, he would not change his mind. He said he did not want anyone to say that the State News had influenced the case. He wanted to have the documents printed after the Faculty Committee had reached its decision.

Mr. Berman then entered the editorial board meeting with a much less aggressive attitude than he had displayed previously. He clarified the power structure of the State News. He said the Board of Trustees of the University owns the newspaper. He is responsible only to President John A. Hannah, and since President Hannah answered to the Board of Trustees, Mr. Berman has ultimate authority over the State News. "If Hannah tells me to go, no questions asked, I'll go," he said. "That's the way it's set up and that's the way I like it." He then went on to clarify the editor's position. The editor-in-chief is selected by the Board of Student Publications and is solely responsible to the board. The editorial board is to act only in an advisory capacity to the editor-in-chief, Mr. Berman said. The editor must have final say. "You're just advisers--but good ones," Mr. Berman told the four editors. This was the first time the four had heard of such an arrangement for the editorial board.

The editors, after listening to Mr. Berman's explanations, said this was not how they had interpreted the functioning of the editorial board. It was pointed out that in every study concerning the State News operations the words "policy-making editorial board consisting of . . ." was spelled out, with no one objecting. The editors said they thought the editor-in-chief was the unquestioned authority in all matters of editorial management, but that in determining editorial page content a democratic equal vote arrangement was the way the editorial board had functioned all term, with the editor-in-chief presiding. This arrangement, the four editors maintained, was behind the philosophy of unsigned editorials--insuring maximum consideration for any editorial stand by the State News. The arrangement was also a safeguard against the personal use of the editorial page by the editorial editor, who writes more than three quarters of the editorials in the State News.

Mogg asked if the "set up" Mr. Berman suggested did not amount to censorship. Mr. Berman replied that it was not a question of censorship, but rather a question of judgment. He implied that the four editors were misjudging the issue and had not considered it thoroughly.

Sterba asked if he could write a signed column explaining why the documents could not be printed. Wells said this might be a possible solution. When Sterba explained that he would say in the column that he thought the withholding of publication of the documents was wrong, Wells changed his mind and said he would not print such a column. Sterba then asked if all the editors could write signed columns. Wells replied, "No." Mr. Berman left the meeting.

The editors continued their discussion of the set up of the editorial board. Schwartz agreed that the Board of Student Publications should select the editor, but it was up to the editor himself as to how he ran the newspaper. Sterba said he had accepted his position with the understanding that the editorial board was to function democratically.

Wells replied, "No, I have the final decision," and he then asked if the editors did not want to reconsider the issue. The evidence was presented again, with further discussion on the comparative length of the documents in the Schiff case. Wells said he was staying with his decision, and whether or not to publish the material was his responsibility. Schwartz said he thought the issue should be decided then, because he could not operate under such an arrangement of the editorial board. The other three editors agreed. Wells said he would not accept any resignations that night and asked each editor "to think it over." The four agreed but asked Wells to reconsider his decision. Wells said he would be in the State News editorial office about 8:30 a.m. Thursday.

Schwartz, Sterba, and Hanson met about 9:30 p.m. in the Sterba-Hanson apartment. They talked about the situation and tried to find an acceptable solution. They tried to telephone several professors in the School of Journalism and in other departments to get advice. They wanted to talk to someone whose opinion each respected. Dr. W. Cameron Meyers, associate professor of journalism, had preached responsibility of the press to them in journalism classes and, since they were now faced with a situation that seemed to them to involve responsibility, they tried to reach Meyers but were unable to do so. About 10 p.m. it was suggested that they talk to President Hannah. Hanson called the Hannah home to see if he had returned to the campus from Minneapolis. President Hannah had returned and he asked them to come over to his house. Sterba tried to reach Mrs. Rockey and Mogg but he was unsuccessful.

Schwartz, Sterba, and Hanson talked with President Hannah for about an hour and a half. They explained the situation that confronted them, and they asked his opinion and for his advice. They told Dr. Hannah principles were involved that they did not want to compromise. President Hannah told them not to compromise their principles or their ethics. He said this year's State News was the only one he has "ever read cover to cover." He had never said anything to Mr. Berman about how to run the paper so long as there were responsible editors, he said, and he had no doubt that this group was responsible. He told them not to take the easy way out and quit. He told them he had no objections to publishing responsible opinion on the editorial page, but he did not like to see editorialized news stories. President Hannah said he wished the four editors would wait for the Faculty Committee's decision, but he saw no reason not to run the documents in the Schiff case now. He said he assumed the editors would be responsible for reporting the complete story. (By "complete story" President Hannah meant reporting all the facts from the closed sessions of the Faculty Committee as soon as they were available and it would be appropriate to publish them.) As Schwartz, Sterba, and Hanson were leaving, President Hannah told them he was planning on talking to Mr. Berman "in the next few days on another matter," but that he would bring up the matter they had discussed with him. The three later reported to Mrs. Rockey and Mogg what had occurred.

THURSDAY, NOVEMBER 18

Schwartz, Sterba, Mrs. Rockey, and Hanson went to Dr. Meyers' home Thursday morning to talk with him. They explained the situation and he said he supported their actions thus far. Professor Meyers suggested that they talk with Dr. Walter Adams, professor of economics and president of the University chapter of the American Association of University Professors (AAUP), because the AAUP was rightly concerned with issues such as this one. They left Dr. Meyers at 11 o'clock.

At 2 p.m. the four editors went to the State News office to meet with Wells. There was a recapitulation of the editors' thinking on the Schiff case. The four editors told Wells they had talked to responsible persons to get their views and each had said he saw no reason no to print the documents. Wells asked what was the position of the four editors, and the four replied that if Wells's position remained the same, then they would have to resign. Wells then asked each editor what he thought. Each said he saw no valid reason why the Schiff material should not be printed immediately. In essence the four said they had exhausted all possibilities, that they had not acted hastily, and now it appeared there was nothing they could do but resign. Wells suggested that they first talk to Mr. Berman.

The five went to Mr. Berman's office. Mr. Berman asked what they thought the President of the University would say if the material was printed. Sterba said they already had talked with President Hannah the previous night, and then reported their conversation with the President. Mr. Berman said he did not mind their talking to a higher authority.

In the discussion that followed regarding the editorial board's being overruled by Mr. Berman, that Mr. Berman was censoring editorial matter of the State News, Schwartz asked if the board did not have a right to make mistakes and learn from the mistakes. Mr. Berman said, "You don't learn from your mistakes." Mr. Berman suggested the four could bring the issue to the Board of Student Publications, but in the meantime they should not print the documents. The editors countered that by that time the Schiff issue would be settled and the problem would have lost its immediacy. After Mr. Berman talked to each of the four editors individually about his work on the paper, Mr. Berman commented: "I want you to know that no matter what you decide to do, you can still have the trip to the Rose Bowl, because of all your work on the paper." He then added, "I'm very attached to all of you and will still be glad to write letters of recommendation for you. I won't hold this against you personally."

The telephone rang and Mr. Berman answered it. He said to the calling person that he was talking with a group of "concerned people," and that he would "come over to talk" when he was through with the group. When he hung up he said President Hannah had been on the line. He said he had talked to him about the Rose Bowl trip.

(The trips to which Mr. Berman referred were to be financed from the profit--estimated at \$6,000--of a 48-page Rose Bowl Extra of the State News, for which Mogg and Schwartz were responsible. While neither Mogg nor Schwartz had intentions of accepting the offer once they had resigned, it should be noted that no mention was ever to be made again concerning the trip to Pasadena, California.)

The editors suggested that Mr. Berman talk to President Hannah about the Schiff issue while they worked on Friday's paper. They would wait to decide about resigning until after hearing what President Hannah had to say to Mr. Berman.

"If Hannah says 'yes,' we'll run them today," Mr. Berman said, referring to the Schiff documents. "He can take the responsibility for what happens. Hannah has all the experience in the world in running a University, but he's no newspaperman, and I'll bank my 42 years' experience that you're making a mistake."

If their decision to remain or to resign depended on the printing of the Schiff documents, Mr. Berman told the editors, they should make up their minds then and not wait

until after he talked with President Hannah. Or, he said, if they wanted to wait to make a decision on publication of the documents and try to work out something later with the Board of Student Publications, then there was a paper to put to press.

"Before, not after, I get back from talking to Hannah, you must make up your minds," Mr. Berman said. He then left for the President's office. Wells also walked out of Mr. Berman's office.

The four again reviewed the situation and decided their choices of action was limited. Each editor then said he had made up his mind to resign. As they were walking out of the State News office, Wells asked Schwartz if they had arrived at a decision. Schwartz replied that each editor had decided that he had no choice but to resign. He told Wells they would hand in a joint resignation Friday and that individual resignations would be left to each to handle in his own way. The four walked out of the office without talking to any staff members.

Hanson, who had been approached by Wells earlier in the afternoon to write a story and had refused, saying he was waiting for the editors to make a decision, left immediately after the editors.

Wells then called the reportorial staff together and announced that the four editorial board members had resigned, but that the action was not over a matter of censorship but rather over a question of when to run the Schiff documents. He told the reporters that he felt publication of the documents would put pressure on the Faculty Committee before a decision was reached. Wells then commented that because most reporters were present he assumed they were loyal. In response to a staff member's question, Wells said he had appointed Kyle Kerbawy as "acting managing editor," Jo Bumbarger as campus editor, Jim Spaniolo as editorial page editor, and Rick Pianin as sports editor. Wells then asked the staff to go to work to put out Friday's paper.

The four editors who resigned went to the Journalism Building after they left the State News office and told two journalism faculty members, Dr. George A. Hough, III, and Professor Stanley Smith, what they had done. Dr. Hough and Professor Smith said they supported their action.

Two reporters, Mary Ullrich and Margie Marsh, searched out the former editorial board members, who had been joined by Dave Hanson, and asked for an explanation of their action. The editors answered the reporters' questions but they did not try to encourage them to resign. Sterba told them essentially what he had told other reporters Thursday afternoon who had asked the editors if they wanted the staff to resign. "Don't quit because of us," Sterba said, "because you don't understand the issue. Don't jump on the bandwagon."

FRIDAY, NOVEMBER 19

Reporter Margie Marsh handed in her resignation Friday morning to Wells. She explained she did not wish to work for a student newspaper whose policy and methods of setting policy she did not support. Dave Hanson resigned Friday afternoon. Subsequently, Char Jolles and Bill Krasean, both reporters, also resigned. Several other staff members said they were resigning or did resign, but have since returned to work.

Wells left the State News office about 1:30 p.m. Schwartz took the joint resignation to Wells at his apartment about 5 p.m. In a talk with Wells, Schwartz presented a compromise to which he said he believed the three other former editors would agree. He suggested a democratically functioning editorial board, but with the editor-

in-chief having the power to ask for a vote of confidence on matters on which his opinion differed from that of his board. If the editor-in-chief could not receive a vote of confidence, he would have the authority to remove an editor as a member of the editorial board by a vote of the board, or by an individual decision, or to remove the editor from his position.

Wells, with hesitation, said he saw the suggestion as a possible solution. He suggested a meeting of the former editorial board members with Mr. Berman and with James A. Denison, Assistant to President Hannah. Wells telephoned Mr. Denison and arranged for a meeting that night at Mr. Denison's home.

Schwartz and Sterba, unable to reach Mrs. Rockey and Mogg, met with Mr. Berman, Mr. Denison, and Wells. Mr. Denison acted as a mediator for the session. The question was raised as to the conditions under which the editors could return.

Schwartz and Sterba each spoke for himself, but implied that Mrs. Rockey and Mogg probably would be in agreement with their position. They said they would have to go along with the idea that Mr. Berman had final authority until such a time as his role could be clarified by the Board of Student Publications or by President Hannah. They said they believed there was an inconsistency with Mr. Berman's role and the State News masthead that states "Published . . . by the students of Michigan State University," but that they were willing to return to work until there could be a clarification. They offered the suggestion that Schwartz earlier had outlined to Wells regarding the function of the editorial board. There was a general feeling of support for the suggestion. Mr. Berman said it was now a matter of what could be done about the promises Wells had made to the new editorial board. Schwartz proposed a meeting the next morning with the former and new editors and the staff. The new editorial board members would meet with Wells at 9 a.m. and the staff and the former editorial board members would meet at 10 a.m.

SATURDAY, NOVEMBER 20

Wells announced that he could not reach any of the new editors except Jo Bumbarger. Eight staff members and the former editorial board members were at the State News office at 10 a.m. Wells met privately with the former editors shortly after 10 o'clock. He said that they and he would have to make compromises. Wells said he would accept Schwartz's proposed arrangement regarding editorial board members, but that the editorial board members who had resigned could not return to their former positions. He proposed that Sterba return as a reporter to cover Administration offices, Schwartz as makeup editor, Mogg as a sports writers, and Mrs. Rockey as a copyreader. "I can't break my word and I've already made promises to others," he said.

About 11 o'clock Wells left the conference to meet with the staff and Jo Bumbarger, the newly appointed campus editor. The former editors were invited to attend the meeting.

During the meeting, the issue of loyalty to the State News was raised. It was asked whether those who had "walked out" were really loyal to the newspaper. Schwartz responded, saying that he believed the long hours editorial board members had unselfishly spent working for the State News should speak for their loyalty. He said board members had wanted to resign a day earlier than they had but had remained in an effort to try to resolve the problem that had arisen over publication of the Schiff documents and to publish the newspaer. Schwartz said the four editorial board members had resigned only when Mr. Berman had presented them with an ultimatum.

One reporter at the meeting noted that the editorial board members had demonstrated their loyalty to the State News by not attempting to start a mass walk out when they resigned. Several other reporters suggested that nearly the entire staff would have left the office Thursday afternoon if the four editors had given them any encouragement.

Sterba mentioned that it was important to consider how the student body would view the resignations. Many students, he said, had lost confidence in Wells and in the State News. By reinstating the former editorial board members to their former jobs, student confidence could be maintained, he said.

Mrs. Rockey said that she had won the confidence and respect of certain persons on campus by resigning, and that she would not want to lose the confidence and respect of these persons by returning to work under Wells's restrictions.

Would Wells approve the former editors' returning to their old jobs, Schwartz asked, if a "satisfactory arrangement" could be worked out with the newly appointed editors. Wells replied: "No. I have no confidence in you." Schwartz asked Wells how he could ask the editors to have confidence in him and in his decisions.

Wells said it was not a matter of loyalty to him but rather to the State News. The issue of where loyalty should lie was raised. Sterba said he subscribed to that line in the State News masthead that read "Published . . . by the students of Michigan State University." The meeting was adjourned. Wells declined to say when he would meet again with the former editors.

SUNDAY, NOVEMBER 21

Sterba brought a personal letter Sunday afternoon to Wells, explaining his individual reasons for resigning. Wells and Sterba agreed that the four former editors would meet again with Wells at 8:30 a.m. Tuesday.

MONDAY, NOVEMBER 22

Wells told Schwartz he could not meet with the former editors on Tuesday. The meeting was postponed until 2 p.m. Wednesday.

