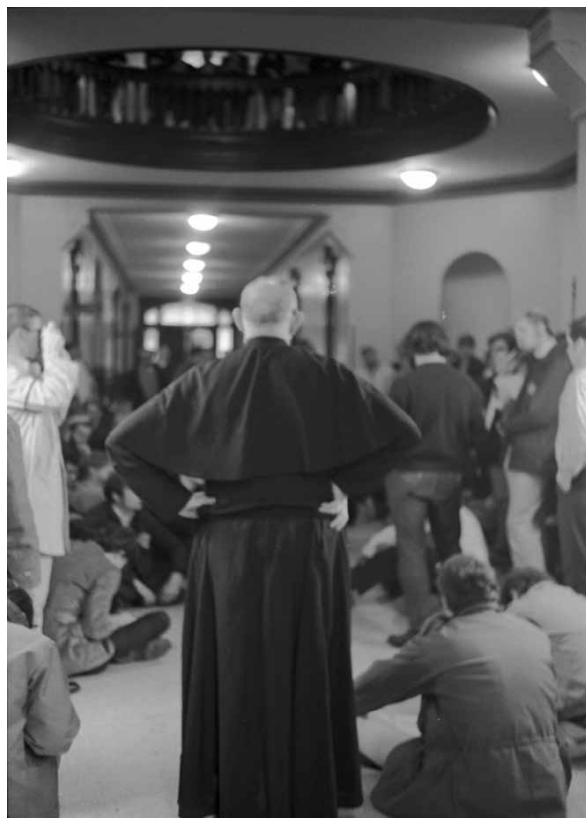


The “Notre Dame Ten”

The Dow-CIA Protest of November 18, 1969
50th Anniversary



The first and last suspensions of Notre Dame students
for protesting Notre Dame’s complicity with U.S. military and covert actions:
History, Archive and Commentary.

November 18, 2019

11:00 am: Vigil – Admin Bldg
4:30: Mass – **Holy Cross Chapel** in Stinson-Remick building
7:30: Convocation – Eck Visitor Center

Sponsors:

Kroc Institute for Peace Studies
centerforchristiannonviolence.org

The "Notre Dame Ten" – an Archive

On November 18, 1969, on-campus recruiting interviews were scheduled at the placement office in the third floor of the administration building with recruiters from Dow Chemical and the C.I.A. This was at the height of the United States' involvement in the Viet Nam war. When Richard Nixon took office in January 1969, the United States had been involved in combat operations in Vietnam for nearly four years. U.S. military forces totaled 536,040, the bulk of which were ground combat troops. More than 30,000 Americans had lost their lives to then and the war cost \$30 billion in fiscal year 1969. In 1968 alone, more than 14,500 U.S. troops were killed.

The war was not “winnable” without massive, genocidal, destruction of human life, and even Nixon, campaigning for the presidency, acknowledged that there could not be a “victorious peace” which he had referred to previously, but only at best an “honorable peace.” This involved prolonging the conflict and “Vietnamization” – buying time by continuing the conflict for four more years hoping that the South Vietnamese army could take greater control so that the U.S. could withdraw from combat. It was never to be, but millions became casualties – refugees, dead, wounded – of this quest for “peace with honor.”

The choice to schedule recruitment by both Dow Chemical and the CIA on the same day was provocative: each in its own way was symbolic of what was immoral about U.S. foreign policy and the unexamined entanglement of Notre Dame with the “military-industrial complex.” Dow was the maker of napalm and defoliants, including Agent Orange, used in Viet Nam. Napalm was an incendiary gel, a mixture of low-octane gasoline with benzene and polystyrene, which would stick to human flesh as it burned, resistant to being washed off, causing disfigurement to those who survived exposure to it. 21 million gallons of Agent Orange were sprayed across South Vietnam, exposing 4.8 million Vietnamese and thousands of U.S. Soldiers, causing deaths, disabilities and birth defects. The CIA was involved in covert efforts to overthrow Salvador Allende, the democratically elected president of Chile, among other documented anti-democratic activities throughout the world.

In the prior academic year there had also been simultaneous on-campus recruiting by Dow and the CIA, and a demonstration had occurred then as well, and also there was a clash between police and students over the prospective showing of a film at a Pornography and Censorship Conference on campus. Following these “disruptions” – extremely mild in comparison to other universities around the country– on February 17, 1969, Fr. Hesburgh promulgated, on his own, what became known as the “Fifteen Minute Rule.”

[I]f . . . anyone or any group that substitutes force for rational persuasion, be it violent or non-violent, [they] will be given fifteen minutes of meditation

to cease and desist. They will be told that they are, by their actions, going counter to the overwhelming conviction of this community as to what is proper here. If they do not within that time period cease and desist, they will be asked for their identity cards. Those who produce these will be suspended from this community as not understanding what this community is. Those who do not have or will not produce identity cards will be assumed not to be members of the community and will be charged with trespassing and disturbing the peace on private property and treated accordingly by the law. The judgment regarding the impeding of normal University operations or the violation of the rights of other members of the community will be made by the Dean of Students. Recourse for certification of this fact for students so accused is to the tri-partite Disciplinary Board established by the Student Life Council. . . .

