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I. INTRODUCTION

In this, the first part of the report of the Ad Hoc Committee on Mode of Response to Obstruction, Interview Policies, and Related Matters we consider it appropriate to review the sequence of events that led to the formation of this Committee, to state in explicit terms our interpretation of the charge, and to indicate some of the details of our modus operandi.
A. Genesis

In the recent years a significant part of the youth of the nation has become concerned with the individual's relations to the society and with attitudes displayed by the society at large towards pressing domestic problems and towards American involvement abroad. This concern has been manifested by a commitment of substantial energy and time to the civil rights protest movement both in the South and in the northern cities in the early '60's, by the student rights campaigns at various campuses, and by a very active protest against American military ventures abroad.

In the last two years there has been a more active involvement of our students with issues external to the University. Incidents which exemplify this are:

1. The Selective Service Demonstration of May, 1966
2. The Senator Edward Kennedy incident of October, 1966
3. The Dow protests of April, 1967
4. The C.I.A. protests of April, 1967

This series of events was climaxed by the protests during the week of October 16-22, 1967, commonly called "Viet Nam Week".

Protests were planned for our campus, as they were throughout the nation, to culminate with a march on Washington, D.C. the weekend of October 21-22. This movement received added impetus on the Madison campus because Dow Chemical interviews were scheduled for that week (October 17-20).

The protests on Tuesday, October 17 were peaceable and non-violent. The protesters picketed in front of the Commerce Building and ended the day's activities with a mass noon rally on Bascom Hill. On the following day (Wednesday, October 18) the protesters entered the Commerce Building intent upon obstructing the interviews. Gradually the crowd increased in size, and the interviews were effectively blocked. The University administration called the Madison Police to assist in restoring order. The plans for arrest of the demonstrators were thwarted, and the police responded by forcefully clearing the Commerce Building. Several hours elapsed before order was restored to the campus.

In seeking to avoid another confrontation, Chancellor Sewell cancelled Dow's interviews and called an all-campus faculty meeting for the following day (October 19). After several hours of debate at that meeting, the following resolution was passed:

"Be it resolved that the faculty upholds the Chancellor's action in recognizing his obligation to enforce the mandate of the faculty as expressed in Chapter 11 of the University regulations."
The faculty also voted to suspend Dow interviews scheduled for October 20. The meeting was then recessed until 4:30 p.m. Monday, October 23.

When the faculty reconvened on Monday, it adopted the following:

"Resolution
Resolved that the faculty deeply regrets the violence on this campus on October 18, 1967, and expresses its grave concern about the damage such occurrences do to the integrity of a university community. We affirm our resolve to join in partnership with students and administration to make every possible effort to ensure that this university can, without recourse to force or violence, carry on its activities in an orderly way, and guarantee the rights of every member of the university community.

Motion
Moved that the Faculty support the decision of the University Committee to form immediately an ad hoc committee consisting of equal numbers of faculty and student members, charged with the responsibility for drafting recommendations on the mode of response to obstruction, on the policies and conduct of employment interviews, and on any other matters concerned in the implementation of the principles of the Resolution offered by the University Committee on October 23, 1967."

The University Committee immediately began selecting members for the ad hoc committee created by the above motion. (For further details see Faculty Document 167.) On November 2, the University Committee announced the appointment of the following faculty members to the ad hoc committee:

- Samuel Mermin, Chairman, Professor of Law
- J. Ray Bowen, Associate Professor of Chemical Engineering
- E. David Cronon, Professor of History
- Haskell Fain, Professor of Philosophy
- Stephen C. Kleene, Professor of Mathematics
- Hugh T. Richards, Professor of Physics
- Norman B. Ryder, Professor of Sociology

On November 6, the University Committee accepted the following list of students submitted by the Wisconsin Student Association:

- Gary L. Baran, LS 5 (Philosophy)
- Andrew H. Good, BA 4 (History)
- Roland Liebert, LS 5 (Sociology)
- James F. Marty, Bus 4 (Actuarial Science)
- Wendy K. Rifkin, BA 3 (History)
- Joel Samoff, LS 5 (Political Science)
- Toni L. Walter, Bus 4 (Marketing)
These students were selected from over one hundred interested applicants by W.S.A. President Michael Fullwood and approved by the Student Senate.

B. Charge of the Committee

Due to several misunderstandings both on and off campus concerning the nature of our charge, we would like to express our interpretation of the motion and what, we feel, the charge to the Committee is.

1. We should not be considered a fact-finding committee to assess the events resulting in the October 18 incident. No attempt was made to determine where the blame lay for the events of October 18. Rather, we sought to develop policies which will protect the right of dissent and at the same time ensure that the central functions of the University will not be impaired.

2. Our only interest in the Placement Service was as a potential focus of future student protest. We have, therefore, chosen not to investigate the routine operations of the Placement Service.

C. Modus Operandi

On November 11, 1967, the Committee held its first meeting to discuss procedural matters and agree upon our interpretation of the charge (outlined above). Initially, we interviewed faculty, administrators, and students who could provide us with information to carry out our charge. After three such meetings, we realized that this course of action was overly ambitious and inefficient, given the urgency of our charge. As an alternative we solicited written comments about matters related to our charge, from persons who were thought to represent divergent positions in the University. The responses to our solicitation are incorporated in the Committee documents. Besides obtaining reactions from the local community, we have studied many reports from similar committees at other universities, relevant journal articles, and various regulations pertinent to our charge. A collection of the Committee documents will be deposited with the University Archivist.

We have discussed placement policies and mode of response to obstruction extensively since our first meeting. Thus far, the Committee has already spent well over one hundred hours in meetings alone. Because of the pressures of time we have elected to submit our report in several parts.

D. Note on Majority and Minority Statements

In the majority and minority statements below, there will occur some passages that are similar in spirit and even in language. This is due to the fact that in the virtually simultaneous preparation of their reports, the majority and the minority have felt free to draw upon Committee working papers which had been drafted in an effort to obtain unanimity of the Committee—and which in some parts still represent a general consensus.
II. MAJORITY STATEMENT ON INTERVIEW POLICY

A. Institutional Neutrality

The principal fact underlying the events of October 18, 1967, on the Madison campus is the war in Viet Nam. The obstruction of Dow interviews was one of many ways in which the university has been asked to take a stand, as an institution, against that war. The issue of the university's position with respect to the war goes to the heart of the meaning of a university, and its relationships to the surrounding society.

The present official posture of the university with respect to the war, and all other public issues not directly affecting the institution, is neutrality. It is maintained that the university should be an arena within which ideas are received, examined and evaluated, but never subjected to final collective endorsement or rejection. The prime responsibility of the institution is to protect the ideas and opinions of its individual members from external pressures toward conformity with one or another kind of orthodoxy.

Many are now insisting that the university has a moral obligation to bear witness by word and deed on such questions of fundamental social importance as American involvement in Viet Nam, and protest as a corporate structure against the violation of values which the university should especially cherish. The guilt of many for tolerating sickness in the body politic cannot be gainsaid, and especially the guilt of those who are sheltered within institutions dedicated to the protection of freedom of thought. Yet this undeniable responsibility must remain a matter for the consciences of individual members of the academic community. The burdens of explicit institutional commitment are for other organizations to bear, not because of academic indifference to this grave and urgent controversy, but because a university, by becoming a political actor, would threaten its reason for being.

Were the university to decide to take a stand, many critical questions would arise. What person or group is entitled to speak for the institution as a whole? By what procedure can a position on any issue be determined? How would the minority be bound by that decision? What argument would prevent the institution from moving from words to deed, expelling those who disagree with the decision, applying loyalty tests as criteria for admission or employment, and banning from the campus all speakers for the opposition? By such departures from academic ideals, the university might find itself transformed into something resembling the medieval church, with the self-appointed charge of proclaiming dogma and rooting out doctrinal error. No longer would it be able, nor indeed would it be disposed, to protect the heretic and the dissenter. In brief, the price for departure from institutional neutrality may well be abandonment of the unique and indispensable role of the university in a democratic society.
B. Employment Interviews

One specific demand of the obstructors of the Dow interviews was that the university take a stand on American intervention in Viet Nam by denying the privileges of the campus to outside agencies executing or symbolizing that policy, coupled with the blunt charge that the university, by permitting Dow and others on campus, was in fact supporting the offensive policy.