WEDNESDAY, NOVEMBER 24

When the four former editors met with Wells, they said they had not changed their decisions. Wells said he would try to find them jobs on the staff but not as editors. Sterba said he could not return, as did Schwartz, Mogg, and Mrs. Rockey.

/s/ Richard Schwartz

/s/ Jim Sterba

/s/ Larry Mogg

/s/ Linda Miller Rockey

/s/ David A. Hanson

/s/ Margie Marsh

Michigan State University
East Lansing, Michigan
December 2, 1965

MICHIGAN STATE UNIVERSITY

**MINUTES OF THE MEETING
of the**

ACADEMIC SENATE

December 1, 1965

MUSIC AUDITORIUM

**The Office of the Secretary
of the Faculties**

MICHIGAN STATE UNIVERSITY
MEETING OF THE ACADEMIC SENATE

Wednesday, 4:00 p.m.

December 1, 1965

Music Auditorium

Present: President Hannah, Walter Adams, J. Adney, C. Albrecht, Pearl Aldrich, B. T. Allen, O. Andersland, David Anderson, Donald Anderson, Harold Anderson, R. C. Anderson, Robert Anderson, A. Angel, J. J. Appel, Thelma Arnette, S. Austin, C. Babcock, I. Baccus, J. Bain, P. Bakan, R. H. Baker, L. Baril, E. H. Barnes, M. Baron, P. Barrett, S. Baskett, J. Bass, L. E. Bell, W. Benenson, E. J. Benne, E. Bettinghaus, C. Blackman, L. Blakeslee, Uel Blank, F. Blatt, A. A. Blum, B. Borgman, L. Borosage, L. Boyd, M. Boylan, D. Boyne, J. Brake, A. Brandstatter, E. Brauner, C. Brembeck, S. Bryan, H. Byram, C. Cairy, Lois Calhoun, S. Camilleri, J. Carew, E. Carlin, E. H. Carlson, R. F. Carlson, Dena Cederquist, R. Chapin, M. Chetrick, H. Choldin, H. Church, T. C. Cobb, L. Coburn, W. Combs, R. L. Cook, L. S. Cooke, C. Cooper, W. Corning, G. Coulman, T. Cowden, J. Cowen, M. Crane, A. T. Cross, C. Cunningham, C. Cutts, H. Dahnke, H. Davidson, H. S. Davis, J. D. Davis, J. F. Davis, R. H. Davis, L. Dean, E. de Benko, J. de Blij, A. A. DeHertogh, T. Dekker, Frances De Lisle, M. R. Denny, W. E. Deskins, S. Dexter, D. J. de Zeeuw, A. M. Dhanak, M. Dickerson, B. H. Dickinson, J. Dietrich, A. Dietze, G. H. Dike, D. Dilley, E. Doll, F. Donahue, L. Doyle, J. Druse, D. Dunham, F. Dutton, T. Edwards, H. Ehrlich, J. M. Elliott, B. G. Ellis, W. B. Emery, B. Engel, M. Epstein, A. E. Erickson, L. G. Erickson, M. Esmay, R. J. Evans, Maxine Eyestone, W. A. Faunce, R. Featherstone, W. R. Fee, D. Feldman, R. Feltner, R. A. Fennell, J. H. Fisher, T. Forbes, W. Form, H. D. Foth, M. Fox, J. Frame, J. Fuzak, D. Gage, A. Galonsky, R. T. Galvin, C. C. Ganser, M. Garber, Anne Garrison, R. A. George, P. Gianakos, D. Gibson, J. Gill, A. Gilpin, A. Gluek, J. Goff, M. Gordon, J. Grafius, G. Greenwell, T. Greer, C. Gross, C. Gruhn, T. Guinn, R. Gustafson, G. Guyer, L. Haak, E. Hackel, C. Hall, D. Hall, R. Hammer, K. Hance, E. Hardin, M. Harrison, J. Hart, D. E. Hathaway, P. Hauben, D. Hausdorff, M. C. Hawley, W. B. Hawley, M. L. Hayenga, S. K. Haynes, J. Heald, H. Hedges, R. Heifner, J. Henderson, H. A. Henneman, R. Henricksen, M. Hensley, R. E. Hepp, J. H. Hetherington, B. B. Hickok, W. V. Hicks, J. V. Higgins, W. J. Hinze, J. Hoagland, J. Hocking, W. Hodgson, J. Hooker, F. Hoppensteadt, A. House, J. Howell, S. Howell, C. Hughes, W. Hughes, A. Hunter, P. Hurrell, Eleanor Huzar, Iwao Ishino, J. Ivey, A. Jaffe, J. Jamrich, F. C. Johnson, H. S. Johnson, G. Joyaux, A. Juola, B. Karon, J. Karlake, A. Karson, E. Kashy, L. Katz, W. H. Kelly, W. W. Kelly, T. R. Kennedy, A. L. Kenworthy, J. Kestenbaum, C. C. Killingsworth, H. Kimber, Herman King, N. Kinzie, H. Kisch, D. Klein,

W. Knisely, H. Kohls, Rhoda Kotzin, J. Kovacs, M. Kreinin, M. Krzywoblocki, B. Kuhn, M. Kuhn, H. Kumata, L. Kyle, Nora Landmark, G. Landon, R. Lanzillotti, C. Larrowe, R. Larsen, C. Lassiter, Jeanette Lee, J. Lee, J. L. LeGrande, I. Lehmann, Mary Leichty, V. E. Leichty, V. Lidtke, P. J. Lloyd, W. B. Lloyd, J. Lockwood, P. Love, R. Lucas, R. Lumianski, W. Lundahl, Gwendoline MacDonald, Frances Magrabi, L. Mander-scheid, J. Manning, J. Marston, G. Martin, J. Masterson, R. Matteson, A. Mauch, M. Maxwell, H. McColly, E. McCray, D. McGrady, J. McKee, L. McKune, H. McManus, J. McMonagle, L. McQuitty, R. Mecklenburg, R. Mentzer, Gerald Miller, Grace Miller, A. Mitchell, A. Molho, Mary Moore, Mary Morr, C. C. Morrill, M. Mortland, R. Moyer, M. Muntyan, D. Murray, G. R. Myers, E. Natharius, H. Neville, J. Niblock, S. Nosow, L. Nothstine, L. A. Olson, G. Ostrander, A. J. Panshin, F. G. Parker, Paul Parker, J. Parsey, Isabelle Payne, Frank Peabody, C. R. Peebles, N. Penlington, S. Persson, F. Pinner, W. Pipes, R. Poland, J. Porter, T. Porter, M. Powell, C. Press, R. S. Quimby, D. Ralph, H. Raphael, S. Ratner, F. Reeve, J. Reinoehl, D. Renwick, R. Renwick, E. Reynolds, N. Rich, P. Rieke, R. Ringer, R. Rogow, G. Rohman, Dorothy Ross, H. Rubin, J. Rust, J. Ryder, G. Sabine, A. Schaffer, R. Scheffer, Jean Schlater, R. Schlegel, Allan Schmid, I. Schneider, P. Schroeder, J. D. Schuur, R. Schwendeman, R. Scigliano, V. Scott, M. Segal, F. Senger, J. Shaffer, C. Sheppard, P. Signell, H. Silverman, L. Silvernale, R. Simonds, K. Sink, H. Slatiss, W. Sledd, S. Sleight, A. Sliker, B. Smith, Esther Smith, H. C. Smith, Kermit Smith, L. A. Smith, Victor Smith, O. Smucker, R. Smuckler, C. A. Snyder, E. Snyder, W. Snyder, L. Sommers, H. Spaeth, C. Staudenbaur, J. Stapleton, R. Starring, C. St. Clair, T. Stearns, M. H. Steinmueller, J. Stieber, J. Stiefel, J. Stokley, G. Stranahan, B. Strandness, R. Sullivan, W. Sur, M. Taylor, M. Tesar, K. Thompson, C. Thornton, A. Thorpe, A. Thurman, C. Titkemeyer, M. Tomber, W. Treaster, G. Trout, R. Turner, L. Von Tersch, J. Wagner, J. Waite, D. Walden, J. Waldmeir, R. Wall, G. Wallace, T. Ward, W. Warrington, G. Waxler, L. Weaver, C. A. Welch, Arthur Weld, C. Wells, T. Wenck, R. White, E. Whiteside, F. Wickert, B. Wilkinson, F. Williams, J. Wilson, L. Witt, A. Wolcott, A. Wolf, L. Wolf-anger, K. Wright, A. Yanders, D. Yates.

Minutes of the Meeting:

The President called the meeting to order. After correcting the last line of paragraph 2, page 3 to read, "July 1, 1965" instead of "October 1, 1965" the minutes of the meeting of May 26, 1965 were approved.

Progress
Report on
Medical
Educa-
tion at
the Uni-
versity

The first item of business was a progress report on the College of Human Medicine which was presented by Dr. John C. Howell, Associate Dean, in the absence of Dean Hunt. Dr. Howell mentioned briefly the actions leading to the organization of the College which dated from the mid-1950's when the University began investigating its ability to help relieve the growing shortage of physicians. After deciding such a development was both appropriate and practical, the Institute of Biology and Medicine was set up as an integrating structure with its Director a member of the Office of the Provost to develop medical education within the fabric of the University. The state legislature authorized the University to proceed with a two-year program in medical education from which students would transfer to schools granting the M.D. degree.

In September, 1964, the Board of Trustees approved an academic structure for the College of Human Medicine with a dean in charge. The structure includes twelve departments, of which only one, the Department of Medicine, is new to the University. The other established departments are:

Anatomy, Pharmacology and Pathology, jointly administered with the College of Veterinary Medicine.

Microbiology and Public Health and Physiology, jointly administered with the Colleges of Veterinary Medicine and Natural Science.

Biophysics and Zoology, jointly administered with the College of Natural Science.

Biochemistry, jointly administered with the Colleges of Natural Science and Agriculture.

Anthropology, Sociology and Physiology, jointly administered with the College of Social Science.

This academic structure is in keeping with a history of intercollege cooperation and joint administration at this University and is specifically intended to facilitate interdisciplinary exchange and cooperation. Following the establishment of the academic structure, the task for the College of Human Medicine was to identify the extent to which the basic science departments need strengthening and augmentation so as to be able to undertake medical education. Specific development for each department is being defined on the basis of curriculum needs.

The ultimate educational goals and objectives in keeping with the objectives of a land grant institution must relate sensitively to the expressed health needs of the community which needs often change rapidly and unexpectedly. It is the plan of the administrators to keep the faculty and student body of the College informed about the changing needs in society by means of periodic intensive conferences with leaders in the various phases of health in order that appropriate modifications in the curriculum might be made. The involvement with the behavioral sciences in curriculum planning and research is to serve as a factor in maintaining the educational relatedness to the health needs of society.

Another feature of the developing program is that of joint learning with students in other health professions such as veterinary medicine and medical technology. The University Curriculum Committee is presently determining that content which can jointly be learned with other groups of professional students.

The major and fundamental learning task in the pre-clinical years of the Medical School will be an integrated synthesis of biological behavioral knowledge focused on the understanding of the human organism. Thus the student learning medicine is expected to have a human host as his basic object of inquiry.

A final important element in planning is to involve the community hospitals, properly organized and staffed, in important ways in our program, in order that the student, when he first begins his study of anatomy, will begin to relate this kind of learning to the living situation through clinical experience. The hospitals which deal with the cross-section of the community's sick and are a part of the community's medical care pattern, will also afford extraordinary learning settings in other areas for our students. A University health center is being conceived and will be carefully developed so as to meet basic University needs for education

and research rather than to function primarily as a referral center.

The many innovations in Michigan State University's plan for medical education require objective evaluation, therefore a unit for educational research is being planned. Research opportunities in this total setting are enormous. The laboratories of the Colleges of Veterinary Medicine, of Natural Science, and to some extent, Agriculture, will provide an extraordinary range for research investigations. A proposed life sciences building will provide additional laboratory space, making it possible for collaborators in virtually every field of science to work together. In addition, there will be provided great opportunity for interdisciplinary integrative research involving various combinations of the biological and behavioral sciences.

Progress in the field of the development of medical education has been substantial to date and the College is looking forward to the future with enthusiasm and confidence.

Progress
Report From
the Commit-
tee on
Student
Affairs:
The Schiff
Case

The next item of business was the progress report of the Faculty Committee on Student Affairs which has had under consideration the case of Mr. Paul Schiff. In presenting Dr. Frederick Williams, Chairman of the Committee, President Hannah stated briefly the developments in this case which led to the recent hearing conducted by the Faculty Committee on Student Affairs.

In June, 1965, Mr. Schiff, who had earned forty-five credits in Economics prior to the spring term 1965, applied for admission to the History Department to pursue a Master's program. This department found him qualified for admission on a provisional basis. Having not been enrolled in the spring term, 1965, it was necessary for Mr. Schiff to apply for readmission to the University. Dr. John Fuzak, Vice President for Student Affairs, refused to approve his application for readmission, a disciplinary action prompted by Mr. Schiff's conduct.

Following denial of readmission, Mr. Schiff appealed to the Federal District Court of the Western District of Michigan, Southern Division, claiming that the University had violated his civil rights when it refused to admit him because of his political activism. The court returned the case to the campus with an order directing the University to present to Mr. Schiff a specification of the reasons for the

denial of readmission within the time specified by the court. The court further directed that a hearing be held following the procedure set forth by the judges of the United States Fifth Circuit Court of Appeals who had handed down the decision in the case of Dixon v. Alabama State Board of Education, 1962. The Student Affairs Committee undertook the hearing.

Speaking for the Committee on Student Affairs, Dr. Williams pointed out that it had spent many hours working out a procedure that would assure a full, impartial and orderly hearing. Before deciding upon a procedure it heard suggestions from the local chapter of the American Association of University Professors. The procedure that was finally agreed to and followed by the Committee was in complete accord with the one described in Dixon v. Alabama and in addition certain extensions were made in order to give further protection to Mr. Schiff's interests.

Dr. Williams pointed out that the Committee decided to conduct a closed hearing in which cross examination was prohibited. This decision was in accord with established University procedure, the intent being to protect as much as possible the interests and rights of all involved. This was also in accord with the decision in Dixon v. Alabama which stated, "that an opportunity to hear both sides in considerable detail is best suited to protect the rights of all involved. This is not to imply that a full dress judicial hearing, with the right to cross examine witnesses, is required. Such a hearing with the attending publicity and disturbance of college activities, might be detrimental to the college's educational atmosphere and impractical to carry out. Nevertheless, the rudiments of an adverse proceeding may be preserved without encroaching upon the interests of the college."

Under this decision of the Committee, Mr. Schiff's counsel and the counsel for the Committee did not question witnesses nor did Mr. Schiff's counsel have permission to object to testimony. The reason is simply that the Committee was made up of faculty members, not lawyers; they were conducting a hearing and not a court of law; and the job of deciding whether to sustain or overrule objections would have fallen to the Chairman of the Committee. Such an arrangement would have created confusion and disorder and no end of criticism. Consequently, witnesses on both sides were asked to present their testimony without interruption following which Committee members might then ask questions. The counsel for the Committee, the University attorney, gave legal advice to

the Committee only upon request. He did not participate in the hearing nor did he attempt in any way to influence the decision of the Committee.