After notification of suspension, or trespass in the case of noncommunity members, if there is not then within five minutes a movement to f cease and desist, students will be notified of expulsion from this community and the law will deal with them as non-students. Lest there be any possible misunderstanding, it should be noted that law enforcement in this procedure is not directed at students. They receive academic sanctions in the second instance of recalcitrance and, only after three clear opportunities to remain in student status, if they still insist on resisting the will of the community, are they then expelled and become non-students to be treated as other non-students, or outsiders.

In short, the “15 Minute Rule” was this: “disruptive” students would be given 15 minutes to disperse, and then suspended. If they remained 10 minutes longer they would be expelled. If they still remained after that they would be arrested. Notably, the rule explicitly makes no distinction between violent and nonviolent protest, or between petty causes and those which go to the heart of Christian values.

The 15-minute rule had become famous across the country, and was hailed across the country, and by President Nixon, as a model for “getting tough” on student protesters, and a signal that Notre Dame would take a hard stand against student protests, even though whatever had occurred at Notre Dame to this point had been mild by comparison to campus dissent at other schools. Still, many had criticized the pronouncement as inflexible.¹

In 1969 the Student Senate passed a resolution requiring any recruiting agency to submit to an open question-and-answer forum to discuss its practices and policies, so long as a sufficient number of students petitioned for such a forum to occur. The

¹ One of these was John Gearen, the 1965 Student Body President, Rhodes Scholar, and founder of the Observer. At this time Gearen was a Yale law student.

purpose of the Senate resolution was not to bar recruiting on campus, but to expose the values and beliefs represented by these agencies to the same scrutiny to which other values and beliefs are exposed in university life. Not only is Notre Dame a great university, it also stands for Catholic higher education in America. Thus, the issue was not merely academic freedom, it was also Notre Dame's mission, as a Catholic university, to explore moral values. Our students had a right to ask whether they were being recruited for jobs that they could take consistent with the teachings of Jesus or the Catholic Church or their personal consciences.

As if to invite the students to repeat the protest from the previous year, again Dow and the CIA were scheduled for tandem interviewing in the placement offices. A petition was prepared, seeking the "open forum" called for in the Student Senate resolution. However, when presented to them, the administration refused to make any arrangements for such a "forum." The scene thus set, students gathered the night before to discuss what to do, but with no definite plans being made.

On November 18, 1969, outside the placement office, about 100 students gathered in protest, demanding that the recruiters meet in open discussion. Again, the administration (not necessarily the recruiters) refused. Some students proceeded to block access to the recruiting office. Although there were a few scuffles, the demonstration was peaceful, as photographs of the event reveal. There were a number of speeches made, and continued efforts by student representatives to reach compromises, all of which failed to move the administration. After some time, an administration representative announced that the "15-minute rule" was being invoked.

After a period of time administrative officials began collecting ID cards from students, almost at random. Reports of the events at the time and since have brushed over the fact that not all of the "Ten" were actually blocking the doorways. And some turned in their cards as a show of solidarity with the more active members of the protest. When the recruiters had left, and word spread that state police officers had been called in, the protest broke up.

Later that night, five students received letters of expulsion, and five were suspended. As noted, among these were students who had not blocked any doorways. Weeks of public forums and protests sympathy in sympathy for the "Notre Dame Ten" followed. Highly respected members of the faculty, like Fr. John L. McKenzie and Joseph Duffy, publicly denounced the actions of the administration heavy handed and hypocritical. Although several members of the group could have avoided their suspensions on grounds of factual innocence—which would have been confirmed by the surveillance photos taken at the time—the "Ten" stuck together and made its defense as a group, on the fundamental principles at stake in the refusal of the administration to deal with the moral questions raised by these recruiting efforts.

Several faculty members came to the assistance of the "Ten" in preparing their "defense" under the avenues of appeal available at the time. One was Prof. Charles

McCarthy '62, who taught in the new, and short-lived Program for the Study of Non-Violence. Another was Prof. Carl G. Estabrook. They helped the "Ten" put together a defense brief that still stands as a challenge to Notre Dame in reconciling its moral pretensions and Catholic teaching with the positions taken by the University and its administration with respect to students, campus employees, the government and the military. Returning from Thanksgiving break, the ten students devoted their time to the defense and to meetings around the campus: they had been officially barred from attending classes or taking exams, though many attended classes nonetheless. Some of these meetings were hosted by legendary figures, such as Fr. Charles Sheedy and George Schuster, who opposed punishment of the students with suspension.

In the meantime the University also went to court seeking an injunction to prevent various named student leaders and activists, Fred Dedrick, the Student Body VP, Richard Libowitz, Tim MacCarry, Brian McInerny (one of the "Ten") as representatives of the rest of the student activists. Also named was Sr. Joanne Malone, a highly celebrated participant in the demonstration, mostly because she appeared in a sweater and "mini-skirt." There was a hearing in St. Joseph County Superior court at which students and faculty members, including General Program's legendary Willis Nutting, testified in opposition to the injunction. The injunction issued, of course, though MacCarry and Libowitz and Sr. Malone were dropped as named targets of the directive.