The official position of the university is disinterest concerning the purposes of outside agencies which appear on campus; it expresses neither approval nor disapproval of what they may stand for. Because the university permits the use of campus facilities by all bona fide employers, it claims to be expressing, insofar as placement policy is concerned, no attitude whatsoever toward American policy in Viet Nam or any other public issue.

If the university were to discriminate politically by denying access to the campus to any agency allegedly involved in American Viet Nam policy, that would be a departure from the principle of institutional neutrality, and an act of questionable legality in terms of constitutional provisions of equal protection. The university is not compelled to offer placement interviews on campus at all. If it does offer the service to some employers, it may be argued, in terms of constitutional law, that the university must offer it without discrimination to all comers, to avoid depriving any would-be interviewer of the equal protection of the laws. In order to justify differential treatment of recruiting agencies, it would be necessary to argue in terms not of the character of the enterprise in question but of the institutional interests which would be endangered, such as the physical safety of members of the academic community.

We are opposed to the notion, frequently and forcefully asserted by those unfamiliar with the character of an academic institution, that employment interviews are essential and fundamental to the conduct of a university. Employment interviews represent the beginning stages of a possible private commercial transaction between an employer and a student. So long as they leave undisturbed the intellectual pursuits for which this institution has been established, it is a purely pragmatic question, all other things being equal, where or even whether they take place. The sole justification for interviews is their use to students; the sole justification for their location on campus is convenience.

The placement operation is of considerable private benefit to many students. It is not, in principle, incompatible with the central purposes of a university. Were interviews not arranged on campus, there would undoubtedly be important practical disadvantages to the users of the service. On-campus interviews enable students and faculty, as well as employers, to save time, effort and money.

But as some assert that all employers have a right to come on campus and that the employment interview is an integral part of the academic process, so others assert that it merits vigorous defense
under the constitutional protections of free speech and free association. This position is of dubious validity at best. It does not seem that interviews possess the characteristic attributes of the open exchange of opinions and ideas. Although there are undoubtedly some collateral educational aspects to interviews, they are clearly designed with other ends in mind.

More generally, there is reason to regret the escalation of rhetoric on issues surrounding this useful but peripheral extra-curricular activity. The academic community is reft with division because this service to students has on the one hand been characterized by dissenters as a symbol of the university's complicity in the war in Viet Nam, and on the other hand been defended as a vital university interest to be protected at all costs under the rubric of the hallowed principles of free speech and free association. Debate in these terms has increased the probability of force and counter-force, and reduced significantly the prospects of restoration of the campus to its central educational pursuits.

As with any other approved activity, the university, by permitting interviews to be held on campus, acquires an obligation to ensure that the rights of students and employers to participate in them are protected. At the same time, other members of the academic community retain the right to protest such interviews being held on campus. Indeed the right of dissent would seem on the face of it to be especially close to the university's reason for being--and ordinarily much more in need of protection than, say, the right to interview a possible employer on rather than off campus.

It is for the university to decide whether interviews should continue on campus, or be arranged through university auspices but off campus. In arriving at this decision, the relevant factors to be weighed are on the one hand the convenience to students of on-campus interviews, and on the other hand such institutional interests as were compromised by the violence which occurred last October 18.

C. Exceptions to a Passive Interview Policy

The employment interview on campus has been characterized as a privilege extended equally and without discrimination to all employers, as a service to students. This does not mean that any bona fide employer must be permitted access to the campus under any and all circumstances. There may well be situations in which the privileges of the campus should be denied particular outside agencies because their presence might be injurious to institutional interests--perhaps, for example, by infringing on the rights of members of the academic community, or perhaps by posing a threat to the personal safety of students. To reject the proposition that no employer should be denied access to the campus on the basis of the purposes of his organization does not imply a posture of
complete passivity and unconcern for the consequences to the university. This institution has the right and responsibility to deny the use of campus placement facilities to any agency whose presence might threaten the interests of the institution and its membership.

Present policy already provides a precedent for this position. Employers using the Placement Service must conform to state and federal anti-discrimination laws. This policy is concerned with direct immediate injury to students, i.e., with whether, in using the campus, the interviewer would be violating the law with respect to the employment relation he is contemplating, because of a discriminatory hiring policy which could be directly injurious to some student interviewees. The university is unwilling to permit use of the campus to outside agencies for committing a clear illegality which is clearly injurious to members of the university community.

A second case of exclusion on the grounds of possible violation of university interests is exemplified by the policy adopted temporarily by Columbia University, denying military recruiters access to the campus. The justification for this act was the opinion that the General Hershey letter of October 26, 1967, calling for draft reclassification of students engaged in illegal demonstrations against military recruiting, would jeopardize the legal rights of students, particularly since local draft boards would be the initial determiners of the illegality, and because the draft classification power was not intended to be used as punishment. It is clearly within the prerogatives of an academic institution to act to protect the rights of members whenever they are indeed threatened in such ways.

A third type of situation would be the exclusion of an interviewer if his presence on campus would probably occasion incidents endangering the physical safety of members of the academic community. It is clearly in the institutional interest to protect its members from unnecessary physical harm. If a situation arises where the probability of substantial violence is high, the exclusion of the interviewer from the campus can be defended against the charge of discrimination, since the action is required to protect the university's interests. The university administration must retain the capability of exercising discretion regarding the time, place and manner of any employment or recruitment activity, whenever routine scheduling would represent a danger to members of the community.

In particular, the university should do whatever it can to avoid decisive confrontations. The holding of Dow interviews during Viet Nam Week was an unfortunate choice of time, the location of some of these interviews in a building at the heart of the campus was an unfortunate choice of place, and the presence of interviewers in main offices and in rooms adjacent to classrooms was an unfortunate selection of facilities, at the very least because even a legal but vigorous demonstration would have led to disruption
of the main business of the university. These choices of time, place, and manner were part of the reason for the events of October 18, 1967. The university should put a high premium not only on avoiding such showdows, but also on preserving order without resort to massive civil force. The spectacle of armed men on campus, whether or not their weapons are used, compromises the character of the academic enterprise. Surely the university could not long tolerate the burden of conducting all controversial interviews in so intimidating a manner.

D. Institutional Interests and the War

The charge has been reported above, but not answered, that the university is already taking a stand in support of American policy in Viet Nam. To those agencies which translate that reprehensible policy into action, and require university-trained employees to do so, it extends the privileges of the campus for the purpose of recruitment. While the official stance is disinterestedness, it is understandable that some might view this as acquiescent cooperation or even tacit complicity. Whenever the university permits on campus the makers and users of munitions, it runs the risk of casting doubt on its professed neutrality toward the war. Although the policy may be defended as a pragmatic approach to the regulation of a service, conveying no sense of approval or disapproval, the assistance offered, by the very nature of the case, cannot help but be much more substantial for those prosecuting and profiting from the war; indeed it is difficult to think of an employer who represents the other side. In short, the collateral consequences of the nondiscriminatory policy are such as to support the status quo, and thus the American intervention in Viet Nam. The volume of employment and recruitment interviews on campus may be cited as a measure of the value of the service to the students, yet from another standpoint it becomes a measure of the extent to which the university commits its scarce resources of space, time and money to a non-academic activity which facilitates the work of organizations implicated in American foreign policy.

Clearly the university's contribution to the war, through extending the privileges of the campus to Dow and others is trivial. Nonetheless, there is an extraordinary symbolic impact to any cooperative relationship on campus between outside agencies which have been singled out as contributors to the war, and the university in its role as bastion of humanistic and intellectual endeavor. There is only a small difference between neutrality and acquiescence, and between acquiescence and support of the status quo, and it is not at all surprising that such small differences would shrink into nothingness in the minds and hearts of those who are morally aroused by the war and threatened with forced participation in it. If the faculty emphasizes strict adherence to rules and regulations, and business as usual, as its only response to students, it runs the risk of a loss of credibility. To make its representations of institutional neutrality more defensible, the faculty should call for an end to the university's manifest assistance to those prosecuting American policy in Viet Nam. To some
the present policy has the look of neutrality, but to others it appears as a form of moral blindness.

The case has been made in the preceding section that the university should feel obligated to take a stand on whatever issues directly and seriously involve its institutional interests. This raises the question of the scope of such interests. In what sense are great moral issues, such as those posed by the war, irrelevant to the interests of any university? Perhaps an institution of higher learning, committed to free inquiry and the exchange of ideas, cannot afford not to confront issues which are basic to the preservation of the way of life which makes free institutions possible. Admittedly there are risks to the university adopting any principled position, but there are also risks of not doing so. The question is one of judgment. Clearly it would be time for the university to take a moral stand, despite risks to its freedom if, failing such an action, its freedom would be seriously compromised.