Dr. Williams further pointed out that there had been some misunderstanding regarding the Committee's involvement with Mr. Schiff's constitutional rights. The Committee was directly involved in that area when it was formulating the procedure for the hearing and the procedure followed was in strict compliance with the court order. Mr. Schiff's rights under the constitution were not, and could not have been, a question upon which the Committee could have made a ruling. The Committee had to determine whether Mr. Schiff had violated University regulations and it did so. Whether the University regulations are in conflict with the constitution and whether Mr. Schiff has been deprived of his constitutional guarantees are questions for the federal court, not the faculty committee, to decide. Dr. Williams reported that the Committee wished it understood that at no time--before, during, or after the hearing--was there any attempt by any official of the University to influence in any way the Committee's decision. When, after many hours of testimony and deliberation, the decision was made to uphold the University's action, written copies of the decision were sent to Mr. Schiff, Dr. Fuzak and President Hannah, and other copies were handed to members of the staff of the State News. The Federal District Court has been notified of the decision reached by the Committee and what further action, if any, the court will take is not now known.

In the discussion which followed, questions were raised about the necessity for closed meetings of the Committee, the leeway permitted for hearings in the Alabama Case, the non-admission of the student after the case was entered in the courts and the reasonableness of regulations.

Dr. Williams pointed out that closed hearings were held because the Committee honestly believed that such a hearing was best suited to protect the interests and rights of all involved.

Speaking to the point of reasonableness of the regulations, Vice President Fuzak stated that the members of his staff and the Committee on Student Affairs were trying to bring the rules and practices for student government in line with due process, and that they were working with the Associated Students of Michigan State University in order to

Academic Senate, December 1, 1965

accomplish the same end in those cases where the students were privileged to make rules and establish practices.

The meeting was adjourned.

MICHIGAN STATE UNIVERSITY EAST LANSING

*Sean Fuzak to
receive a copy
also.*

GRADUATE SCHOOL OF BUSINESS ADMINISTRATION
DEPARTMENT OF ECONOMICS • MARSHALL HALL

July 15, 1965

President John A. Hannah
Administration Building
Campus

Dear President Hannah:

My purpose in this letter is to convey to you the concern and carefully considered recommendations of two bodies -- the Academic Freedom Committee and the Executive Council of the A.A.U.P. -- regarding the Schiff case and related matters.

The Committees are deeply concerned about several aspects of this case. First, there is the question of the relations between faculty and administration. Our assessment of faculty reaction is that the faculty feels that the administration has refused to readmit a student who had already been accepted by the appropriate academic authority -- the department. This raises the question, under what circumstances should the administration have the prerogative of refusing to readmit a student when such a student has already been academically readmitted? A subsidiary question involves procedure: is it proper for an administrative officer of the University to veto an academic decision without consultation and an attempt to reach consensus with the academic department involved? And, finally, is there faculty representation on the committee that makes decisions with respect to readmission?

A second question involves the matter of fair and just treatment of a student in academically good standing whose politics may not be particularly acceptable to either faculty or administration. More specifically, we raise the question whether the charge "behavior disruptive to the normal functions of the University" is not setting a dangerous precedent, since its definition is vague and its determination gives the appearance of being arbitrary.

The third question we asked ourselves was whether the present action of the University Administration was desirable from the standpoint of the national and international reputation of Michigan State University. Is this action compatible with the remarkable progress which we have made in enhancing our reputation in so many other areas of academic achievement?

I respectfully submit to you, Mr. President, the conclusions of the committees which deliberated these questions. Before I do so, however, I should emphasize that these are the results of committee discussions and not of the

July 15, 1965

total A.A.U.P. membership. We intend to take up these recommendations at the first meeting of the A.A.U.P. in the coming Fall Quarter. However, in the interest of the University and in view of what we regard to be the emergency nature of the situation, I was urged by the members of the respective committees to communicate with you immediately.

Concerning the first question, we concluded that the Administration did indeed veto an academic decision and that we as faculty cannot accept such action on the part of the Administration without registering strong protest. We could find no evidence that this decision was made following consultation and consensus. It is our understanding that the faculty of the Department of History are deeply dismayed about the lack of consultation and we, too, Mr. President, are deeply dismayed.

Secondly, it was concluded that Schiff's non-readmittance was not based upon regularly constituted procedures but took place rather in ad hoc fashion. In contrast it was the considered opinion of the committees that no breach of policy or administrative procedures was involved in the indefinite suspension of Miss Donna Renz and Miss Erin Tucker. However, "behavior disruptive to the normal functions of the University" appears to us much too vague as a charge and unacceptable as a basis for denying a student readmission, or for dismissing him or her. Moreover, we cannot believe that any one student, acting within the laws of society, can truly disrupt the orderly processes of an institution as vast, as complex, and as enduring as Michigan State University. To suggest that one student could indeed be guilty of such an action belittles the greatness of this institution.

Our third conclusion is that quite aside from the justness or unjustness of the Administration's action, it has had a harmful effect upon the national image of this University. From a purely public relations standpoint it may well be that the Administration has erred. Outside organizations interested in civil liberties may become involved. Newspaper editorials have already appeared in two places. Court action is contemplated. Faculty unrest is being reported and protest action among various segments of the faculty is presently under consideration. Circulars have appeared in mailboxes.

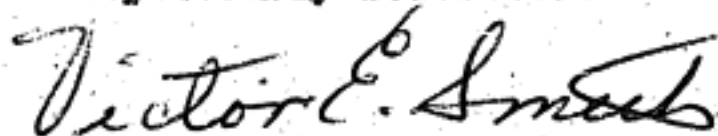
In view of the preceding considerations, Mr. President, I have been asked respectfully to urge you to reconsider the Schiff case and to reinstate this student immediately, however repugnant he may be to the University Administration. This can be accomplished quite easily and without any reversal of previous decisions or embarrassment to the University by simply readmitting Schiff for the Fall Quarter. This action will terminate all further editorializing, interest on the part of outside organizations, circulation of petitions, and general unrest on the campus among faculty and students, and will prevent unfavorable national publicity resulting from possible court action.

However, it is quite conceivable that there are reasons for the action against Mr. Schiff other than those that have been stated. In such a case the position of the A.A.U.P. is very clear. Reasons that cannot be stated in public do not afford a basis for action. To deny readmission to a student for reasons that cannot be stated would foster the emergence of mutual suspicion and the establishment of an academic climate stifling to free inquiry in a democratic society.

July 15, 1965

It is our hope to play a constructive and conciliatory role in bringing this matter to a satisfactory and quick conclusion, so that we may all return to more rewarding scholarly pursuits.

Respectfully submitted.

A handwritten signature in cursive script that reads "Victor E. Smith". The signature is written in dark ink and is positioned above the typed name.

Victor E. Smith, President
A.A.U.P., M.S.U. Chapter

AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN

FOR SIMULTANEOUS RELEASE

10:30 AM September 22, 1965.

IN LANSING, DETROIT AND GRAND RAPIDS

HANNAH, MSU SUED UNDER CIVIL RIGHTS ACT

Paul M. Schiff, a Michigan State University graduate student, has filed suit in the United States District Court in Grand Rapids charging MSU officials with violating his constitutional rights in refusing to allow him to continue his studies at the University.

The suit, brought under the Federal civil rights statutes, asserted that MSU President John A. Hannah, Vice-President, John Fuzak and the University's Governing Board, all named as defendants, had violated Schiff's rights of free speech, press and assembly, thereby denying him equal protection of the laws and due process of law under the Constitution. Ironically, Hannah is also Chairman of the United States Civil Rights Commission, which is, under Federal law, the statutory watchdog of civil rights throughout the nation.

Schiff asked an immediate preliminary injunction to permit him to be readmitted to the University for the fall term. Federal Judge Noel P. Fox will rule on that request on October 4, 1965.

Schiff has the support of the Lansing Area Branch of the American Civil Liberties Union of Michigan (ACLU) in his action.

George L. Griffiths, Chairman of ACLU's Lansing unit, said that the organization's investigation of Schiff's complaint showed that Schiff was notified of his expulsion, without any explanation, on June 21, two days before the beginning of the summer quarter at MSU, after

Schiff had already been notified by the History Department that he had been accepted for graduate work in the summer quarter. Schiff's request for a hearing on his expulsion before the Faculty Committee on Student Affairs was denied by the University.

Schiff is represented in his injunction suit by ACLU cooperating attorneys Kenneth Laing, Jr., of Lansing, Erwin B. Ellmann, of Detroit and Paul A. Williams of Grand Rapids. Ellmann is ACLU's general counsel in the state.

Schiff charged that he was "expelled" from the University without prior notice that such action was being considered or was about to be taken; without being informed of the charges against him; and without being given an opportunity to be heard in his defense, to present witnesses in his behalf, to be informed of the persons who had made charges against him, to confront his accusers or to cross-examine such accusers."

After he received notice of his expulsion, Schiff said he immediately went to Vice President Fuzak to find out what the reasons were for his expulsion. Fuzak, according to Schiff, told him that he was expelled because of his activities in the Committee for Student Rights (CSR), a student organization that sponsored several demonstrations during the school year, and was highly critical of the administration of the University in its news letter "Logos". Schiff was the editor of "Logos." Schiff charged in his Complaint that his expulsion, based upon participation in the Committee for Student Rights, denied him his rights protected from arbitrary state action by the First and Fourteenth Amendments to the Constitution.

Ernest Mazey, Executive Director of ACLU of Michigan, said that Schiff's suit squarely raises the issue for the first time in Michigan as to whether a student at a publicly supported institution of higher learning is entitled to the rudiments of fair play, including notice of and hearing on the charges against him, prior to being denied the right to continue his education for reasons not related to academic performance. Also at issue in the case, said Mazey, is whether a state university may expel a student for exercising his First Amendment freedoms of speech, press, and assembly.

Mazey pointed out that ACLU's decision to support Schiff resulted from a careful and extensive investigation by Griffiths, Rolland O'Hare, state chairman of ACLU, and members of the Lansing Branch's Board of Directors, which included interviews with Hannah, Fuzak, Schiff and a number of other students, faculty members and administrative personnel.

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of several small, semi-autonomous colleges in the years ahead.

Dr. D. Gordon Rohman, who has been a faculty member in the Department of English since 1959, has been selected to direct this new venture as its dean.

An essential difference between this approach and the living-learning program is that the students in Justin S. Morrill College will be taught by a core of permanent faculty, whereas students in the other residence halls might possibly not meet with the same professor more than one year out of four.

The new College will have its offices in the Snyder-Phillips residence halls, where the students will live throughout the four years. The students were not preselected, but were admitted upon their own application.

This development adds still another facet to the modernization of the undergraduate program, which began with the establishment of the Honors College a few years ago. In the opinion of many observers, the Honors College offers to the relatively few superior students who qualify for admission the opportunity to acquire the best undergraduate education in the country. Dr. Stanley Idzerda, who had directed the Honors College since its establishment, asked in the spring to

STUDENT UNREST

All this has more significance for the future of the University than might at first appear, because it relates directly to the demonstrations of student unrest which were undoubtedly the most dramatic events on the national educational scene last year. The outbreaks at the University of California and elsewhere attracted wide attention and, quite properly, were the cause of deep concern to educators everywhere.

The causes of these outbreaks and demonstrations were complex and often purposely obscured. But even before all the evidence is collected and analyzed, it is generally agreed that those who were sincere in their protests, and not provok-

be relieved of administrative responsibilities so he could return to teaching. His request was honored with reluctance and great appreciation for all he has done to make the program so successful.

His successor as Director of the Honors College is John D. Wilson, his associate director for two years. Dr. Wilson will be remembered as an outstanding student and athlete during his undergraduate years at Michigan State. He earned his master's degree at Oxford University, where he was a Rhodes Scholar, and recently completed his doctorate at Michigan State.

Improvements in academic counseling procedures were to be noted throughout the University. For example, the College of Engineering was well pleased with its program of "professional" counseling — that is, advising by those for whom this was a primary, not an added, responsibility. In the University College, appointment of counselors for the Dean on academic matters had the effect of reducing academic withdrawals sharply. The importance of this activity in the University College is suggested by the reminder that all freshmen and sophomores are enrolled in that College, and hence that is where most of the decisions having long-run importance are made.

ing disturbance for its own sake, were demonstrating their unhappiness with the "impersonality" of the large, complex university. These young people, boasting of their independence and maturity, and bitterly rejecting "paternalism," were at the same time asserting that their universities were not paying enough attention to them as individuals. There was enough merit in their position to cause some alarmists to call for breaking up the large universities as the least radical of their proposals.

We had our share of disturbances and demonstrations. Our Vice President of Student Affairs, Dr. John A. Fuzak, says that there is "little question that MSU

was selected as the next Berkeley." That no major incident developed in East Lansing was due in some measure to good luck, but in far greater measure to the patience, restraint and understanding exercised by Dr. Fuzak and his colleagues.

In the light of these developments, it is obvious that we were wiser than we knew in acting years ago to minimize the dangers of bigness and to capitalize upon its assets.

Students at Michigan State cannot complain that they are never taught by senior faculty members — even first-term freshmen in the University College are not only taught by full professors, they are also given easy access to their offices, especially in the residence halls.

Students at Michigan State cannot truthfully say that they lack for attention, for good counsel, for advice. They cannot validly say that they are lost in a great amorphous mass. The living-learning program in the residence halls gives them small groups with which to identify within the larger University. The new Justin S. Morrill College will serve the same purpose possibly even better. Students are consulted on matters affecting them directly, and participate in the making of decisions.

These are the outward signs of a deep and continuing concern for the individual student and his welfare that is a hallmark of Michigan State University. One wishes that it were possible to require all students to read the reports of the deans and department chairmen and see for themselves how much time, effort, and thought is devoted to making this a better University — not for the sake of the administration and faculty, but for the sake of the students. Such a requirement is not practicable, but if it were, students would be persuaded that one of our deans was justified in extolling the "highmindedness, ability, and devotion" of the majority of the faculty.

A new phenomenon of university life is causing concern to administrators everywhere, including Michigan State.

That is the growing number of non-students who participate in student activities and social life. Some have never enrolled, some have withdrawn voluntarily to devote their full time to pleasure and excitement, some have been dropped academically. They are joined by those who enroll for just a few credits to qualify as students. The number is growing every year, and much of the current agitation originates within such groups, as we have conclusive evidence.

Out of such groups come "student" organizations which refuse to request official recognition, seeking thereby to bypass all regulations and the need for responsible behavior within the university community. The University, in the words of Dr. Fuzak, cannot live with such fringe organizations.

There is no simple answer to the problem of student discontent. It must be recognized that many bright students — and we continue to attract our full share of them — became disillusioned because their developed expectations have not been satisfied, and they blame "the University," not themselves, for their disappointment. It must be recognized that a strong, fully representative student government is essential, that students should be consulted on all appropriate matters, that student affairs must be administered with patience and restraint. It must also be recognized that all authority cannot be abdicated to students, and that agitators cannot be permitted to interrupt or disrupt the important work the University does day by day.