Although it is arguable whether events have in fact come to such a dire state, the war in Viet Nam is without question injurious to the interests of the university as an academic institution, and to its student members, if only through the operation of present draft policy. Clearly the question of the interests of the university in relation to the war cannot be settled on the basis of an opinion that our involvement is indirect, and an apprehension that the risks of position-taking may be great. One kind of risk must be balanced against another, and the choice is by no means obvious. At the very least, the problem deserves high priority as a proper subject for extended debate among faculty as well as students on the campuses of this nation.

The case for persisting in our present practices is straightforward: the on-campus location of employment interviews maximizes the number of employers a student may meet in a given period of time, and minimizes his walking distance. The case against, while deep doubts persist about the wisdom and justice of American policy in Viet Nam, is: (1) that on-campus interviews represent a de facto departure from neutrality, to the extent that the university provides both practical and symbolic support for that policy by cooperating with outside agencies involved in the war; and (2) that the removal of interviews from the campus setting will reduce the likelihood of direct confrontations between university authorities and students--confrontations that destroy the integrity essential to its survival as a university.

E. Recommendations

In light of these arguments, we have come to the conclusion that, under present circumstances, it would be in the interests of all members of the academic community to declare a moratorium on interviews on this campus. Accordingly, we propose the following:
Recommendation I: That the university declare a moratorium on all employment and recruitment interviews on campus by outside agencies.

Recommendation II: That the decision concerning subsequent continuation or termination of the moratorium be the responsibility of the Wisconsin Student Association.

F. Discussion of the Recommendations

These recommendations require explication. In proposing a moratorium on campus interviews, we are not suggesting that the Placement Service be terminated. On the basis of the evidence that has come to this committee, we have concluded that it is not the Placement Service as such to which students object. There were few, even among the most vigorous dissenters, who chose to extend the scope of their protest to the very idea of a university having a placement service. It was the presence of certain outside agencies on campus which provided the basis for the charge that the university was not neutral.

The moratorium applies to interviews by all employers rather than just by those which may provoke protest, as an affirmation of the sound principle of non-discrimination. The purpose of the moratorium is to establish a credible position of neutrality, but not to bog the university down in the morass of establishing and enforcing criteria to distinguish good employers from bad on the basis of one or another particular set of values.

The purposes of this university embrace not only teaching and research but also public service. We support strongly our university's distinctive tradition of public service, but insist that its most apt and creative expression has always involved initiative from within the university to determine those ways in which we can best serve the public, rather than a passive response to whatever claims may be made on our time and energies from one or another quarter, in support of private interests. Furthermore, there is a strong consensus for the position that the Placement Service is maintained not so much for the benefit of outside agencies as in the interests of students. In any event, the recommendation is directed not at the discontinuation of the Placement Service but at a temporary change in its mode of operation, a change which seems to us highly desirable in light of the present state of the campus and the society.

A much more serious question concerns the nature of the relationship between the university and government agencies. Some will claim that, during a war, the denial of access to the campus of military recruiters, for example, is a form of disloyalty. Underlying this charge is the demand that academic institutions should give faithful support not only to the ideals of scholarly and scientific pursuits but also to the government as constituted, and to whatever policies it may have chosen to pursue. Any such
notion must be rejected in the strongest possible terms. The conversion of universities into agents of the government is a standard component of the program of totalitarian states, but is flatly inconsistent with the principles of democracy. Academic fealty to the state was demanded by the Fascists in Italy and the Nazis in Germany, and it has been the continuing shame of the Communists in Russia. Subservience to national dogma is the antithesis of the university's role as custodian of the future of civilization. To fall into such an incongruous posture would be to abandon the only definition of public service which deserves our steadfast adherence.

We recognize that, judged from the standpoint of the functions of the university as a whole, the employment interview is a small piece of business, scarcely warranting the moral freight it has been asked to bear. But certain employment interviews have been converted into a target of moral concern because they symbolize the university's involvement with agencies engaged in the prosecution of the war. The declaration of a moratorium may be viewed as a symbolic response to those concerns. We anticipate the accusation that a moratorium on campus employment interviews would impair the interests of many students in order to appease an angry minority. We regret the cost of inconvenience that the proposed moratorium represents to those students who are currently seeking employment. On the other hand, we confess that this cost seems small indeed when compared with those imposed on many other students who will have no opportunity at all to seek employment because they will be drafted.

These recommendations have not been framed as a covert means of expressing opposition to the American intervention in Viet Nam, but rather as a small positive step toward the re-establishment of a defensible position of university neutrality, and as an expression of grave concern for the injury that is done to essential university interests in the context of an unpopular war. The recommendations are designed to help preserve the integrity of our institution and retain the confidence of our student body. It is evident that our campus is sorely divided with respect to the war. The issues brought to a head on October 18, 1967, have provoked animosity within and among all parts of the university: students, faculty, administrators and regents. To reduce the risk of further divisive occurrences of this kind, we urge serious consideration of our recommendations.

We have not advanced our proposals out of fear of the prospective activities of dissenters, but rather out of the conviction that we must pay heed to any serious protest, so long as there is merit to the position being advanced. And we urge that, in assessing the students' message, its content will not be dismissed because of disapproval of the way in which it may be expressed. In particular, we anticipate the charge that our proposal for a
moratorium amounts to a reward for violence. The essence of such an argument is that to recommend any departure from the status quo ante is to condone a shameful surrender to illegal action. There can be no logical rejoinder to such reasoning because the argument is strictly ad hominem. The desirability of any course of action is completely independent of the behavior of those who may advocate it. We can do ourselves nothing but discredit as a body of intellectuals if we pay heed to such a gross departure from the standards of reasonable discourse.

Although we hope and trust that the course of events will eventually obviate the necessity for a moratorium on campus interviews, we find ourselves unable to predict the course of history with anything like the clarity necessary for framing the precise conditions under which the moratorium should be terminated. Obviously the question is such as to require a continuing review by some responsible body. In the spirit of the Report of the Ad Hoc Committee on the Role of Students in the Government of the University, we observe that employment and recruitment interviews are incontrovertibly matters of substantial if not sole student interest, and recommend accordingly that henceforth issues of policy with respect to interviews, and specifically the question of the termination of the moratorium, be the responsibility of the Wisconsin Student Association.

After a long and searching appraisal of various approaches to the problem of campus interviews, we have come to the conclusion that the only defensible alternative to our proposal for a moratorium would be a recommendation that no employment and recruitment interviews on campus be scheduled in time, place and manner without due regard for the preservation of the integrity of the university and the safety of its members. Even though we would be prepared, in the event that our recommendations were not accepted, to support such an alternative, we could do so only with serious reservations. Our concern is that every instance of the scheduled appearance on campus of an outside agency connected with the war in Viet Nam would be an occasion for protest by those outraged by that war, and for reaction from those, both off campus and on, for whom the appropriate mode of response is to bring pressure to bear on the administration to proceed with business as usual, and "show them who's boss". Confrontation tactics of this kind can only place the university in a succession of untenable positions between irreconcilable forces in opposition. The context of continual crisis would have the potential for a still more dangerous polarization of positions, and even in the absence of violence would create a most unhealthy atmosphere within which to attempt to conduct those activities which constitute the proper business of this university.

Gary L. Baran
Haskell Pain
Andrew H. Good
Roland Liebert
Hugh T. Richards
Wendy K. Rifkin
Norman B. Ryder
Joel Samoff

For the Majority
III. MINORITY STATEMENT ON INTERVIEW POLICY

The majority of this Committee has concluded that the University should declare a moratorium on all employment and recruitment interviews (which we shall refer to as "placement interviews") on campus by outside agencies. We regard this conclusion as based on an inadequate appreciation of the propriety and value of campus interviews as attested by the great majority of students and, we believe, taxpayers as well; an erroneous assessment of the relation of these interviews to the war; an equivocal view of institutional neutrality and institutional interests; a mistaken belief that the proposal will reduce confrontations and violence; and a failure to see the balance of disadvantage over advantage in the consequences of the proposal.

A. In Defense of Continued Campus Placement Interviews

Propriety

Why do we seek first to defend the "propriety" of campus interviews? Because the argument is sometimes made that a job placement interview has no proper place on the campus of an educational institution; it is the beginning stage of a possible commercial transaction between employer and student, and as such is not central to a university's purposes.