Those outside the University, as well as those on the campus, must recognize that students reflect, perhaps imperfectly, the strains and tensions of the communities from which they come; they can be expected to be vitally concerned with the social problems of the society of which they are vital parts, and they can be expected to adapt to their own purposes the spectacular forms of dissent and protest they see their elders using with varying degrees of success in the world.

It would be totally unfair to the vast majority of our students to leave the impression that they are personally involved in the so-called "activist" movement. Most of them are serious students, alive to the problems of society but responsible in their approach to solutions.

Considering that we had 31,269 full-time students on campus in East Lansing at the start of fall term, the fact that only 574 disciplinary cases were handled by the Office of Student Affairs in the 12-month period suggests that the

behavior pattern is far better than that of society as a whole. And 479 of those 574 cases were handled by intra-University action, leaving fewer than 100 to be handled by civil authorities.

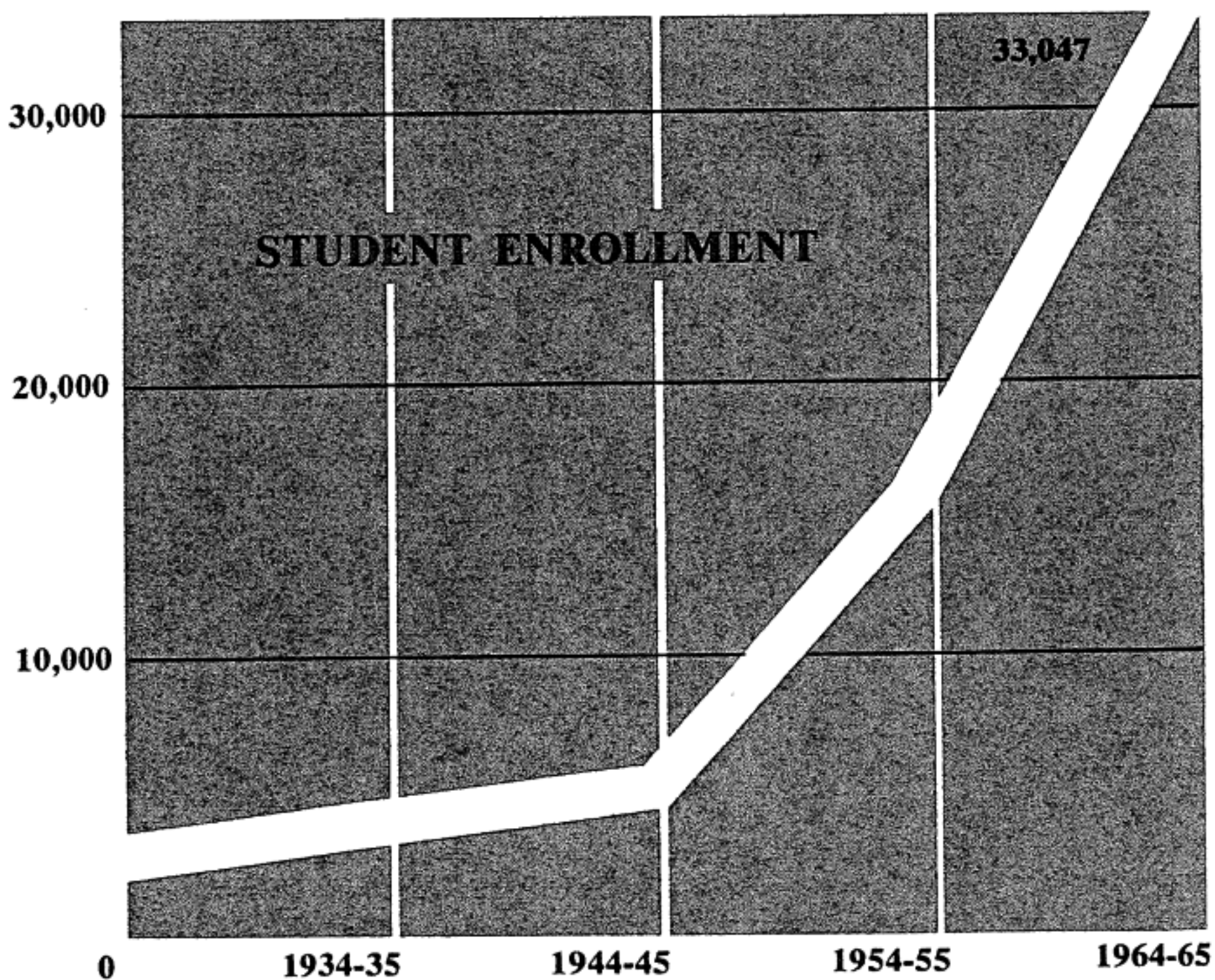
These are some of the major developments relating to what were termed earlier "the familiar responsibilities." Others will be reported later. But now we should turn briefly to an examination of some of the new responsibilities thrust upon the University in the national drive against imperfections in our society.

NEW RESPONSIBILITIES

A good place to begin is with the Cooperative Extension Service, which has had more than 50 years of experience in assisting rural families with their economic and social problems. More than 200 young people who would otherwise have been unemployed found summer jobs in the Neighborhood Youth Corps

through a grant of \$205,000 under the Economic Opportunity Act. The project, directed by the Extension Service, put the young people to work in county offices of the Extension Service, and in substations of the Michigan Agricultural Experiment Station.

Another good example is the so-called



"Head Start" program, intended to give pre-school children special training to bring them up to the levels of skills expected of kindergartners.

Actually, we had a head start on the Head-Start program, for the Department of Home Management and Child Development had undertaken an experimental project before the Federal legislation was passed. Fifteen 3-year-olds of limited opportunity were brought into the Spartan Nursery School in an attempt to determine why such children, when they enter school, can't do the things that a teacher oriented to the middle class expects of her pupils. The Office of Economic Opportunity heard about the project, and granted \$31,500 with which the College of Home Economics conducted two 6-day Head-Start training programs for 175 trainees, and sponsored an 8-week Child Development Center for youngsters who were to enter regular school this fall.

Two of the College faculty members are serving as consultants with the National Planning Committee for Project Head Start.

There was other evidence that the University took the initiative in developing programs supporting national efforts.

Indeed, the most ambitious undertaking originated with the University itself, and led to the establishment of the Mott Institute for Community Improvement. The Charles Stewart Mott Foundation of Flint granted \$3,000,000 to support a 10-year program to help disadvantaged people in urban areas to cope with their critical problems. The University is pledged to marshal all its resources in the effort to discover ways and means of alleviating the educational and other problems confronting the urban areas.

Direction of the program was assigned to Professor William B. Hawley, assistant dean of Education, who returned recently from assignment as head of the MSU Advisory Group at the University of Nigeria. He has a good background of industrial experience and served as

State Director of Vocational Education before coming to join our faculty in 1953.

Still another significant development in the field of social action was the establishment of a National Center on Police and Community Relations. A grant of \$100,000 from the Field Foundation assures the operation of the Center for three years. It will be a part of the School of Police Administration and Public Safety in the College of Social Science.

The Center has a historical connection with the National Institute for Police and Community Relations, which has held 11 annual sessions here under the joint sponsorship of the University and the National Conference of Christians and Jews. The most recent Institute brought to the campus 392 persons, mostly police officers, from 29 states and six foreign countries to seek ways to improve relations between the police and the community.

Pledged as it is to the betterment of the human condition through education, the University will do whatever it can in support of the broad-scale offensive against circumstance which restricts the development of the full potential of all citizens. But some within the academic community are beginning to wonder whether accomplishments will meet either needs or expectations. The Dean of the College of Social Science spoke for them when he said:

"From our perspective, problems exist in health, delinquency, and education which cannot be solved on a piecemeal basis, but this, nevertheless, is the mode of attack. Nothing less than complete renovation of housing, schooling, adult education, recreation and health facilities and services within a deprived community will achieve the desired results. A possible approach is the development of demonstration communities, small communities which would show what can be accomplished through an integrated attack which applies all knowledge related to human growth and development."

THE SCHIFF CASE: A CHRONOLOGY

- Fall Quarter, 1963 Schiff admitted on provisional status to work for master's degree in economics, with history minor.
- Fall Quarter, 1964 Completed sufficient course requirements (with 3.0 average) to begin writing master's thesis.
- Winter Quarter, 1965 Enrolled for one course in history, six thesis credits. (got deferred grade for the latter.)
- Spring Quarter, 1965 Did not enroll for courses, remained in East Lansing. During spring quarter he applied to history department for admission to work for master's degree in history.
- June 3, 1965 Received letter of acceptance from history department. Applied for readmission for first summer session.
- June 21, 1965 Received letter (dated June 18, 1965) from Horace King, Registrar, telling him application for readmission was denied.
- June 23, 1965 Schiff asked Vice President Fuzak if he could appear before Faculty Committee on Student Affairs to appeal denial of readmission. Fuzak said no, he had already discussed action on Schiff with Faculty Committee on Student Affairs, and they had concurred in it.
- July 9, 1965 Edward Brand, assistant dean of College of Business, ruled that Schiff was ineligible to continue work toward M.A. in economics, on ground that Schiff had not met grade requirements stipulated in provisional admission when he entered in fall, 1963. (Schiff was not notified of this ruling.)
- July 15, 1965 President of MSU AAUP chapter wrote President Hannah on behalf of AAUP, urging Schiff's readmission.
- July 19, 1965 ACLU committee met with President Hannah, Provost Neville and Vice President Fuzak, unsuccessfully urged MSU officials to readmit Schiff, advised them ACLU was contemplating legal action. Lansing ACLU executive board, at a meeting that night, voted to support Schiff's efforts to be readmitted, and to provide him with counsel.
- July 23, 1965 AAUP executive council met with President Hannah and Provost Neville, unsuccessfully urged them to readmit Schiff.
- September 14, 1965 Complaint and supporting brief completed by attorneys for Schiff. Attorneys were: Erwin Ellman, Detroit; Kenneth Laing, Lansing; Paul Williams, Grand Rapids. Complaint asked: (1) Injunction ordering Schiff readmitted; (2) Court order to MSU to strike from files any record of Schiff's denial of readmission; (3) Injunction ordering MSU not to interfere with Schiff's First and Fourteenth Amendment rights; (4) Money damages, and (5) MSU to pay Schiff's expenses in bringing suit.

September 16, 1965 Schiff signed complaint and brief before a notary public.

September 20, 1965 At 2:30 p.m., Attorney Williams filed complaint in federal court in Grand Rapids.

September 21, 1965 Schiff received following letter by special messenger from Vice President Fuzak:

Michigan State University - East Lansing
Vice President for Student Affairs

September 20, 1965

Mr. Paul M. Schiff
113 Louis
East Lansing, Michigan

Dear Paul:

I am writing this letter to make certain that you understand our reinstatement procedures.

In our conversation early this summer, I indicated that although you were being denied readmission to the summer session, you could apply for reinstatement at a later time. You should understand that a written request from you is necessary to initiate consideration of your reinstatement.

If you wish to submit a request for reinstatement for the Fall quarter, it should be received in my office by September 24, 1965.

Sincerely,

J. A. Fuzak
Vice President for Student Affairs

JAF:ag
CC - Dr. H. R. Neville, Provost
Mr. Jack Schiff
48 Thomas Place
New Rochelle, New York

September 23, 1965 Schiff had following reply to Fuzak delivered by special messenger to Fuzak's office:

September 22, 1965

Dr. John A. Fuzak
Vice President for Student Affairs
Michigan State University
East Lansing, Michigan

Dear John:

I am writing in response to your letter of September 20, and a phone call to your office on September 22. It is my desire to be reinstated for the fall term at Michigan State University.

Kindly let me know whether I can return for the fall term. I would appreciate this information as soon as possible, since my attorney advises me that a hearing has been scheduled for October 4th on this matter.

Sincerely,

Paul M. Schiff

September 29, 1965

(1) Not having heard from Vice President Fuzak in response to his letter of September 22, Schiff phoned office student affairs. Associate Dean Nonnamaker told him: "We haven't acted on your petition yet. When we do, we'll let you know in writing."

(2) Defendant's brief urging dismissal of Schiff's complaint filed with federal court by University attorney.

October 14, 1965

Federal district court, sitting en banc, held hearing on Schiff matter. Court told MSU officials to give Schiff written charges and hearing. Court kept jurisdiction of case for 90 days.

October 22, 1965

Schiff received written charges from Vice President Fuzak, who announced that Faculty Committee on Student Affairs would hold hearing.

October 25, 1965

President of AAUP chapter and chairman of chapter committee on academic freedom appeared before Faculty Committee on Student Affairs. Urged committee, in adopting procedures for the hearing, to follow guidelines laid down in Autumn, 1964 AAUP Bulletin ("Faculty Responsibility for Academic Freedom of Students").

November 1, 1965

Schiff filed his answer to the charges.

- November 9, 1965 Faculty Committee on Student Affairs held closed hearing. Heard testimony of witnesses called by University administration.
- November 16, 1965 Faculty Committee ... held second hearing, heard testimony of witnesses called by Schiff. These included president of MSU AAUP Chapter, who put in the record the AAUP letter of July 15 to President Hannah. The AAUP president also protested the hearing procedure employed by the committee.
- November 24, 1965 Faculty Committee on Student Affairs ruled that Schiff had properly been denied readmission.

Prepared by:

Charles P. Larrowe
Professor of Economics
December 8, 1965

CSR PROGRAM

Part I : Student Rights

The necessity for free inquiry at institutions of higher learning has long been recognized. Both teachers and students should be free of all restrictions on their thinking, questioning, and expression. It is under such circumstances that knowledge can best be pursued.

Among those fundamental rights which must be present in an institution of higher learning are the following:

1. Access to a college education must be given to all those who desire it. All those desirous of a college education must be granted admission without regard to race, color, creed, national origin, political beliefs, criminal record, or economic status. Stipends must be awarded without regard to race, color, ect. Admissions criteria must be decided on by faculty and students. These criteria must establish the basis for admission.
2. Students must be free to join or organize any organization on or off campus. Such organizations must be granted unfettered freedom in inquiry, speech, and action.
 - A. They may invite any speakers, audience, and participants they chose.
 - B. They may discuss any subject matter they chose.
 - C. They may promote causes they support by distributing literature, passing petitions, picketing, or taking action they believe desirable on or off campus, without jeopardy to their status in the university.
 - D. They need not have a faculty adviser; but if one is desirable, he or she must be selected by the organization itself.
 - E. They must not be required to submit membership lists to the university.
 - F. Members or advisers must not as a group or as individuals suffer any discrimination because of their affiliations.
 - G. There must be no discrimination in the use of physical or recreational facilities.
 - H. Any organization or individual in the university community must have the right to distribute literature and use university facilities for meetings. They may co-sponsor off-campus speakers.
 - I. Students must not be required to join or attend any religious or non-curricular activities.

3. Students must be free to publish and distribute and sell, without prior approval, both university and independent publications without University censorship or editorial policy. Selection of staff should be on the basis of interest and activity and must be done by the organization itself. Staff must be protected from punishment or suppression for any views expressed. The right to remove staff members must be reserved to the organization. Campus radio and television stations must not be subject to the censorship of the university.

4. The University shall respect the students' civil rights and liberties on and off campus: any entrance into a student's living quarters unauthorized by said student shall be in accordance with state and federal laws, especially those regarding search and seizure.

5. Students must be free to establish a democratic student government, elected by the entire student body and free from censorship. This student government must serve as the student's representative on all levels of decision making. This participation must be on an equitable footing with representatives of the faculty in determining both social and academic aspects of university life. The student government alone must decide on non-curricular matters which affect students only.

6. Faculty must help to insure freedom of expression to students with divergent ideas; they should refrain from harmful disclosure of statements without prior knowledge and consent of the individuals concerned.

Part II : The University Community

The structure and organization of the university community must conform to the needs inherent in the true pursuit of knowledge. How the university community should be governed and what rules and regulations it should establish are questions to which the criteria of free inquiry, student rights, and the basic principles found in our democratic way of life must be applied.

C.S.R. suggests that the following should be among the important principles of university government at Michigan State University:

1. Any student, regardless of sex, may live in housing of his or her choice, subject only to local, state, and federal laws.

2. The residents of each dormitory or other living unit shall formulate all regulations regarding personal conduct for the students living in that dormitory (such as dress regulations, hours, sign-outs, ect.). These regulations shall be subject to no higher university authority, but shall be in accordance with local, state, and national laws. These rules, and maximum penalties, shall be clearly stated in written form and made available to all students.

3. All infractions of rules on campus must be tried by a student-faculty hearing board, in accordance with due process.

A. There must be a code of proscriptions and penalties referring to any possible conduct subject to regulations in the university community.

B. Preliminary investigation must not include pressure or harassment attempting to elicit confessions of guilt.

C. Searching should only be done in the presence of the accused in accordance with protections regarding search and seizure contained in the Fourth Amendment to the Constitution of the United States.

D. Notice of charges must be given in writing well ahead of the hearing. The accused must be given a full statement of rights and recourse.

E. The status of the student on campus must not be altered pending the conclusion of the hearing.

F. The accused must be allowed right to counsel, right to testify and cross-examine, and right to confront his accusers.

G. A transcript must be made of the hearing and must be made available to him.

H. The hearing may be open or closed according to the preference of the accused.

I. The accused must have the right to appeal the decision to a faculty-student body constituted to hear and pass on such appeals.

J. Decisions of the hearing board must be made solely on the basis of the evidence presented at the hearing.

4. Suspension procedures which state that suspended students may not remain in the "Lansing-East Lansing" area unless it is their natural home, shall be abolished. Suspended students may frequent both the area and the campus.

5. There must be no campus police who are not under student-faculty jurisdiction. No other law enforcement agents may be allowed on campus, unless by invitation of the campus police.

6. No files shall be kept which:

A. Are not completely open to the student at all times.

B. Are available to anyone directly or indirectly, unless specific, written consent has been given by the student.

Academic records - which merely contain a transcript of grades and letters of recommendation used for admission to MSU - shall be available to the student at all times.

7. Students and faculty must have control over curriculum.

8. There must be no compulsory ROTC or compulsory ROTC orientation.

9. There must be no loyalty oaths:

10. Improvements in the MSU library shall be initiated immediately in accordance with the suggestions contained in the report of the Faculty library Committee (The Sullivan Committee - 1965).

11. All dormitory housing contracts shall be of term length. Contracts may be broken during the term for any reasons acceptable to the dorm government.

12. Full library, Union and classroom facilities shall be open 24 hours a day.

A DECLARATION OF PURPOSE (CSR)

We, the students of Michigan State University, have formed the Committee for Student Rights (CSR), to defend and promote our legitimate interests as students. We unite to affirm an educational philosophy that is fundamental to the needs of students and consistent with the rights of men.

We state our firm belief in "the doctrine that man is meant to live, not to prepare for life;" democratic participation, not "training for democracy;" the understanding that there is no conflict in being a man and being a student; an atmosphere in which there is no True Value, but one in which there is an unencumbered Search for Values; a society in which the Administration serves the vital and changing needs of students and faculty, not one in which the scholars are subordinate to" the University."

Inherent in this doctrine is the conception of the student as a human being fully capable of assuming responsibilities in the here-and-now, quite prepared to suffer the consequences of making mistakes; not as a child to be pampered and spanked when he is naughty; not as an incidental and troublesome element injected into an otherwise smooth-flowing process; not as an apprentice training to take his place in a strictly defined society.

The University is not a "nice setup" as administration personnel have quaintly put it; it is exploration, it is tension, it is conflict; it is the peaceful, but intense resolution of common problems by those who are most immediately concerned with the given society.

Our beliefs imply the need for the University to facilitate - but not control - the development of each individual student. Facilitation involves devoting primary attention to the individual student's academic needs, to the material and intellectual resources at his disposal; not to the winning of government contracts, not to projecting a favorable public image; not toward the creation of a Multiuniversity.

When we distinguish between facilitation and control, we relentlessly object to the policy that students can realize their potentialities when they suffer special deprivations because they are students. In essence, what we resolutely oppose is the doctrine of in loco parentis, which asserts that "the college stands in the same position to its students as that of a parent...and it can therefore direct and control their conduct to the same extent that a parent can."

The University administration will quickly point out - and correctly so - that the doctrine of in loco parentis has remained substantially intact when legally challenged. Be we deny that this is the paramount issue. Rather, we ask: Does this doctrine serve a beneficial educational purpose? Does it express the most desirable relationship between the students and the administration of the University? Our reply is an emphatic NO! This doctrine permits an administration to formulate a True Value and impose it upon a diverse group of students - forcing them to conform or to forego a University education. Arbitrary rules and regulations which enforce conformity in the personal and social aspects of life inevitably dull individual creativity and an inquisitive spirit in the intellectual sphere.

Thus, CSR arises not only to change the most offensive paternalistic regulations, but also to challenge the University's claim to be paternalistic, and to initiate a fresh dialogue regarding the student, the University, and society.

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
MICHIGAN STATE UNIVERSITY CHAPTER

October 29, 1965

Dear Colleague:

I am enclosing herewith a reprint of an AAUP committee statement on student rights which appeared in the AAUP Bulletin, Autumn 1964.

I have forwarded copies of this statement to President Hannah, Provost Neville, Vice President Fuzak, Attorney Carr, and the members of our Faculty Committee on Student Affairs to assist them in resolving the problems raised by the U.S. District Court order in the case of Schiff v. Hannah et. al.

It is the feeling of the council of the local AAUP chapter that every member of our faculty is a defendant in this case, and that it is incumbent upon us to help the university discharge its obligations honorably, creditably, and in accordance with the highest traditions of the academic community.

If you have any constructive suggestions to help us implement this purpose -- either in the instant case or in the long-run effort to draft a systematic code of disciplinary procedures -- please let me know.

Sincerely yours,

/S/ Walter Adams

Walter Adams
Professor of Economics and
President, MSU Chapter, AAUP

P.S. The members of the council of the local chapter are: Ervin H. Barnes (Botany), vice president; Anne C. Garrison (Bureau of Business & Economic Research), secretary; James H. Stapleton (Statistics), treasurer; and Victor E. Smith (Economics), past president.

Statement on Faculty Responsibility for the Academic Freedom of Students

[The statement which follows has been prepared by the Association's Committee S on Faculty Responsibility for the Academic Freedom of Students. Since it has not yet been formally approved by the Association's Council, the statement is to be looked upon as tentative—an expression of the Committee's views rather than of Association policy. It is published here, with the consent of the Council, in order that conferences, chapters, members and other interested persons may have an opportunity to submit their comments to Committee S. The Committee will then revise the statement in the light of this reaction and submit it to the Council for formal consideration and approval. All comments on the statement should be directed to the Association's Washington Office.]

The Members of Committee S preparing the statement were:

Phillip M. Monypenny (Political Science) University of Illinois, *Chairman*
Philip Appleman (English) Indiana University
C. William Heywood (History) Cornell College
Beatrice G. Konheim (Physiology) Hunter College
Lionel H. Newsom (Sociology) Morehouse College
William Van Alstyne (Law) Ohio State University
Robert Van Waes (History) Washington Office]

Preamble

Freedom to teach and freedom to learn are indivisible. Freedom to learn depends upon appropriate conditions and opportunities in the classroom, as well as opportunities to exercise the rights of citizenship on and off the campus. The achievement and continuance of these conditions of freedom require not only a definition of rights but the establishment of procedures for their protection.

Faculty responsibility for the academic freedom of students stems from the recognition that freedom of inquiry and expression are essential attributes of a community of scholars. As members and immediate guardians of that community, faculty members share with administrators a special responsibility for establishing and maintaining conditions under which freedom of inquiry may flourish. This responsibility is to be exercised both through their individual capacity as teachers and their corporate authority in the governance of the institutions in which they serve. The following statement outlines the scope of this responsibility and suggests standards and procedures whereby this obligation may be discharged by members of the profession.

I. Responsibility of the Professor as Teacher

The professor in the classroom and in conference has the obligation to maintain an atmosphere of free discussion, inquiry, and expression, and should take no action to penalize students because of their opinions or because of their conduct in matters unrelated to academic standards. He also has the obligation to evaluate their performance justly.

A. *Protection of Freedom of Expression.* Students should be free to take reasoned exception to the data or views offered in particular courses of study. They may be required to know thoroughly the particulars set out by the instructor, but they should be free to reserve personal judgment as to the truth or falsity of what is presented. Knowledge and academic performance, not belief, should be the yardstick by which students are measured.

B. *Protection Against Unjust Grading or Evaluation.* Students must maintain standards of academic performance set by their institutions if they are to receive the certificate of competence implied by course credits and degrees. The student should have protection against unjust grading and evaluation due to incompetence, error,

or prejudice. The faculty should establish an orderly procedure whereby student allegations of prejudice or error in the awarding of grades or the evaluation of progress toward a degree may be reviewed by a competent academic authority.

C. Protection against Improper or Harmful Disclosure. Institutions should have a carefully considered policy as to what information should be part of the permanent student record and as to the conditions of its disclosure. The information about students which teachers acquire in the course of their work as instructors, advisers, and counselors is of a privileged character and its protection against improper or harmful disclosure is a serious professional obligation. In particular, the protection of the climate of freedom on the campus requires that any information as to the personal views, convictions, or political associations of students which teachers and other university personnel acquire should be confidential and should not be disclosed. Disciplinary actions which do not result in suspension for a term or dismissal should not be posted to permanent academic records which are made available to outside parties.

II. Responsibility of the Professor as Participant in Institutional Government

The professor shares in institutional government and in this capacity has further responsibilities for achieving and preserving an environment of freedom for students.

A. Freedom of Student Admission on Nondiscriminatory Basis. The faculty should insure that college and university admissions policies do not discriminate on the basis of race, creed, or national origin. Institutions of an avowed sectarian character may choose to limit enrollment to those of their own religious conviction, but such limitations should be clearly and publicly stated. University facilities and services should be open to all students without reference to race, creed, or national origin, and the university should use its influence in the community to insure that off-campus housing, eating, and recreational facilities are open to all of its students without discrimination.

B. Freedom of Student Organization and Association. The faculty should protect the freedom of students to organize to promote their common interests. Institutional regulations and policies should assure such freedom. Intervention in the activities of student organizations should be exceptional.

1. Student organizations should not be required to submit lists of members other than current lists of officers, except that purely social organizations required to maintain minimum grade averages among their members may submit current lists for checking grade averages.
2. Campus organizations, facilities, and activities should be open to all students without respect to race, creed, or national origin, except for the possible limitation of sectarian organizations. Organizations and activities should be open in fact and not merely formally open because of the absence of restrictive clauses.

3. Students and student organizations should be free to discuss all questions of interest to them and to express opinions publicly or privately without penalty, to promote the causes they support by distributing literature, circulating petitions, picketing, or taking any other peaceful action on or off the campus.
4. Any person who is presented by a recognized student organization should be allowed to speak on a college or university campus. Institutional control of the use of campus facilities by student organizations for meetings and other organizational purposes should not be employed as a device to censor or prohibit controversial speakers or the discussion of controversial topics. The only controls which may be imposed are those required by orderly scheduling of the use of space.
5. Institutional regulations and the announcements of student groups should make it clear that neither student organizations nor the speakers they bring to the campus necessarily represent the view of the entire student body, the faculty, or the administration.

C. Freedom to Establish and Operate Student Government. Student self-government provides a valuable means for the exercise of the rights and obligations of students as campus citizens. It is therefore a responsibility of the faculty to encourage a fully representative student self-government, and to protect the student government from arbitrary intervention in its affairs by the removal or suspension of officers, by the withholding of funds, or by unilateral changes in the charter which defines its organization and competence. The electorate of such a government should consist of the entire student body and should not be defined in terms of membership in clubs or organizations. As a constituent of the academic community, the student government should have clearly defined means to participate in the formulation and application of regulations affecting student conduct. It should also be free to express its views on issues of institutional policy and on matters of general interest to the student body.

Students should be free to organize and join associations for educational, political, religious, or cultural purposes. The fact of affiliation with any extramural association or national organization or political party, so long as it is an open affiliation, should not of itself bar a group from recognition. The administration should not discriminate against a student because of membership in any such organization.

A student organization should be free to choose its own faculty adviser. No organization should be forbidden when, after reasonable effort, it has failed to obtain a faculty adviser. An adviser should consult with and advise the organization but should have no authority or responsibility to regulate or control its activities.

D. Freedom of Student Publication. An academic community requires freedom to exchange information and ideas. The faculty should promote and sustain institutional policies which will provide students the freedom to establish their own publications and to conduct them

free of censorship or of faculty or administrative determination of content or editorial policy.

1. Editors and managers of student publications should be selected democratically, on the basis of competence, and in accordance with established procedures.
2. Editors and managers should have independence of action during their term of office. They should be protected against suspension and removal because of faculty, administrative, or public disapproval of editorial policy or content. Similarly, neither student control of the publication nor the powers of the student governing body should be used to limit editorial freedom. On the other hand, a student publication should open its pages to representation of diverse points of view.
3. Freedom to distribute publications on or off the campus should be permitted.
4. Students should also be free to establish, publish, and distribute unsubsidized publications without institutional interference.
5. Student directors of campus television and radio stations, not operated primarily for instructional purposes, should have a freedom of programming, subject to F.C.C. regulations, comparable to that of the editorial staff of campus publications.

III. Responsibility of Faculty for Safeguarding Off-Campus Freedom of Students

The faculty has an obligation to insure that institutional authority and disciplinary powers are not employed to circumvent or limit the rights of students as members of the larger community.

A. Students should enjoy the same freedom of religion, speech, press and assembly, and the right to petition the authorities, that citizens generally possess. Exercise of these rights on or off the campus should not subject them to institutional penalties.