The argument unduly belittles the point that a university which is a land-grant institution and which has a traditional interest in public service may properly interest itself in seeing that the skills it develops are optimally matched with the needs in the society for those skills. In the process, there is available to the student the valuable curricular and career counseling of the Placement Office itself; and from interviews with prospective employers he may obtain knowledge that he has been unable to get elsewhere. Moreover, faculty members in some departments obtain important information about developments in their fields from the representatives of interviewing organizations. Some have also had such representatives on campus in order to convince students that a socially desirable new course of instruction being introduced by the professor, and which students are wary of, can have favorable employment consequences. Further, it seems to us also clear that in the absence of the Placement Service, faculty members would feel obliged to assume some of the burden of helping students with placement problems, thus discharging a function which the Placement Service could do much more efficiently.

Value

The value of placement interviews to the student is much greater when held on campus. Within a small walking-distance area, he is able to include a large number of interviews within a small period of time. If all interviews were held off campus, not only would going to the interviews he undertakes be more burdensome, but he would be likely to forego some of those he would have undertaken if all had been conveniently available on campus--thus working a possibly crucial effect on his career opportunities. We are also informed by some University departments that shifting all
interviews off campus would considerably diminish the extent and frequency of interviewer contact with faculty mentioned above.

**Student and Public Preference**

We stress that the majority of this Committee seems willing to accept the indicated disadvantages of their position in spite of the overwhelming preference of students for on-campus interviews. Student preferences are shown in the survey of opinion constituting the Appendix to this Committee's report: 65% of all students believe the Placement Office should continue as at present. Only 24% prefer that it restrict itself to a clearing-house for off-campus interviews only (with 6% proposing continuation of the Service for select corporations only, and 5% proposing that the Service be discontinued altogether. See App. A.) These figures very likely understare the margin of meaningful preference for on-campus interviews, because a large proportion of the students surveyed were not in a position to see in the Service any relevance to their own interests. That is, the survey was not restricted to seniors (who are the chief users of the Service), nor to the students trained in such fields that they could get some benefit from the existing Service (e.g., only 28% of the students surveyed were in engineering and other professional schools. See App. A).

We submit that the student preference shown has added significance from the fact that we are dealing with a service that is primarily for students. We accordingly consider that drastic changes in the Placement Service should be made only after the broadest consultation with the student body. Indeed we are astonished that the majority of this Committee would leave it to the Wisconsin Student Association to decide when to restore campus interviews after the recommended moratorium, yet would ignore the factor of overall student preference in reaching its basic decision for a moratorium.

To the factor of student preference we must add that of public preference. We are in danger of forgetting that ours is a public institution supported largely by tax funds, state and federal, so that taxpayer views can not fairly be ignored. We believe that taxpayers support an on-campus Placement Service. We do not wish to be understood as saying that taxpayers' attitudes towards problems of university administration should be the controlling consideration in the solution of those problems. If their desires are antithetical to the central purposes of a university, then surely the university must stand firm to its ideals and attempt to educate its critics. In the lesser kind of dispute that we deal with here, we assert only that taxpayer attitudes should go into that side of the scales favoring placement interviews on the campus—dealing as we are with a state university, dedicated to public service as well as teaching and research.

**Effects of Discontinuance**

From what has already been said it is apparent that certain adverse effects would follow upon discontinuance of campus placement interviews: diminished value and convenience of placement
interviews, resentment of the majority of students and taxpayers. One could add to this list the possible resentment of townspeople for the effect on streets or hotels of disruptive demonstrations that they might regard as properly the problem of the University. And what of the consequences for future obstruction? Is it really true that moving the interviews off campus will reduce the divisiveness or crisis atmosphere in a campus community which is perfectly aware of confrontations occurring downtown, involving probably a higher degree of police firmness than would occur on campus? Even those who support moving these interviews off campus acknowledge that this will not eliminate obstruction or violence on the campus; interviews are by no means the only possible targets for obstruction. They do see the move as reducing the occasions for obstruction. And yet, is it not probable that the move would be hailed as a victory for obstructive tactics, hence stimulating the use of such successful tactics?

B. Limits of the Policy: Not an "At All Costs" Policy

Our support of a policy of generally holding placement interviews on campus does not mean that we think they must always be held on campus whatever the circumstances and whatever the cost. No sensible policy should be fashioned in such "die-hard" terms. Even so important a University requirement as attending classes has been cancelled when a blizzard made the burden of meeting the requirement too heavy for too many people. And so we recognize that there may be emergencies justifying the holding of particular interviews off campus.

There is of course much that the University can do to help prevent emergencies from arising. It has an obligation to schedule campus interviews in such a way as to minimize the possibility of violence and disruption. The holding of the October 18 Dow interviews during Viet Nam Week was an unfortunate coincidence. The location of those interviews in a large classroom building surrounded by other University buildings at the heart of the campus, with employer's agents occupying main offices and rooms adjacent to classrooms, was an unfortunate choice of facilities, since even a legal but vigorous demonstration would have led to disruption of the main business of the University.

There may be times, however, when in spite of reasonable precautions in the scheduling of "sensitive" interviews on campus, a crisis situation may develop. If so, a number of factors in the situation would be relevant to the Chancellor's decision that the particular interviews be moved off campus: the extent of campus sentiment against the interviews, the degree of probability of violence, the number of students seeking the interviews, the amount of police protection required, the fact that, in the functioning of a university, placement interviews are closer to peripheral than they are to central activities. In other words, the Chancellor may in a particular case believe that the human and other costs to the University of carrying out the scheduled interviews "at all costs" are simply too high. He should have the discretion so to decide. He needs the maximum freedom to react pragmatically in response to possible disorder associated with placement,
In order to minimize the costs to the University. We assert this in the spirit of University Regulation 11.09, "Facilities of the University are primarily for University purposes of instruction, research and public service; they are not available for unrestricted use by non-University groups," and 11.13, "The University regulates the use of campus facilities to prevent interference with its activities."

To assist the Chancellor in the process of arriving at the necessarily difficult decisions, in anticipation of or in response to obstruction, we recommend creation of an Emergency Advisory Committee, to consist of three representative faculty members appointed by the University Committee and three representative student members appointed by the Wisconsin Student Association, to consult with the Chancellor at his discretion with a view to furthering the policies above recommended.

We emphasize that our position is not to be viewed as a surrender to obstructors, or a retreat from the campus whenever troublesome demonstrations are in the offing or are taking place. The point is simply that the University must keep its options open in emergency situations.
C. Replies to Various Arguments For Putting Either All Placement Interviews Or Some "Sensitive" Placement Interviews Off Campus

At this point we should like to round up the major arguments we have heard or read, for putting either all placement interviews or some "sensitive" interviews off campus. They are partly arguments made by the majority report but we do not confine ourselves to those. Some others which have been current on the campus, particularly one for moving off particular interviews with pro-war implications, deserve attention. We shall consider below (1) the argument that mere "convenience" of on-campus interviews on one side of the scale is outweighed by "moral convictions" on the other; (2) the dangerous call for a departure from institutional neutrality; that the University should take a stand against American participation in the Viet Nam war by denying campus interview privileges to organizations allegedly implicated in that war; (3) the argument that the University's campus interview policy now supports the war, thus belying its alleged neutrality, and that taking the interviews off campus will effectuate neutrality; (4) the argument that all placement interviews should be taken off campus in the interest of avoiding or diminishing disruption and violence.

1. The unpersuasive argument that mere "convenience" of on-campus interviews on one side of the scale is outweighed by "moral convictions" on the other

This argument has been made again and again, and received wide currency in Henry Steele Commager's observation in the New Republic of February 24, 1968, that "When the University is called upon to weigh the conflicting claims of those who plead habit or convenience, against those who plead deep moral convictions--moral convictions which are shared by a large segment of our society and are therefore neither eccentric nor perverse--it should not hesitate to tip the balance on the side of moral convictions."