B. Off-campus activities of students may upon occasion result in violation of law. Students who violate ordinances or laws they consider to be morally wrong risk legal penalties prescribed by civil authorities. However, not every conviction under the law represents an offense with which an educational institution must concern itself. The student who violates institutional regulations, such as those relating to class attendance, in the course of his protest should be subjected to no greater penalty than would normally be imposed if the violation had not arisen in the course of a public controversy. When students run into police difficulties off the campus in connection with what they regard as their political rights—as, for example, taking part in sit-ins, picket lines, demonstrations, riding on freedom buses—the college authorities should take every practical step to assure themselves that such students are protected in their full legal rights and against abuse.

IV. Responsibility of Faculty for Procedural Due Process in Cases of Alleged Misconduct

The faculty has an obligation to see that students are not disciplined for alleged misconduct without adequate

procedural safeguards. The following procedures are recommended to assure reasonable protection of the student, a fair determination of the facts, and the application of appropriate sanctions.

A. *Notice of Conduct Subject to Discipline.* Disciplinary proceedings should be instituted only for alleged violations of adequately defined standards of conduct made known to the students in advance, e.g., through publication in the catalogue or student handbook. Offenses and penalties should be made as clear as possible, avoiding such vague phrases as "undesirable conduct" or "conduct injurious to the best interests of the institution."

B. *Conduct of Investigation Preliminary to Formal Charges.* Except under emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as dormitories controlled by the institution, an appropriate academic authority should be designated to whom application must be made before a search can be conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

Students detected or arrested in the course of serious violations of institutional regulations, or infractions of ordinary law, should be informed of their applicable rights under institutional regulations and under general law. No form of harassment, including isolation from counsel, should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. *Notice of Charges.* The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to ensure opportunity for a proper defense.

D. *Treatment of Student Pending Final Action.* Pending action on the charges, the status of a student should not be altered or his right to be present on the campus and to attend classes suspended except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety of students, faculty, and university property.

E. *Hearing.* The formality of the procedure to which a student is entitled should be proportioned to the sanctions which may be imposed. Informal tribunals, such as traffic bureaus or dormitory or residential councils, may assess minor penalties and some cases may be closed with a reprimand. But if, after investigation, it appears that the alleged offense may expose the student to serious sanctions, for instance expulsion, suspension, substantial fine, or notation on a permanent record, he should have the right to appeal the initial judgment of his culpability to a Hearing Board. The Board should be composed of faculty members selected by the faculty or, subject to request by the accused student, of faculty members and students, the latter to be selected by the student council or another appropriate agency of student government.

1. The Hearing Board proceeding should be *de novo*, that is, without reference to any matter previously developed in informal proceedings. No member of the Hearing Board who is otherwise interested in the particular case should sit in judgment during that proceeding.
 2. The student appearing before the Hearing Board should have the right to be accompanied and represented by an adviser of his choice, and by legal counsel if he so requests.
 3. The burden of proof should rest upon the officials investigating or responsible for establishing the charge.
 4. The student should be given an opportunity to testify and to present evidence and witnesses relevant to the charge or the penalties involved. Whenever possible, he should be given an opportunity to cross-examine adverse witnesses. In no case should the Board consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.
 5. The decision should be based solely upon matters placed in evidence during the hearing. The failure of the accused student to testify (if such is the case) should not be a factor in the decision and improperly acquired evidence should not be admitted.
 6. A transcript of the hearing should be made and, subject to the student's waiver, the proceeding before the Hearing Board should be open.
- F. *Further Recourse.* Subject only to the student's right to appeal to the highest institutional authority or a designee, or to a court as provided by law, the decision of the Hearing Board should be final.

OFFICE OF THE PRESIDENT • JOHN A. HANNAH

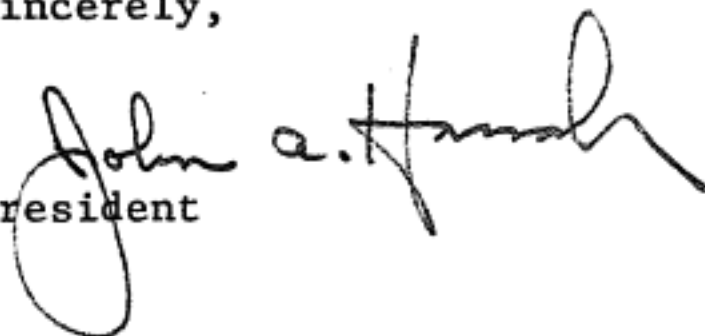
November 1, 1965

Dear Walter:

This acknowledges your letter of October 26 with the enclosed Statement on Faculty Responsibility for the Academic Freedom of Students.

It is my understanding that the Schiff case will come before the Faculty Committee on Student Affairs of which Professor Williams is the Chairman.

Sincerely,


President

Professor Walter Adams
Department of Economics
Campus

COLLEGE OF ARTS AND LETTERS • DEPARTMENT OF HISTORY

November 3, 1965

Professor Walter Adams
Department of Economics
President, MSU Chapter AAUP
112 Marshall Hall
Campus

Dear Professor Adams:

The Faculty Committee on Student Affairs acknowledges receipt of copies of the AAUP article, "Statement on Faculty Responsibility for the Academic Freedom of Students." We appreciate the concern the AAUP has exhibited with respect to the process the committee will establish for the Schiff hearing and wish to thank you and Professor Adrian Jaffe for sharing this concern at our October 25 meeting.

Please be assured that the committee has spent considerable time in discussing the matter and at arriving at what it considers to be a process which will provide for a fair and impartial hearing. Indeed you may be pleased to know that every point you introduced relative to procedure had already been discussed at length and carefully weighed by the committee.

Again may we express our appreciation for your interest in the matter.

Sincerely,

Frederick D. Williams

Frederick D. Williams
Chairman
Faculty Committee on Student Affairs

FDW:dsj

cc: President John A. Hannah
Vice President John A. Fuzak

11/4/65

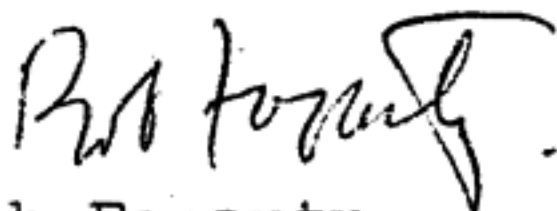
Walter:

The question of student publications falls outside of the immediate area of the Schiff case, but within the AAUP statement. I raise the question because the Board of Student Publications operates contrary to the policy statement in that refuses to allow distribution of "unauthorized" publications on campus.

In order for a publication to distribute it must receive the board's ok and with this goes the right of the board to pick the staff.

Would it be possible for the local AAUP chapter to ask the board for a statement of policies and then compare it with the AAUP statement. I know of a recent case (Zietgeist) that sought the board's approval to distribute and then found it entailed editorial selection and review.

Sincerely,



Bob Fogarty

DEPARTMENT OF BOTANY AND PLANT PATHOLOGY

Nov. 4, 1965

Dear Dr. Adams:

You asked for comment on the AAUP position on the Schiff case.

I know nothing about it except what I read in the usually inaccurate newspapers.

I am sure the officers of the AAUP do not know all of the facts.

Instead of assuming the Knight in Shining Armour attitude and assuming that the student is being harassed, I urge that the AAUP make a detailed study of it, an impartial study and come up with not only a scientific analysis of the case but a scholarly report.

I. Knobloch

cc. Ervin Barnes

from the desk of _____

Anne Garrison

Nov 5

Walter:

At yesterday's meeting of the Committee of Student Publications the AAUP statement on academic freedom came up for discussion. Several members of the committee have not seen it and would like to have copies. Would you please send them to:

Louis Berman, manager, the State News
Frank Senger, Journalism Dept.
Robert Ebel, 449 Erickson

✓ sent
11/6/65

Thanks. I am planning to go to the Conference on Higher Education, as you suggested, and have sent in my check for \$7.25 for these.* What is the Association's practice? Does our chapter pay for such expenses for its delegates?

cordially

June

* meals, that is.

DEPARTMENT OF BOTANY AND PLANT PATHOLOGY • NATURAL SCIENCE BUILDING

November 5, 1965

Professor Walter Adams
Economics Department
Campus

Dear Dr. Adams:

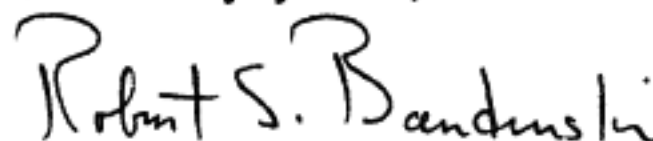
Thank you for the reprint of the AAUP Bulletin on student rights.

I am sorry that I am not familiar enough with the Schiff case to be able to make constructive comments. I do, however, regret circumstances which lead to a court order intervening in what should be a normal Student-University affair.

To avoid such situations in the future, I would hope that our rules for student behavior together with the maximum and minimum punishment for violation of these rules be quite clearly spelled out. In addition it is probably desirable that a student group contribute to developing and enforcing such rules.

I am happy to see the active interest of the AAUP in this matter.

Sincerely yours,



Robert S. Bandurski
Professor

November 9, 1965

Professor Walter Adams
Professor of Economics
President, MSU Chapter
American Association of
University Professors
112 Marshall Hall
Campus

Dear Walt:

I want to congratulate you on having taking the initiative to have reproduced and circulated to MSU members of AAUP the statement from the Autumn 1964 AAUP Bulletin on "Faculty Responsibility for the Academic Freedom of Students."

I have read this statement and it seems to me it should go allong way in the desirable direction of establishing policies and procedures which will safeguard these essential freedoms.

It occurs to me, however, that some of the more difficult work still remains to be done. For example, page 256, IV, Responsibility of Faculty for Procedural Due Process in Cases of Alleged Misconduct, requires, it seems to me, an attempt to put into specific language the "disciplinary proceedings" which are to be instituted for "alleged violations of adequately defined standards of conduct." The problem will be to avoid general language and to be specific without becoming unduly detailed.

I do think, however, that if the Chapter were to explore with administration the desirability of attempting to formulate the standards of conduct referred to the records in the files of the University covering cases of misconduct which led to dismissal or suspension might provide the raw material from which some general statements of a practical nature could be made.

not too
I don't mean to be volunteering for service on such a committee, but I think the effort will need to be made to pin these matters down into language that will clarify the situation for students, faculty and administration.

Sincerely yours,



Edgar A. Schuler
Professor of Education

EAS:rk

3 December 1965

Dean William H. Combs,
Secretary of the Faculties,
Secretary of the Academic Senate,
Michigan State University,
East Lansing, Michigan

Dear Dean Combs:

The Academic Senate meeting of December 1 was a travesty of an academic forum. During the most critical part of the meeting no procedural rules obtained, and an administrative officer of the meeting was permitted not merely to preside over but to dominate the session, and to cut it off without so much as a motion for adjournment and despite the evident desire of many faculty members to continue. The procedural aspects of the meeting disturb us more profoundly than the substantive matters. For if the faculty of this university is to maintain its self-respect, dignity and morale, and if its role in "assisting" the Board of Trustees and the President "in the exercise of their constitutional powers of government" (Faculty Facts, p. 5) is to be taken seriously, parliamentary procedures must be followed in faculty meetings. A breach of those procedures must not be tolerated again. We note that the "By-Laws of the Faculty Organization" do not include clear guidelines in this matter (and are indeed generally fuzzy and even contradictory). We propose that in the future the Academic Senate proceed in accordance with normal rules of parliamentary procedure. We further propose that the Academic Senate meet in a location with sufficient seats for all faculty members, and that the scheduling of such a meeting be arranged so that there will be sufficient time for meaningful deliberation of issues.

As new members of the faculty, we were discouraged by the manner in which the Academic Senate meeting was conducted. What a pity it would be if the advances made by Michigan State University in recent years were to be jeopardized because the faculty's role in the governing of the university were to be demeaned, with all of the problems of morale and recruitment that that would involve. It is our earnest hope that you, in your capacity as Secretary of the Academic Senate, will see the merits of our proposals and that you will seek to implement them in an appropriate manner.

Cordially,

Donald H. Baker

Donald H. Baker

Paul J. Hauben

Paul J. Hauben

Anthony Molho *Anthony Molho*

Robert E. Wall *Robert E. Wall*

Assistant Professors

of History

cc: J.A. Hannah,
H.R. Neville,
P.A. Varg
W.R. Fee
W. Adams
History Department.

C. H. Cross

AFFIDAVIT

I, John P. Henderson, am a Full Professor in the Department of Economics at Michigan State University and accordingly a member of the University's Academic Senate. On December 1, 1965, at the regular fall meeting of the Senate, two items were placed on the agenda. The first had to do with a report from Associate Dean Howell on the status of the University's College of Human Medicine; and the second, a report from Associate Professor Williams for the Faculty Committee on Student Affairs (said report reproduced in full, State News, December 3, 1965, page 2). In introducing Professor Williams, President John A. Hannah made some introductory remarks regarding the background of the Schiff case. He reported that the decision had been made to admit Mr. Schiff for the fall term and that Vice-President Fuzak on September 21, 1965, had written Mr. Schiff advising him that he should apply for readmission. President Hannah related that attorneys for Mr. Schiff filed in the U. S. District Court at Grand Rapids claiming that denial of admission of Mr. Schiff violated his rights under the First and Fourteenth Amendments. President Hannah remarked that when it became a constitutional issue and fearing that if a student could use the First and Fourteenth Amendments to guarantee his admission to a university, that this would place an undue burden upon universities, and that accordingly the University decided at that point to contest the case in court. Mr. Hannah further noted that since the senior judge of the District Court, Raymond Starr, was a member of the Board of Trustees of Ferris College, that he likewise could see the significance of such a constitutional issue and convened a three-judge rather than the traditional one-judge court. In further comments, after Professor Williams' report, President Hannah claimed that if Mr. Schiff or any student could use his constitutional guarantees to gain admission to a university, which was the way he interpreted the case, it would liken American universities to those in Latin America, where students are perennials and can neither be refused admission nor removed from their student status.

John P. Henderson
Professor of Economics

December 15, 1965

Dr. Howard R. Neville
Provost, Michigan State University
305 Administration Building
Campus

Dear Jake:

In accordance with my policy of keeping you informed at all times on the activities of the local AAUP, I want to report to you on the meeting held last Monday. Incidentally, the two hundred odd people at the meeting constituted the largest turnout at such an affair that I have seen in the last five years.

The entire session was recorded on tape by WKAR and I have indicated to Mr. Beachler of the station that it is appropriate for him to make the tape available to any officer of the University, but that I do reserve the right to listen to the edited version of the tape, if it is to be used for broadcasting purposes. I think that if you have the time to listen to the tape this will constitute a verbatim report of the proceedings. One further item in this connection is the chronology of the Schiff case, which was distributed to the members. A copy of this chronology is enclosed for your information.

The major action at the meeting was to authorize the chapter officers to file an amicus curiae brief with the Federal Court in Grand Rapids. As I told the members, I intend to argue that the University has the right, indeed the obligation, to promulgate reasonable rules to protect the health, safety, and morals of its academic citizenry, but that the promulgation and enforcement of such rules must accord the rights, privileges, and immunities guaranteed to all citizens under the constitution. As I indicated to you before, I shall send you a copy of this brief just as soon as it is drafted.