We find this argument nothing short of sloppy. If it is assuming that the only moral convictions presenting themselves for consideration are those against the war, then it is extraordinarily myopic; if it is assuming that the only moral convictions that are worthy of consideration are those against the war, then it displays extraordinary arrogance or absolutism in morals. We cannot believe Commager is guilty of the latter intellectual sin. We think rather that his own view of the immorality of the war made him overlook that among the moral convictions presenting themselves for consideration are those supporting the war. We have all heard arguments about the moral necessity of abiding by "commitments" to South Viet Nam, about the moral duty of supporting our fighting men, about the morality of stopping Communist aggression early in order to more effectively achieve the moral goals of peace and democracy. We need not ourselves feel persuaded by all these moral convictions in their application to the war (indeed, we minority members are all opposed to the war)
in order to see that they are, in Commager's words, "shared by a large segment of our society and are therefore neither eccentric nor perverse".

They, too, would have to go into the scales, on the side already containing "convenience". Would this side then outweigh the other side of the scales? It does not matter. It is no business of the University to take stands on the burning moral issues of the day—with some possible exceptions not here applicable. We shall treat this more fully under the next argument below.

2. The dangerous call for a departure from institutional neutrality: that the University should take a stand against American participation in the Viet Nam war by denying campus interview privileges to organizations allegedly "implicated" in that war.

This argument has often been heard on this campus, particularly in connection with Dow Chemical Co. and the CIA. It is not the same argument as that asserted by the majority report—which seeks to bar all campus placement interviews. But the argument is so commonly made, and is so antithetical to our position, that we feel we should deal with it at some length. Our discussion begins with (a) a discussion of the general wisdom of the institutional neutrality principle, as qualified by a regard for institutional interests, (b) a discussion of a second possible qualification of the neutrality principle which we find no need to accept, and (c) an analysis of possible constitutional objections to a departure from neutrality.

One mode of responding to the position underscored above is to say that denial of campus interview privileges to organizations somehow connected with the Viet Nam war is too oblique and ineffective a way for the University to take a stand against the war. That is, if a University stand is to be taken, it should be by Administration statement or faculty resolution. This argument will not, however, satisfy those who feel deeply against the war and who argue that in addition to taking a forthright stand the University should try to be consistent with it in the conduct of all its functions, including placement. We therefore feel we should squarely face the important question of whether the University should, through its placement policy or otherwise, take a stand against the war.

(a) The wisdom of institutional neutrality, qualified by institutional interests

As most of us are aware, the tradition with which universities today try to conform is that of "institutional neutrality". In this tradition, the University is an arena in which ideas on public issues should be provoked, received, examined and evaluated by the academic community, but generally without commitment by the University as an institution.
There will be times of course when its interests as an educational institution are directly and substantially involved. Thus if the legislature is considering a proposal that would restrict free expression of opinion by students or faculty, e.g. by banning the offering of certain courses or examination of certain doctrines, or banning peaceful non-obstructive demonstrations, no one would be surprised to see the University as an institution take a vigorous stand in opposition to these proposals. They are direct blows at the University as an educational institution interested in the free verbal and other symbolic expression of ideas. For this reason the University takes a stand—regardless of whether the issue may also be categorized as "political" or "moral". It takes its stand not because it feels it must be heard or must act on all important political and moral issues, but because and only because its institutional interests are directly and substantially involved.

What is behind the institutional neutrality principle? There is first of all the realization that a University's committing itself on the public issues of the time would in a real sense negate the most basic purpose for which a free university exists, the untrammeled exploration of ideas. For an institutional commitment cannot help but act in some measure as an inhibition upon, or censuring of, all contrary ideas within the University community. As stated unanimously in the May, 1967 Report of the University of Chicago Committee on the University's Role in Political and Social Action, headed by Prof. Harry Kalven: "The instrument of dissent and criticism is the individual faculty member or the individual student. The university is the home and sponsor of critics; it is not itself the critic...It is a community which cannot take collective action on the issues of the day without endangering the conditions for its existence and effectiveness. There is no mechanism by which it can reach a collective position without inhibiting that full freedom of dissent on which it thrives. It cannot insist that all of its members favor a given view of social policy; if it takes collective action, therefore, it does so at the price of censuring any minority who do not agree with the view adopted."

There are many other adverse consequences. The history of universities amply attests that a university damages itself by collective commitment to particular political, religious, or similar causes—other than the cause of fostering the free pursuit of knowledge, cultivation of critical intelligence, and appreciation of the arts. The University would damage its relations with some sectors of society, and invite reprisals from the legislature and others; it would create fresh sources of divisiveness within the University over the controversial issues involved in the institutional commitment; it would open the way to apply analogous evaluative tests to members of the University itself (e.g. should Communists be admitted; should they be allowed to have organizations on campus, etc.); it would plunge the University into an endless succession of plaudits and denunciations for the proposals and enactments that keep streaming from federal, state and municipal legislatures and that may harbor some remote relevance to University interests.
Moreover, the practical difficulties of selecting and applying moral or political criteria are very great. Should companies who at some time or other violated statutes be excluded? This would incidentally eliminate an extraordinarily large number of America's "respectable" corporations--but in any event it would be an impracticable rule to administer. If Dow Chemical is to be excluded, then why not all companies producing war materials? And if that standard were adopted, again a vast number of American corporations would be excluded. There are practical difficulties of another sort: What procedures are necessary for an institutional commitment? What would the commitment signify if not based on a vote of the entire academic community and perhaps analyzed according to groups within that population? What would be added by an official commitment based on such a vote as distinguished from the same voting survey without the commitment?

For both practical and theoretical reasons, then, the University should not take a stand against the Viet Nam war or on other controversial public issues, either directly or through the denial of campus interview privileges--except where it is necessary to take a stand because of a direct, substantial injury to the University's institutional interests.

What would be an example of such an injury to institutional interests in the context of placement interview policy? One such might be a situation where the presence of an interviewer on campus may have consequences endangering the physical safety of members of the University community. It seems to us reasonable to say that one of the interests of the institution is to see that its members are protected from unnecessary physical harm. Alternatively one might say that the University cannot function as an educational institution unless it has elementary institutional freedom from instability and disorder. We of course are not suggesting exclusion of interviewers whenever there is opposition to them within the University. We are referring rather to one of those emergency situations discussed under B above where considerations of physical safety might, in the particular case, reasonably lead the Chancellor to move the interview.

Another example involving protection of the rights of student members of the institution is the situation where a racially discriminatory employer appears on the campus. Our faculty has already adopted the policy that employers using the Placement Service must be in conformity with the federal and state anti-discrimination laws. This is not the same policy as one which would involve inquiry into past illegalities or immorality in order to protect some indirect interest of the University in avoiding connections with transgressors. Rather, this policy is concerned with direct, immediate injuries to students. It is concerned with discovering whether at the very moment of using this campus the interviewer would be violating the law with respect to the very employment relation he was leading up to--through a discriminatory hiring policy that could be directly
injurious to our minority student interviewees. We should always be unwilling to allow the use of the campus to outside agencies for the commission of a clear illegality on campus, clearly injurious to members of the University community.

We frankly recognize that there will be borderline cases in which the application of our "institutional interests" exception will elicit sharp divisions of opinion. For example, there are some who claim that allowing military recruiting would violate University interests because the famous Gen. Hershey letter of October 26, 1967 calling for draft reclassifications of students engaging in illegal demonstrations against military recruiting would jeopardize the legal rights of students, particularly since the local draft boards would be the initial determiners of the illegality, and because the draft classification power was not intended to be used as punishment. On the other side, it is argued that University interests do not include an interest in shielding allegedly obstructive students from the risk of having to defend themselves in court against probably illegal conduct by the selective service agencies--and preventing students who wish to be interviewed on campus by different though related government agencies from doing so. We believe that in this complex situation our University administration adopted a defensible middle position when it was unwilling to depart from the neutrality principle by calling off military recruiting but nonetheless lodged a protest in Washington over the Hershey letter's policy.

That there will be differences of opinion about the application of our principle in borderline cases does not, in our view, undermine the principle. All principles offered as guides to action--whether in law, ethics, or religion--encounter similar difficulties. And we reject the alternative of muddling through with no principle.

A final word on this subject in relation to the majority report: The report seems to recognize both the institutional neutrality principle and its institutional interests qualification. Yet when all portions of the report are taken together, its answer to a key question (whether the University's taking a stand against the war would be a justifiable departure from neutrality and an effectuation of its institutional interests) can fairly be described as equivocal.