Again I need not tell you how sad and unpleasant a task this is for all of us who feel a profound commitment and dedication to this University.

With best wishes to you and your family for the Holiday Season, I am,

Sincerely yours,

Walter Adams
President, MSU Chapter AAUP

AFFIDAVIT

in the matter of Schiff v. Hannah, et. al.

The Academic Senate of Michigan State University met for its regular fall quarter meeting at 4:10 p.m. on December 1, 1965, with two items on the agenda. The first was a progress report on the College of Human Medicine. The second was a progress report by the faculty standing committee on student affairs, which we knew was to be a report of the committee's hearing in the Schiff case. The first item was disposed of by 4:35.

President Hannah then told the Senate that it might be best if he gave us the background of the case before he called upon the committee chairman to report. The student had not been in school spring term, the President told us, and when he applied for readmission for the summer session, Vice-president Fuzak put a hold on his application for readmission. That was not unusual, the President said.

"But then we learned that the student's lawyers were preparing to go to court to order us to readmit him. We considered whether it would be less trouble to admit him, or to keep him out. Now, I believe these to be the facts: on the 21st of September, Vice-president Fuzak wrote the student a letter, telling him that if he wanted to apply for readmission for fall quarter, he should do so in writing, and his application would be considered. He should apply before the 24th of September.

"On the 23rd of September, the student's attorneys filed suit in Federal Court, charging that the denial of readmission violated the student's rights under the First and Fourteenth Amendments. When this happened, the University felt it had to defend itself....."

Later in the meeting, a member of the Senate asked President Hannah, "I still don't understand. Why didn't you just readmit Schiff, regardless of the suit?"

"We didn't readmit him," the President replied, "because it would have looked as if we were doing so under a threat. We wanted to avoid a precedent that students who've been disciplined can go to court and get readmitted. If that happened, within a very short time American universities would become like Latin American universities." The President then described the chaos and student domination of Latin American universities.

STATEMENT ON ACADEMIC FREEDOM OF FACULTY AND STUDENTS

To be presented to the State Central Committee of the Michigan Democratic Party by the Democratic Academic Resources Committee, Michigan State University Chapter

This statement is presented to the Democratic State Central Committee of Michigan as a guideline and policy statement to be used in cases involving academic freedom of both faculty and students in state-supported universities and colleges in Michigan.

It is based on policy statements adopted by the American Association of University Professors over a period of years. The salient points of these statements are included in the body of this document, the full texts being appended.

Academic Freedom.

"Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher (or researcher) or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

"Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

- (a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties . . .
- (b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject.
- (c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure.

"Any approach toward settling the difficulties which have beset dismissal proceedings on many American campuses must look beyond procedure into setting and cause. A dismissal proceedings is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely if ever need occur.

"A necessary pre-condition of a strong faculty is that it have first-hand concern with its own membership. This is properly reflected both in appointments to and in separations from the faculty body . . . It seems clear on the American college scene that a close positive relationship exists between the excellence

after the (President's) letter to the faculty member has been sent. . . The committee should elect its own chairman."

5. Committee Proceeding.

If no hearing is requested, the committee should consider the case and make a decision. If a hearing is held, it should be consonant with accepted standards of due process. These standards should include:

- A. The right of the faculty member and the administration to be represented by counsel or representatives of their own choosing.
- B. The right of confrontation of adverse witnesses and of cross-examination.
- C. The right to examine and to offer refutation of all evidence presented at the hearing.

Formal rules of court procedure should not be followed. The committee should determine the order of procedure and if necessary should secure the presentation of evidence it deems important to the case.

Oral argument should be permitted before the committee concludes the hearing. If it believes that written briefs would be helpful, the committee may request them. A transcript of the hearing should be taken and be made available to the faculty member and to the administration.

6. Consideration by Hearing Committee.

The committee should reach its decision in conference. It should make explicit findings with respect to each of the grounds of removal presented, and a reasoned opinion may be desirable.

The president and the faculty member should be notified of the decision in writing.

7. Consideration by Governing Body.

The president should transmit to the governing body the full report of the hearing committee and its decision. Acceptance of the committee's decision would normally be expected. If the governing body chooses to review the case, its review should be based on the hearing record and by argument by the principals at the hearing or their representatives.

If the decision of the committee is not sustained at this point, the matter should be returned to the committee with objections specified. The committee should then reconsider the stated objections, taking new evidence if necessary, and make its decision.

Only after studying the committee's reconsidered decision, should the governing body make the final decision.

8. Publicity.

Public statements about the case should be avoided as far as possible. Any announcement of the final decision should include a statement of the committee's recommended action.

Academic Freedom of Students:

Student freedoms are inseparable from the whole matter of academic freedom. Just as free inquiry and expression are essential attributes of the community of scholars, students as members of the community should be encouraged to inquire and to express themselves with the maximum freedom consistent with reasonable order.

While it may be considered desirable for students to exercise their freedom in ways acceptable to the adult community, it must be recognized that conduct and expression so circumscribed is not free at all. The problem then is to establish the widest possible limits for student conduct and expression consistent with the obligations of freedom.

Academic freedom of students is shaped first of all by the total university environment. The university must be open to all students academically qualified and the institution should use its influence to secure non-discriminatory access to public and private facilities in the local community.

In the Classroom. Students are responsible for learning thoroughly the content of any course of study, but they should be free to take reasoned exception to the data or views offered, and to reserve judgment about matters of opinion. They should be protected, by specific and understood procedures, against prejudiced or capricious academic evaluation.

Freedom of Association. Students should be free to organize and join associations to promote their common interests and this right should include the right to affiliate with extramural organizations. Each organization should be free to choose its own campus adviser to counsel and consult with it but not to control its policy. Recognition of an organization should not be withheld or withdrawn solely because of its inability to secure a campus adviser.

Student organizations should be open to all on a non-discriminatory basis. They may be required to meet reasonable registration procedures, but these should be for purposes of record and not control or supervision.

They should be able to examine and discuss all questions of interest to them and to express their opinions privately and publicly free of surveillance. They should be free to support causes by any orderly means which do not disrupt the regular and essential operations of the institution.

Student organizations should be free to invite and hear any person of their own choosing, subject only to routine procedures applicable to all guest speakers on campus, and campus facilities should be available to them for such purposes. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or by the institution.

Student Government. The student body should have clearly defined means to participate in the formulation and application of regulations affecting student affairs, free from arbitrary intervention.

Student Publications. The student press serves the vital function of discussion of issues on the campus and in the world at large. It should be free of censorship and advance approval of copy and should develop its own editorial and news policies.

Editors are expected to observe the canons of responsible journalism. At the same time, they should be protected from arbitrary suspension and removal because of student, faculty, administrative disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures.

Off-Campus Activities. Faculty and administration should encourage students to exercise the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy. When activities of students result in alleged violation of law, university officials should apprise students of their legal rights.

The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed.

"Procedural Standards in Disciplinary Proceedings. The disciplinary powers of educational institutions are inherent in their responsibility to protect their educational purpose through the regulation of the use of their facilities and through the setting of standards of conduct and scholarship for the students who attend them. In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to counseling, guidance, admonition, and example. In the exceptional circumstances when these preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties. The following are recommended as proper safeguards in such proceedings."

A. "Notice of Standards of Conduct Expected of Students. Disciplinary proceedings should be instituted only for violation of standards of conduct defined in advance and published through such means as a student handbook or a generally available body of university regulations. Offenses should be as clearly defined as possible, and such vague phrases as 'undesirable conduct' or 'conduct injurious to the best interests of the institution' should be avoided. Conceptions of misconduct particular to the institution need clear and explicit definition."

B. Procedures in Cases of Alleged Serious Misconduct. The formality of the procedure to which a student is entitled in disciplinary cases should be proportionate to the gravity of the offense and the sanctions which may be imposed. Minor penalties may be assessed informally under prescribed procedures. When misconduct may result in serious penalties, the student should have the right to a hearing before a regularly constituted hearing committee.

In cases involving such things as expulsion or suspension, the standards of due process described for faculty dismissal hearings should be generally followed.

Students charged with serious violations of university regulations should not have their status altered pending final action, except in unusual circumstances.

"Student Records. Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Data from disciplinary and counseling files should not be available to unauthorized persons on campus or to any person off campus except for the most compelling reasons. No records should be kept which reflect the political activities or beliefs of students."

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL M. SCHIFF

Plaintiff,

File No. 5147

-vs-

JOHN A. HANNAH, President of
MICHIGAN STATE UNIVERSITY,
JOHN A. FUZAK, Vice President
of MICHIGAN STATE UNIVERSITY,
and BOARD OF TRUSTEES OF
MICHIGAN STATE UNIVERSITY,

BRIEF OF AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS,
MICHIGAN STATE UNIVERSITY
CHAPTER, AS AMICUS CURIAE

Defendants.

This brief is being filed by the officers of the Michigan State University chapter of the American Association of University Professors on behalf of the members of the chapter, pursuant to instructions given by the membership at a meeting of the chapter held on December 13, 1965. The vote at that meeting was unanimous.

The American Association of University Professors is a national, non-profit, professional organization, with a membership of 72,000 faculty members in every rank and discipline, and organized into 900 local chapters on college and university campuses in fifty states. Founded in 1915 by a group of distinguished scholars to advance the ideals and standards of the academic profession, the Association is the only national organization in the United States that serves exclusively the interests of all teachers and research scholars at institutions of higher learning. As such, the Association has come to be recognized as the authoritative voice of the profession.

While the Association is an organization composed exclusively of faculty members, it has not refused to concern itself with those student problems which are related to the teaching process. For this reason, in its Bulletin for Autumn, 1964, Committee S of the Association published a

statement under the title "Faculty Responsibility for the Academic Freedom of Students" in which a certain number of general recommendations were made in the area of student activity. The desire, therefore, of the Michigan State University chapter to associate itself with an action in which the plaintiff is not a faculty member, but a student, is entirely consistent with the interests and previous activities of the Association.

The Michigan State University Chapter of the Association of American University Professors comprises more than 300 members, and has an enviable record of cooperation with the university administration. The chapter's officers counsel periodically with high-ranking administration officials to help make the university an outstanding center for teaching, research, and public service, and to enhance still further the university's fine reputation in the academic world. Indeed, it is the opinion the chapter's officers, and of the overwhelming majority of the faculty, that the Board of Trustees and the university's top administrators, particularly President John A. Hannah, have assiduously and conscientiously endeavored to make the Michigan State University campus a place of free inquiry and free expression of opinion. In the view of the chapter's officers, the university's record in preserving and respecting the academic freedom of both faculty and students is, by and large, excellent.

Traditionally a university occupies a special position within the larger organization of society of which it is a part. This special position, accorded in the past by custom and in the present by a variety of legal safeguards, stems primarily from the recognition by society of the particular role which it is the purpose of universities to play: to provide an institution where truth and knowledge may be pursued unhampered by external pressure and where the young citizens of the community may be trained in accordance with the highest intellectual principles.

The people of the State of Michigan, when their universities were created, saw the necessity and the wisdom of preserving this special position and placed the universities in the control of boards free from legislative control and safely embedded in the constitution. Although the Constitution of Michigan has been amended and, more recently, entirely rewritten,

contemporary judgment has not seen fit to change this principle, and the universities of the State are today guaranteed their freedom from the winds of the moment. In addition, Michigan statutes, tradition, and common convention have always held that the educational processes of universities should be the exclusive province of the university faculties. See e.g., Section 14, Act 269 of the Public Acts of 1909 (C.L. 1948, Sec. 390.114.)

Educational processes are diverse in character. In a broad way, everything which occurs on a university campus is part of the process of education, but certain elements of this activity, such as the maintenance of physical plant, do not substantially differ from similar activities in non-educational institutions, and have fallen in consequence to the concern of specialists whose educational qualifications are less significant than their technical skills. But that aspect of the educational process which is directly involved in teaching, research, and the supervision of programs of study, cannot be divorced from the students for whose benefit it is conceived. Freedom from external pressure with respect to professors and curricula must be matched by a similar freedom with respect to students. The business of a university is integral and indivisible.

The special position which a university occupies, like all special positions, implies special responsibility. While many students are mature in years, many are not, and it has long been the strong desire on the part of the people of the State, whose children attend universities supported by tax dollars, that such universities should in general exercise, to a greater or lesser extent, a kind of control which is often referred to as standing "in loco parentis." While this point of view is not fully accepted by everyone connected with the field of higher education, there is overwhelming consensus that universities have both the right and obligation to regulate student behavior, supervise student morals, and promulgate rules designed to prevent disorder and chaos. In short, to assure a framework of "ordered liberty," a university has the unchallenged authority to make reasonable rules to protect the health, safety, and morals of its academic citizens.

It is here that a particular problem emerges, for the

student is at once two persons, a "political" citizen and an "academic" citizen. University regulations of student behavior do not necessarily have, nor should they have, the force of statutory law, but in the interests of education an orderly community would expect that such regulations should be obeyed. However, even though university regulations, not having the force of statutory law, protect in their nature the student from criminal conviction in case they are violated, they none the less may not, in our view, go beyond the constitutional limits of statutory law. In short, although a student may in this sense have a greater obligation than an ordinary citizen, he may not for that reason have less protection.

Whether one accepts the doctrine of "in loco parentis" or not, the principle is best illustrated by problems which arise in the control of the family. A child may be subjected to discipline by his parents, and it is absurd to contend that such discipline may be inflicted only after the parents have provided a full hearing and have given the child a bill of particulars in writing. But the child may not be subjected to discipline which itself violates certain of his inherent freedoms, such as that of being protected against undue cruelty, violence or the withdrawal of shelter, clothing or food. In such instances the community, through its courts, would not hesitate to accept jurisdiction, nor would the community be deterred from accepting jurisdiction on the ground that such an action would open every home to court control and erode the special position which parents have with respect to their children.

The faculty of a university bears to the student body a relationship similar to that which parents bear to their children, and so long as students are on campus, the faculty must bear what is in effect "parental" responsibility. When the faculty acts, therefore, it is acting both for itself and for the parents who have ceded to it, for a limited time and for a limited purpose, not only their powers, but their responsibilities. The necessary right of the faculty, and its need, to assume these responsibilities rests upon the care with which it acts. A cloud upon a faculty action with respect to its control of student behavior is a cloud upon an entire relationship, and failure to dispel such a cloud, in a clear and

unequivocal way, can have the most deleterious effects upon the ability of the faculty in the future to perform its necessary task. Such a failure would undermine the confidence of the citizens in the ability of the men and women to whom the citizens have entrusted so heavy a responsibility.

The interest of the faculty in the instant case is therefore a serious one which transcends the substantive issues. It would be a grievous blow to the faculty-student relationship, a relationship built on mutual trust and confidence, if, for any reason, it should appear that a student has been denied, in a faculty action, those constitutional rights which he would have unquestionably enjoyed in any American community, i.e., the privileges and immunities of American citizenship. And with respect to the character of the charges made by the Administration of Michigan State University against the plaintiff in the instant case, certain of these rights appear to have in fact been denied.