(b) A second qualification of the institutional neutrality principle, which we find no need to accept

We note here another view, which would go further in its departure from the neutrality principle by supporting institutional commitments even where institutional interests are not involved, provided it is a shocking enough case. We find no need to take this view; but because it seems to have figured in the history of the University of Wisconsin, we think we should discuss it.
This University was invited, along with other American universities to participate in the celebration of the 550th anniversary of the founding of the University of Heidelberg in 1936. While some universities participated, to their later shame, the University of Wisconsin ignored two invitations, and some other universities publicly denounced the affair. True, one might say that the view of the non-participants can be rationalized under the first view above: i.e., it serves a university's institutional interests to oppose suppressions of freedoms at other universities as well as its own freedoms. But the primary opposition here seems to have been in terms of the proposition that the celebration was being held to glorify the hateful Nazi regime.

Our University's role in the Heidelberg affair was perhaps not a substantial departure from neutrality. There have been clearer illustrations of the University's partisanship, which in later years proved to be a source of embarrassment. For example, in December of 1917 the Regents of this University with righteous indignation withdrew the honorary Doctor of Laws degree they had bestowed upon the German Ambassador, Count Johann Heinrich A. von Bernstorff, in 1910. Wisconsin had not been alone in recognizing von Bernstorff's contributions as a scholar; he had received similar honors before the war from such other American universities as Columbia, Brown, Johns Hopkins, Pennsylvania, Chicago, and Princeton. The resolution of the Board of Visitors upon which the Regents, with the full support of President Charles R. Van Hise, acted in stripping von Bernstorff of his honorary degree reads as follows:

RESOLVED that the Board of Visitors immediately request the Board of Regents, President and Faculty, to forthwith rescind all degrees and honors heretofore conferred upon one von Bernstorff, who has proved to be not only an enemy to America but also to Society. This name must be henceforth a disgrace to any institution attempting to serve humanity. As this University of Wisconsin is presupposed to be the leader of Patriotism and Democracy of this Commonwealth, it should at all times make its record and so correct its past record as to stand before the world as the true exponent of the democracy that created it and that maintains it.

Another illustration: In January of 1918, a substantial part of the faculty presented to the Regents the following statement:

We, the undersigned resident members of the faculty of the University of Wisconsin of the rank of instructor and above, protest against those utterances and actions of Senator Robert M. LaFollette which have given aid and comfort to Germany and her allies in the present war; we deplore his failure loyally to support the government in the prosecution of the war. In these respects he has misrepresented us, his constituents.
More than 132 of our colleagues, who might have supported this protest with us are now absent from the city and in the service of the United States.
Copies of protest are to be sent to Senator LaFollette and to the press.

(That President Van Hise fully concurred with this sentiment is clear from a public letter he wrote to the president of the University of Wisconsin Alumni Association in which he declared: "I strongly believe the policies of Senator LaFollette in relation to the war are dangerous to the country.")

The latter two examples doubtless strike most of us today as unfortunate instances of hysteria which only serve to emphasize the wisdom of a general neutrality policy. Indeed the Regents themselves recognized their mistake in von Bernstorff's case by quietly restoring his honorary degree in 1932.

(c) Constitutional objection to departure from neutrality

Our discussion of the constitutional point will be clearer if we first deal more generally with the relevance of constitutional factors to interview policy.

We have heard it argued that an interviewer's constitutional rights -- free speech, assembly and association, due process, equal protection of the laws -- would be violated by his exclusion from the campus. Similarly it has been argued that a student could claim violation of his constitutional rights of due process and free speech, assembly, and association in relation to the excluded employer. In this view the Constitution would require the University to permit interviews with Dow Chemical even if University policy were to lead it in the direction of excluding such interviews.

We are not a committee of lawyers, and constitutional law is notoriously in flux. While we are in no position to confidently make definitive legal judgments, we think some observations can be ventured with relative safety, and have checked them with teachers of constitutional law.

Validity of the constitutional argument depends on which clauses are invoked and which situations are being considered. Thus, assume first a situation where the University had never had a policy of offering campus facilities for placement interviews, and one day decided to adopt such a policy. To say that an interviewer or student had constitutional rights of free speech, association, assembly and due process to a campus interview would mean not that the University had been free to adopt or not to adopt the campus interview policy, but had been compelled to and had always been compelled to. We don't think anyone can seriously believe this. We are convinced that the University could abolish the Placement Service without hindrance from the constitutional clauses in question.
However, the "equal protection" clause introduces another element. An argument like this might be made: While, as we have argued, a state university need not offer a campus placement service, once it does so it must offer it to all comers without discrimination, lest any would-be interviewer be deprived of the equal protection of the laws.

There is some difficulty with this argument because the right of equal protection, like other constitutional rights, is not absolute. Many kinds of inequalities are judicially upheld. When a court is faced with a regulation that puts people into different classifications for purposes of different treatment, it asks whether there is a "reasonable basis for the classification". The reason for the classification or differential treatment then becomes vital. Suppose then that this University excluded Dow Chemical for the reason that it was helping the war effort or manufacturing a disgusting war material for the Government. Is it likely that a court would regard as reasonable this state agency's discrimination against a company for its wartime cooperation with the national government? We feel it likely that a court would treat this as an unreasonable classification, violating Dow's right to equal protection.

If, on the other hand, the reason for excluding Dow or terminating its use of campus facilities was the reasonable determination that substantial violence should be avoided and that such violence was unavoidable if the interviews were held, the court's judgment might well be different. (On this assumption the policy we have defended under B above would probably be safe from constitutional attack, though it is difficult to believe that any such attack would ever be made.)

The question has also arisen whether the courts would regard it as a reasonable classification if the University decided to confine the use of its interview facilities to educational organizations only. Many on the campus would regard this policy as at least unwise or unfair in its preference for the minority of students planning to go into teaching. But it is not clear whether the courts would find that a university's confining the use of its facilities to other educational organizations constituted an unconstitutionally unreasonable classification.

At the moment, however, we are primarily concerned with a different classification, and a different reason for it, namely that the company's business, though legal, is disapproved of by some because of its relation to the war. It appears to us, we repeat, that discriminating for this reason against a company, with respect to its use of campus facilities, would raise a serious constitutional issue under the "equal protection" clause.

Another word on the constitutional point. Some confusion has been created by the recent Comager article in the New Republic, which we have already discussed in another connection. The article stresses the complete freedom of a university to
pick and choose among those interviewers that it will allow on the campus. The vital point missed by the article is the important difference in this respect, between private and public universities. Constitutional limitations such as the equal protection clause do not apply to private universities; they do to public universities. This elementary principle of constitutional law is never squarely faced by the Commager essay, and unfortunately vitiates its analysis.

However, this much must also be said: The foregoing constitutional discussion has been on the assumption that the offering of university facilities for placement functions would be treated by the courts no differently from the offering of university facilities for its central educational functions—for purposes of the "equal protection" issue. It is conceivable that courts would draw a distinction between these functions for purposes of that issue. If so, then there would be no "equal protection" barrier to a state university's barring particular interviewers for such reasons as their attitudes towards the war. We report this as a possible constitutional approach. It remains true, however, as we have said, that discrimination in the offering of facilities because of a company's relation to the war would at least "raise a serious constitutional issue" under the "equal protection" clause. It is also true that if the courts were to adopt this alternative approach, it would erase any doubts there might be about the constitutionality of our proposal for a discretionary approach to particular situations of violence.

3. The unpersuasive argument that the University's campus interview policy now supports the war, thus belying its alleged neutrality, and that taking the interviews off campus will effectuate neutrality

The starting point of this argument is a false proposition: that the University is now supporting the war through its campus interview policy. The assumption seems to be that the interview policy discriminates in favor of supporters of the war.

Yet, in relation to the war, the University's policy takes the stance of neither help nor hindrance, neither approval nor disapproval. Were the University to permit only those corporations engaged in war production to make use of its placement service, such discrimination could legitimately be taken to express the University's approval of American policy in Viet Nam. Conversely, were the University to forbid any corporation engaged in war production the use of its placement service, such discrimination could legitimately be taken to express the University's disapproval of American policy in Viet Nam. The University follows neither of these courses. Engaging in war production functions neither as a positive nor a negative criterion for granting permission to use the placement service. By granting permission to all bona fide employers, the University shows that its placement service policy expresses no attitude toward American policy in Viet Nam.
As for the argument that more supporters of the war use the Placement Service than do non-supporters, and hence the University is, on balance, supporting the war, this is a tenuous argument indeed. Many University operations have collateral consequences, which may have the effect of supporting some particular aspect of our society. Should the Medical School when it is adding physicians to its staff, or the Astronomy Department when it is hiring astronomers, inquire into the political beliefs of the candidates, and make offers to equal numbers of hawks and doves? And if it does not, but someone afterwards discovers that the offers have in fact favored one side, is it convicted of not having been neutral? The utter impracticality of such a construction of institutional neutrality appears even more clearly when one remembers that university policies have collateral consequences not for just one issue such as the war, but simultaneously for several issues. It is impossible, in short, for a university's operations to be always so balanced that equal collateral benefits accrue to each side in each policy dispute current in the society.

Furthermore, in the present case the collateral consequences (i.e. actual support of the war) is clearly not so substantial as to undermine the virtues of the non-discrimination policy. And a discrimination policy would, as we have argued, have worse consequences.

Some will concede what we have said, but go on to urge, as does the majority of this Committee, that at least the University's "symbolic" support of the war through the interview policy is substantial. We fail to see this. For many students, Dow Chemical Co., for example, is just another company, the purposes of whose contractees (including the Government) are no more being endorsed by the University, symbolically or otherwise, than are the purposes of the contractees of hundreds of other companies using the Placement Service. The protestors on the other hand profess to see the University as symbolically supporting war's horrors by allowing Dow Chemical Co. to interview here. They have chosen to put this construction upon a policy which is both professedly and in fact one of non-discrimination or neutrality. The construction is just as unwarranted as one which might be made by strongly pro-war students to the effect that the University symbolically opposes the American position in the war when it permits the Peace Corps, or the American Friends Service Committee, or International Latex Corp., or any corporation such as IBM known to be shipping strategic goods to Russia, to interview on campus.

Is the University to reverse or modify the substance of its policy whenever a minority puts an eccentric, metaphorical construction upon it?

In any event, if we are indeed to tread the path of symbolism, it is abundantly clear that moving interviews off campus at this time would strongly symbolize for most people a University obeisance to anti-war sentiment on the campus—not the alleged effectuation of neutrality.
4. The unpersuasive argument that all placement interviews should be taken off campus in the interest of avoiding or diminishing disruption and violence

We have already revealed our general attitude on this argument, in our discussion of "Effects of Discontinuance" under A.

To begin with, shifting the interviews downtown will not necessarily avoid or diminish the possibility of violence attendant upon interviews. It will merely change the locale of it, and (in a setting where there are no University police but only city police) quite possibly increase it.

In the second place, even the possibility of campus violence would not be appreciably affected, since the obstructors have made clear that they have other campus targets besides placement interviews. Their purpose is to bring pressure on any number of activities close at hand that may in some indirect or symbolic way be related to the Viet Nam war policy, as well as some activities and practices that are objected to though unrelated to the war. Indeed there may be more of a threat of violence on campus than before, if the moving of interviews off campus is interpreted as meaning that obstruction "pays off".

Third, responding to the threat of violence by moving all interviews off campus is to burden all interviewing organizations and all student interviewees because of the threat posed by a minority of students against a minority of interviewing organizations.

Fourth, it would be because of the threat of violence engendered by the illegal conduct of this minority, and not because of inherent deficiencies in our present program, that we would be making a major change in policy. It is the deliberately illegal tactic of obstruction and resistance that has the strong potential of violence. Should we thus give status and influence to illegal conduct? Should we not by our response to illegal pressures, on an interview program we have adopted as desirable, recognize rather this University's concern and support for lawful methods of protest and dissent? We are concerned that the threat of obstructive tactics already appears to have worked some erosion of free expression at the University of Wisconsin. The tradition of free and legal protest needs strengthening rather than downgrading.

We are by no means asserting that a proposal which would otherwise be adopted should be rejected on the sole ground that it is being advocated by illegal means. Rather we are saying that when a proposal for radical alteration of interview policy is on its merits dubious, it makes little sense to adopt it because of the danger of violence stemming from illegal activity by some of its proponents. We recognize that under our approach, particular interviews may be moved off campus under extraordinary conditions, where the balance of advantage to the University community seems to demand it. This is clearly distinguishable from the proposal to move all interviews off campus.
In short we reject a policy which is defended in terms of avoiding violence, but which merely shifts its locale and may well fan its intensity, both in the new setting and on campus as well; which responds to obstruction by a comparative few against a comparative few by penalizing all interviewers and all interviewees; and which makes a wholesale adoption of a program which should be rejected on its merits but whose adoption is defended on the ground of reducing violence stemming from illegal conduct.

D. Recommendations

(a) The University should continue to make its placement interview facilities available without discrimination to all bona fide employers.

(b) The Chancellor should see to it that through the appropriate administrative personnel concerned with such matters, campus interviews shall be scheduled with such regard for time, place and manner as to minimize the possibility of disruption and violence.

(c) The Chancellor should have the discretion in actual or anticipated crisis situations involving placement interviews to postpone a particular interview or re-locate it on or off campus.

(d) In carrying out his obligation under (b) above and in exercising his discretion under (c) above, the Chancellor shall be free to consult with, among others, an Emergency Advisory Committee, to consist of three representative faculty members appointed by the University Committee, and three representative student members chosen by the Wisconsin Student Association.

J. Ray Bowen  
E. David Cronon  
Stephen C. Kleene  
James F. Marty  
Samuel Mermin (Chairman)  
Toni L. Walter

For the Minority
A PRELIMINARY REPORT ON THE STUDENT OPINION SURVEY
(Prepared by Norman B. Ryder and Harry Sharp, Professors of Sociology)

This is a brief account of that part of the Student Opinion Survey, conducted in late 1967, which bears directly on the incident which occurred on October 18 at The University of Wisconsin's Madison campus. Although many data will be produced to permit analysis of differentials within the student population on various opinions and attitudes, this research has only begun and detailed cross-tabulations take considerable time to analyze. The present preliminary report is made available now because it is considered highly desirable to present the elementary data as soon as possible. A full report will be issued for public consumption within a matter of months.

The questionnaire was formulated and the data collected by students in a graduate and upper level undergraduate course conducted with the assistance of the Wisconsin Survey Research Laboratory. A carefully selected probability sample of 1,094 students was drawn from the population of all full-time students on the Madison campus during the fall semester of 1967. Of this number, 17 students had left the University by the time interviewing started. Out of a total of 1,077 eligible respondents, personal interviews were completed with 988 students. The final response rate, therefore, was 92 per cent and is considered adequate to warrant reliable interpretation and inference for the general population, according to current opinion and experience in the field of survey research.

The respondents were distributed by major field as follows: 13 per cent in the biological and physical sciences, 19 per cent in the social sciences, 21 per cent in the humanities, 11 per cent in engineering, 8 per cent in the health professions, 6 per cent in agriculture, 17 per cent in other professional schools, and 5 per cent with other majors or none.

In the following account, the actual questions that were asked are underlined and the answers follow with a minimum of interpretation and inference. Those few students who responded "Don't know" or otherwise did not answer particular questions are excluded from the percentage distributions reported here.

"Do you think that organized protests are legitimate means of expressing student grievances on this campus?" Seventy-five per cent of the students answer "Yes", 18 per cent say "Depends", and 7 per cent "No". Care in interpretation is needed with this question and others like it because the word "legitimate" may be taken to mean the legal situation as the student knows it or as he would prefer it to be.
"In general, how effective do you feel student demonstrations are in achieving the objectives of those who demonstrate?" Five per cent say "Very effective", 62 per cent "Slightly effective", 11 per cent believe "They have really no effect", and 22 per cent feel that such demonstrations "Actually defeat the goals of the demonstration". Interpretation of these findings, of course, depends in part on the student's opinion as to what the objectives of a particular demonstration might be.

Students were provided with a set of possible protest actions and asked: "Which of these things would you approve of having students do—not necessarily things you would do yourself—if—for example—the state legislature increased its control over The U. W.?" Ninety-three per cent would approve of petitions, 79 per cent of rallies, 74 per cent of marches, 70 per cent of picketing, 44 per cent of non-violent civil disobedience, 41 per cent of sit-in demonstrations, 29 per cent of striking classes, and 4 per cent would approve of violent civil disobedience. Two per cent would approve of none of these tactics.

It should be pointed out that one student may approve of a given tactic in the sense that he considers that such a situation calls for some protest; another may approve even though he personally does not think the situation calls for protest, in the sense that he considers that others should have the right to protest in the way indicated.