The First Amendment to the Constitution of the United States broadly protects citizens from punishment, harassment and restriction for their views. To be sure, all societies must regulate the actions of their citizens, and certain actions, deemed by a society to present a danger to the orderly processes of social living, may properly be prohibited. Consequently, the First Amendment recognizes, by implication, that a distinction must be made between an act and a belief. If punishment has been meted out on the basis of belief, such punishment is clearly in violation of the First Amendment; if the punishment has been meted out for an action, it would be in violation if the statute allegedly violated was itself designed to regulate belief; if the question of the regulation of belief occurs in neither context, there would be no constitutional issue with respect to the First Amendment alone.

In the statement of charges offered by Vice President Fuzak in response to the Court's recommendation to make such a statement and to furnish same to plaintiff, only one act is cited: "Said petitioner has openly and defiantly refused to abide by a regulation of said University, approved and adopted at the request of students living in dormitories on the campus, prohibiting door-to-door distribution of publications within said dormitories." (Charge No. 1) Neither the time nor place

of the alleged violation is given, nor the name or number of the rule violated, nor the name or identification of the body which adopted the rule, nor the conduct on the part of the plaintiff which was alleged to constitute the violation of the rule. In the place of this essential information, only the opinion of the defendants concerning the necessity for such regulation and a vague statement of motives for its alleged adoption, are given.¹

The balance of the charges rests upon what is clearly the opinion of the defendants concerning the actions of the plaintiff, an opinion of so emotional an order as to raise the serious question of the possibility that the punishment was not for any action but for its quality in the view of the defendants. The plaintiff is accused of "ridiculing" the regulation; he is accused of having a "defiant" attitude; he is accused of encouraging others to indulge in "like conduct," which apparently means to indulge in having a "defiant" attitude; he is accused of encouraging, by allegedly disobeying a regulation, other students to disobey the regulation, a point of view which has validity only in an existentialist universe, not in a serious court of law;² he is accused of acting

¹The lack of essential information in the charge was demonstrated when the plaintiff in his reply stated that the distribution rule did not become effective until after the time of the alleged violation. However, at the hearing, the suggestion was made by members of the faculty committee in questions to witness Anderson that possibly plaintiff had violated the old distribution rule rather than the new one. Since defendants never denied that the new rule became effective after the date of the distribution, apparently the faculty committee found plaintiff guilty of violating the old rule, which in fact contained no prohibition of distribution of literature in the dormitory halls. Thus, plaintiff was misled by the vagueness of the charge to defend against an alleged violation of one rule, while the committee apparently found him guilty of violating an entirely different rule.

²In connection with plaintiff's distribution of Logos which allegedly urged students to violate university regulation, Justice Oliver Wendell Holmes' comment is in point: "It is said that this manifesto is more than a theory, that it was an incitement. Every idea is a incitement. It offers itself for belief and if believed it is acted on unless some other belief outweighs it or some failure of energy stifles the movement at its birth. The only difference between the expression of an opinion and an incitement in the narrower sense is the speaker's enthusiasm for the result. Eloquence may set fire to reason. But whatever may be thought of the redundant discourse before us it had no chance of starting a present conflagration." (Gitlow v. People of New York, 268 U.S. 652,672(1924))

as he did "deliberately;" he is accused of acting with a "purpose," and this "purpose" is, in the minds of the defendants, that of "discrediting" the university; in addition this "purpose" is alleged by the defendants to be "obvious." Although we are certain that these charges represent a true account of the reasons for which the plaintiff was denied readmission on two occasions, we submit that they are matters of subjective opinion and reflect a decision on the part of the defendants to punish the plaintiff for the nature of his views, not for any acts as such.

It is this distinction between speech and action, between belief and deed, between attitude and conduct, which lies at the core of this litigation. It raises the central question, in spite of the Faculty Committee's refusal to make any ruling thereon, of whether the plaintiff had indeed been deprived of his constitutional rights. As for the test to be applied in safeguarding constitutionally protected speech, belief, opinion and attitude, the classic statement by Mr. Justice Brandeis provides an unmistakable guideline:

"Those who won our independence believed that the final end of the state was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope, and imagination; that fear breeds repression; that repression breeds hate, that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law--the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed.

"Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burned women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech there must be reasonable ground to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe that the evil to be prevented is a serious one....

"Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty. To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present, unless the incidence of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence. Only an emergency can justify repression. Such must be the rule if authority is to be reconciled with freedom. Such, in my opinion is the command of the Constitution."

(Concurring Opinion by Mr. Justice Brandeis in Whitney v. California, 274 U.S. 357 (1927), at 375-77)

It would be hard to argue that plaintiff's utterances and manifestos, whatever the "falsehood and fallacies" contained in them, were about to produce an "imminent" evil. It would be hard to prove that "enforced silence" was, under the circumstances, a more efficacious remedy than "more speech." It would be hard to establish that "repression" of the plaintiff was the only method by which "authority [could] be reconciled with freedom."

One of the charges, however, raises in addition another point. The Board of Trustees of Michigan State University and its administrative officers, after consultation with members of the faculty, agreed some years ago upon a set of principles to govern the participation of faculty members in political activity. The university administration and the faculty both recognized that while any faculty member, as a citizen, has the unquestioned right to participate in political parties and to run for office, a faculty member is not an ordinary citizen but, whether he wants to be or not, a representative of an institution responsible to all of the people of the state. It follows that when a faculty member speaks in public he has the special obligation to make it clear that he does not speak for

the university and the further obligation of conducting himself with extreme tact. It was therefore agreed that any faculty member could participate as he chose in politics on a level lower than the county level, could offer himself as a candidate for any non-partisan office and could hold office in a political party without special permission, but that participation on a level higher than the county, or election as a partisan candidate for an office would require leave from his teaching duties. These agreements have consistently been honored, without exception, and with the greatest willingness, by faculty members and the Administration, and as a result some of the special talents of faculty members have been made available to the political community at large. A faculty member, therefore, who offers himself for public office, does so with the consent and, in a sense, the blessing of the University, so long as he separates his political office from his faculty one. He may not ask for special consideration from the voters because he is a faculty member, nor may he protect himself from the slings and arrows of public office by surrounding his person, or his forum, with his cap and gown. We submit that the charge which accuses the plaintiff of having subjected a member of the faculty to public ridicule, if in fact this is what the plaintiff did, should be changed to read that he subjected the Mayor of East Lansing to public ridicule, hardly an acceptable reason for refusing readmission.

In addition to these substantive matters, there are issues which touch the question of procedural due process. Roscoe Pound, for many years the distinguished Dean of the Harvard Law School, articulated the procedural due process issue under the Bill of Rights as follows:

"Whatever 'liberty' may mean today, the liberty guaranteed by our bills of rights is a reservation to the individual of certain fundamental reasonable expectations involved in life in civilized society and a freedom from authority of those who are designated or chosen in a politically organized society to adjust relations and order conduct, and so are able to apply the force of that society to individuals. Liberty under law implies a systematic and orderly application of that force so that it is uniform, equal, and predictable, and proceeds from reason and upon understood grounds rather than from caprice or impulse or without full and fair hearing of all affected and understanding of the facts on which official action is taken." (Roscoe Pound, THE DEVELOPMENT OF CONSTITUTIONAL GUARANTEES OF LIBERTY, 1957, p. 1)

arbitrary and unreasonable exercise of the power and

The record in the instant case contains evidence that plaintiff was not accorded "reasonable expectations" of "freedom from arbitrary and unreasonable" exercise of the university's power to enforce regulations. Further, the application of the university's power with respect to the plaintiff was not "uniform, equal, and predictable," nor did it proceed "from reason and upon understood grounds rather than from caprice or impulse." To illustrate, the university's rule governing the distribution of literature--a rule which plaintiff was accused of violating--was so vague and indefinite, both as to content and date of promulgation, and apparently so little known by the students who were expected to obey it, that more than 160 days after plaintiff's alleged violation, i.e. on October 15, 1965, Mr. Richard O. Bernitt, the university's Director of Public Safety, felt obliged to clarify it in the Michigan State News, under the heading "Bernitt Clarifies Rule," and to state that it was the intention of the campus police to "take enforcement action." The rule cited by Mr. Bernitt in this article, enforcement of which was promised, is Section 30.02 of the Michigan State Ordinance, which prohibits the erection of posters or the distribution of handbills which "advertises [sic] or otherwise calls [sic] attention to any product, service, or activity." Since this rule covers the use or distribution of advertising material inside and outside university buildings, Mr. Bernitt goes on to say that as far as his police force was concerned, only violations inside buildings would be enforced. It should be recalled at this point that the material plaintiff was accused of having distributed was a magazine or journal containing no advertising and not calling attention to "any product, service, or activity."

Three days later, on October 18, 1965, another ~~article~~ appeared in the Michigan State News entitled "Distribution Policy Gets New Rule." The first paragraph of this article reads "The long confused University rule took a new twist Friday when CSR was given permission to distribute 'Logos' on campus." The article goes on to say that Mr. Bernitt, the Manager of the Union, Mr. Dmochowski, and university officials had agreed to this, and that the Traffic Safety Department had the responsibility "in distribution matters."

It seems evident that neither the form nor the content of the rule, nor the University policy with respect to its interpretation or enforcement, nor the penalties which violation would incur, nor the agency responsible for its enforcement, was sufficiently clear at the time of plaintiff's alleged illegal act to sustain the grave and serious punishment which the University imposed upon him on this count.

The plaintiff was also charged with having acted on behalf of a "student organization which was not recognized by the University," and of having refused to "abide by a regulation of the University requiring student organizations to secure recognition from the University before functioning on the campus." The charges do not make it clear, with respect to the second act, if plaintiff in fact "refused" to do something which he had the obligation to do in propria persona or whether he merely failed to do something. In any case, the charges are based upon the assumption that since CSR, an organization to which plaintiff belonged, had not received legal permission to function on campus, it was in some fashion an "illegal" organization, with all the implications that such a term carries, and that plaintiff, to whatever extent he was responsible for the presence on campus of this "illegal" organization, was doing such harm to the university that his readmission would be a disservice to the university community. There is evidence, however, that while CSR may have been technically illegal, the university itself did not consider it as more than that, and did not refuse to offer to CSR those privileges and de facto recognition which it customarily offers to organizations which have registered. Thus the organization was given a room on campus, in South Case Hall, when it met to hear an address by Professor James B. McKee, a member of the Faculty Committee on Student Affairs, within a week of the hearing at which this committee unanimously upheld the charge that plaintiff failed to register this organization. In addition, as the article "Distribution Policy Gets New Rule" (supra) indicates, members of CSR were invited to discuss the rule with university officials and were directly given the new interpretation by Mr. Bernitt, the Director of Public Safety. It is our submission that the University saw no cause not to meet with, treat with, and consider CSR as an organization whose illegality, if any,

was purely technical, and that the University acted with respect to this organization no differently than plaintiff, with the exception that plaintiff acted "on behalf" of the organization and the University, of course, acted only on its own behalf. These incidents are only illustrative of the arbitrary, capricious, inconsistent, and discriminatory procedures to which plaintiff has been subjected.

One further procedural factum is relevant in interpreting the record. The faculty committee which gave plaintiff a hearing in accordance with this Court's order was not, in our submission, capable of providing a fair hearing--not because any of its members was prejudiced or unfair, but because of previous involvement in the case. The original decision to refuse readmission to the plaintiff, although taken by Vice President Fuzak, was endorsed by the committee in June, 1965, at which time the committee had before it for consideration sufficient evidence of one sort or another to justify, in its view, its concordance with Vice President Fuzak's decision. In the hearing held in compliance with the order of this Court, the same persons reviewed the same evidence, with the exception that since the committee had refused a hearing to the plaintiff in June, it now had, because of the court order, an opportunity to hear statements from the plaintiff. It is difficult to understand how impartial any body can be which is reviewing its own decision on the same evidence, with the one exception, that it had before. It seems unlikely that the same men who acquiesced in Vice President Fuzak's decision to bar plaintiff should on another occasion see any reason to change their minds. A fairer hearing would have been had if the committee members had seen fit to disqualify themselves, and if the task had been assigned to another committee which could examine the evidence de novo.

Finally, we should like to call the attention of the court to certain other matters which bear upon our interest in the case. A day or two after the instant case had been filed, the University was, to the best of our information and belief, not unwilling to readmit the plaintiff,¹ but as soon as the

¹See Memorandum by Professor Benjamin B. Hickok, dated November 29, 1965, which was circulated to the faculty and later became the subject of a sworn deposition in this case.

University discovered, through service of the papers, that the case had in fact been filed, it decided that it would not readmit the plaintiff. The conclusion is inescapable (1) that the nature of the charges against the plaintiff did not constitute in the University's opinion a sufficient reason to deny readmission in and for themselves and (2) that the denial upon which the University proceeded to insist was motivated in part by a desire to punish the plaintiff for the mere act of having gone into court at all. While it is not possible to make any certain statements concerning the origin or nature of such an action, it would appear to rest upon a fear on the part of the University of court action, per se, as a means of settling any dispute of this order. Such a fear, in the light of the character of our judiciary, is difficult to understand, but a clue to it may be found in the substance of remarks made by President Hannah before a meeting of the Academic Senate on December 1st, 1965, in which the instant case was a major item for discussion. President Hannah indicated his belief that an unfavorable decision to the defendant in the instant case would, within slightly more than a fortnight, open the doors of all American universities to any and all persons who wished to enter, under the threat of court action, irrespective of their educational qualifications--so that, in defending this case, the University was in effect defending all American universities from invasion.

We submit that it is a disservice to the courts and to the University to suggest that the mere raising of a Federal question and that the mere act of seeking redress in a Federal court for an injury real or imagined, can or would by itself open the gates of all universities to the free and unregulated entrance of hordes of unqualified citizens. To suggest this is not only to distort the stated cause of action in this case but to bring a most unfortunate pressure upon interested citizens to refrain from availing themselves of the judicial machinery provided for the adjudication and enforcement of their rights. We dissociate ourselves completely from this point of view and find it inappropriate to the philosophy of our society.

To recapitulate, we contend:

1. That it is essential to the processes of education for universities to be free from external pressures and from capricious interference;
2. That universities must, in order properly to function, promulgate and enforce reasonable rules designed to protect the health, safety, and morals of their academic citizens, and by maintaining an environment of "ordered liberty" to further the pursuit of their educational purposes;
3. That their special position, however, does not authorize universities to promulgate regulations which in themselves violate constitutional guarantees nor to enforce regulations in such manner as to withhold from students their constitutional rights;
4. That it is in the professional interests of the faculty of a university to protect itself and its university from any loss of public confidence which may result from the denial to students of their constitutional rights, and thus to help preserve the necessary autonomy without which no university can properly discharge its obligations to the citizenry.

In the light of these reasons, the Michigan State University Chapter of the American Association of University Professors respectfully urges the Court to declare that the University's failure to readmit plaintiff constituted a deprivation of his rights under the First Amendment.

Respectfully submitted,

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