The next question focuses on the student's own position: "In which of these things would you personally participate if the state legislature increased its control over The U. W.?" Eighty per cent indicate that they would sign petitions, 55 per cent attend rallies, 41 per cent march, 33 per cent picket, 21 per cent engage in non-violent civil disobedience, 20 per cent participate in sit-in demonstrations, 22 per cent strike classes, and 2 per cent indicate that they would participate in violent civil disobedience. In contrast, 13 per cent of the students would not participate in any of these tactics. As a further reservation on the meaning of these data, it deserves note that a particular action may be unchecked, not because the student regards it as improper, but because he sees it as less effective than other means and thus not worth the effort.

Students were also asked to consider the same options with respect to the question: "Which would you approve of the students doing to protest the Viet Nam war?" Eighty-four per cent would approve of petitions, 79 per cent of rallies, 77 per cent of marches, 65 per cent of picketing, 42 per cent of non-violent civil disobedience, 41 per cent of sit-in demonstrations, 20 per cent of striking classes, and 5 per cent would approve of violent civil disobedience. Six per cent would approve of none of these.

When the students were asked, "In which of these things would you personally participate to protest the Viet Nam war?", 31 per cent check petitions, 40 per cent rallies, 34 per cent marches, 25 per cent picketing, 20 per cent non-violent civil disobedience, 20
per cent sit-in demonstrations, 12 per cent striking classes, and 2 per cent would participate in violent civil disobedience. The proportions here are markedly lower than they were in the hypothetical situation involving the state legislature, and for a simple reason: 42 per cent of all students would participate themselves in none of these actions to protest the Viet Nam war.

Elsewhere students replied to a question about University policies towards student demonstrations, as follows: 15 per cent believe the University to be "too liberal", 62 per cent state that these policies are "about right", while 23 per cent feel that students do not have enough freedom to demonstrate.

A block of questions concerned opinion regarding possible actions of the administration: "In handling student demonstrations that violate university regulations, do you feel the administration has a right to..."

<table>
<thead>
<tr>
<th>Action</th>
<th>YES</th>
<th>DEPENDS</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>use academic sanctions against demonstrators?&quot;</td>
<td>51%</td>
<td>18%</td>
<td>31%</td>
</tr>
<tr>
<td>fire T.A.'s who participate?&quot;</td>
<td>51%</td>
<td>21%</td>
<td>28%</td>
</tr>
<tr>
<td>fire faculty members who participate?&quot;</td>
<td>36%</td>
<td>23%</td>
<td>41%</td>
</tr>
<tr>
<td>call in the campus police to handle these demonstrations?&quot;</td>
<td>81%</td>
<td>13%</td>
<td>6%</td>
</tr>
<tr>
<td>call in off-campus police?&quot;</td>
<td>42%</td>
<td>29%</td>
<td>29%</td>
</tr>
<tr>
<td>call in the National Guard?&quot;</td>
<td>31%</td>
<td>24%</td>
<td>45%</td>
</tr>
</tbody>
</table>

The distribution of the answers to each question is shown above. In interpreting these replies, it is clear that there is ambiguity in the response. Some students may be reporting the legal situation as they know it; others may be responding in terms of what they would prefer the law to be.

A similar block of questions was posed to all respondents except those who had answered "No" to the question whether the administration has a right to call in the campus police. "If the police are called in, do they have a right to..."
<table>
<thead>
<tr>
<th>YES</th>
<th>DEPENDS</th>
<th>NO</th>
<th>POLICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>remove demonstrators physically?&quot; 61%</td>
<td>26%</td>
<td>7%</td>
<td>6%</td>
</tr>
<tr>
<td>arrest demonstrators?&quot; 67</td>
<td>20</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>use tear gas?&quot; 33</td>
<td>29</td>
<td>32</td>
<td>6</td>
</tr>
<tr>
<td>use riot sticks?&quot; 21</td>
<td>26</td>
<td>47</td>
<td>6</td>
</tr>
</tbody>
</table>

Again, these questions may have been answered with respect to what the law is, or what the student thinks the law should be.

With specific regard to the events of October 18, 64 per cent of the full-time students report that they personally saw some part of the demonstration at the Commerce Building, and 14 per cent indicate that they were actually inside the Commerce Building at some time during the demonstration. A percentage of this magnitude would mean that about 4,000 students were inside the building some time during that afternoon. It should be pointed out that many students were attending classes there, while others were simply passing through the halls.

All students were asked: "During the demonstration were you in favor of, opposed to, or indifferent to..."

<table>
<thead>
<tr>
<th>In Favor</th>
<th>Depends</th>
<th>Opposed</th>
<th>Indifferent</th>
</tr>
</thead>
<tbody>
<tr>
<td>protesting the presence of Dow interviewers on campus?&quot; 26%</td>
<td>2%</td>
<td>49%</td>
<td>23%</td>
</tr>
<tr>
<td>the demonstration as a protest against U. S. participation in the Viet Nam war?&quot; 40</td>
<td>6</td>
<td>38</td>
<td>16</td>
</tr>
<tr>
<td>the protest tactics used by the students?&quot; 13</td>
<td>12</td>
<td>74</td>
<td>1</td>
</tr>
</tbody>
</table>

Students were also asked for the following evaluations: "Do you feel that the demonstration was handled very well, moderately well, not well, or poorly by..."

<table>
<thead>
<tr>
<th>Very Well</th>
<th>Moderately</th>
<th>Not Well</th>
<th>Poorly</th>
</tr>
</thead>
<tbody>
<tr>
<td>the protesting students?&quot; 6%</td>
<td>23%</td>
<td>32%</td>
<td>38%</td>
</tr>
<tr>
<td>the administration?&quot; 4</td>
<td>23</td>
<td>27</td>
<td>46</td>
</tr>
<tr>
<td>the police?&quot; 4</td>
<td>17</td>
<td>25</td>
<td>54</td>
</tr>
</tbody>
</table>
In response to a further question concerning how The U. W. administration handled the demonstration, 66 per cent report that they believe the administration's action was too severe. In response to a probe concerning how the police handled the demonstration, 80 per cent indicate that in their opinion, too much force was used.

All respondents were then asked: "Did you participate in any student actions after the demonstration...such as rallies, the march, picketing, strikes, etc.?" Thirty-nine per cent state that they were involved in actions of this type. Students who did not do any of these things were asked, "In general, were you in favor of the student actions after the Dow incident, or opposed to them?" Twenty-one per cent are in favor, twenty per cent give a conditional response, and fifty-nine per cent are in opposition. On the reasonable assumption that those participating are in favor of the student actions after the Dow incident, the overall distribution of respondents would be 52 per cent in favor, 12 per cent conditional, and 36 per cent opposed.

Twenty-seven per cent of the students reply affirmatively to the question: "Have you ever been an active participant in any student demonstration?" At a later point in the interview, they were asked: "Since the Dow demonstration, would you now be more likely to participate in a student demonstration, about the same as before, less likely to participate, or wouldn't you participate at all?" Sixteen per cent say more likely, 42 per cent the same as before, 15 per cent less, and 27 per cent say they would not participate at all.

Appropriate sub-groups were asked these two follow-up questions: "Do you feel it might be necessary for you personally to refuse to leave some area after you were told to leave by the authorities?", and "Is it possible that you personally would resist being physically removed by the authorities?" On the basis of these responses, it is possible to summarize the disposition of the total sample with respect to a possible future demonstration:

- 27 per cent would not participate at all
- 36 per cent might participate, but would leave if told to by the authorities
- 18 per cent might refuse to leave, but would not resist physical removal by the authorities
- 9 per cent might resist physical removal under some circumstances
- 10 per cent might resist physical removal more generally

The final question to be reported here concerns employment interview policy. "Right now, the Placement Service arranges on-campus interviews. Should it continue in this role, should it arrange for on-campus interviews for only selected corporations, or should it become a clearing house--arranging for students and employers to get together somewhere off campus, or should it be discontinued altogether?"
Sixty-five per cent of the students believe the Placement Office should continue as at present, 6 per cent propose continuation for selected corporations only, 24 per cent prefer a clearing house arrangement, and 5 per cent vote that it should be discontinued altogether.

* * * * *

This report presents some of the findings from a recent student survey which are of relevance to a fuller understanding of the events which occurred during the afternoon of October 18, 1967, on the Madison campus of The University of Wisconsin. No attempt has been made here to discuss the many implications of these data. Comprehensive analysis of these and other results are now being undertaken and will appear over the next several months.