Eventually there was a public hearing on December 12, 1969. Two of the students, Brian McInerny, a Senior, and Mark Mahoney, a Junior, presented the legal and moral positions in the defense brief to a "Tripartite Appeals Board" made up of one student and one faculty member (Prof. Donald Costello) and one administrative representative. This body only had the power to recommend a disposition to the Dean of Students. On December 15, the three members of this body recommended that the suspensions and expulsions be rescinded and some lesser punishment imposed, the same for all the "Ten."

In a letter to each of the "Ten" dated the following day, this recommendation was rejected by Fr. Riehle, although he did modify the five expulsions to suspensions.

Although there was no provision for it, one of the students, Mark Mahoney, brought a personal appeal on behalf of the "Ten" directly to Fr. Hesburgh, asking that he follow the recommendation of the hearing panel. It was a very informal process. The appeal was rejected. Thus, for the first and last time in Notre Dames' history, students were suspended for political protesting.

While on Christmas vacation, each of the students, who had been barred from attending classes or taking exams, were notified that their suspensions were final. Draft Boards had also been notified of the suspensions, exposing the "Ten" to the risk of being drafted into the Army during this lapse in their student deferments.

In his book published years later, in a chapter devoted to this episode, Fr. Hesburgh still failed to acknowledge the special context of the Dow-CIA demonstration, or what was really at stake in the dispute between the students and the university. Sadly,

he sought to excuse the administration's actions by declaring that there had been no harm done, that all the students who had been suspended graduated nonetheless. This was a convenient, if not cruel, product of self-delusion. Although the students were invited to reapply to the University, two never returned. One returned but, disaffected by these and later events, dropped out.

In the Spring of 1970, following the revelation of a secret invasion of Cambodia by the US, and the shooting of protesting students at Jackson State and Kent State, there was a "Strike" across the country which brought virtually all college campuses to a halt. Finally, at this time, Fr. Hesburgh publicly declared opposition to President Nixon's war policy. At the reunion luncheon that Spring, he ironically declared that "students cannot remain neutral in times of great moral crisis."

Although the nationwide "Strike" event overshadowed in magnitude the "Dow-CIA Protest" and the treatment of the "Notre Dame Ten," unlike the campus events at Notre Dame in the Spring of 1970, the case of the Notre Dame "Ten" raised issues unique to Notre Dame. This was a challenge to the role of a Catholic university in the moral education of its students and in its relationship with governments or businesses whose actions conflict with teachings of the Church.

In 1994 three former members of the "Notre Dame Ten," Mark Mahoney, Ed Roickle, and John Eckenrode came to the campus on the 25th anniversary of the "Dow-CIA" demonstration. They met with students and classes and participated in a public forum for the purpose of engaging in a dialogue with members of the current Notre Dame community on the question which was critical then, and remains critical in every time: the challenge of creating and maintaining as "Christian" a university which is involved by necessity with governments and institutions and corporations whose goals, actions, and beliefs may be inconsistent with those "Christian" values.

Forty years later, the "Ten" return again, to pick up this dialog with a new generation of students and faculty and administrators.



The attached archive of materials which follows contains a record of what was done, what was said, what was felt, and what was understood at the time of these events. They speak for themselves as does any historical record about the events, and the meaning of those events in the historical context in which they arose, at least to the people involved. But we also include some retrospective materials, news accounts and later articles, such as by Prof. Carl Estabrook, and Mike Sarahan, reflecting back on these events from a distance, inevitably comparing them with later times, later events, and later individuals.

The Anti-war Movement, Then and Now

by Carl G. Estabrook

When I arrived at Notre Dame almost forty years ago as the most junior member of the history faculty, I found a sophisticated anti-war movement -- consisting of students, townspeople, and even some faculty -- already in place in South Bend. The American electorate had just repudiated the party that had invaded South Vietnam and killed a million poor peasants (and more than five hundred American soldiers every month) by electing a president who was said to have a secret plan for ending the war.

Richard Nixon's plan turned out to be even more intensive bombing -- the secret bombing of Cambodia destroyed that society -- and threats to the USSR and China, while reductions of the half-million US ground troops in South Vietnam got underway. Meanwhile, the My Lai massacre showed how the war was being fought in Vietnam, and the police murders of Black Panther party members in Chicago showed how it was being fought at home.

I had been a graduate student at an east coast university where the student anti-war movement had seized a central administration building -- and then been expelled by a police riot, a small-scale version of the violent tactics employed at the Democratic convention in Chicago the previous summer. It had been more than seven years since the Kennedy administration had attacked South Vietnam because the people of that country did not have the good grace to accept the government that we had picked out for them. A movement against that war had grown slowly, though by the high summer of 1969, a majority of Americans felt about Vietnam as they do about Iraq today, that the war must end. The principal anti-war organization on US campuses, Students for a Democratic Society -- which had begun, not as an anti-war group at all, but, as the name implies, a semi-anarchist civil rights organization ("Let the people decide" was its original motto) -- could afford the luxury that summer of an internal split and a vicious faction fight.

At Notre Dame I was surprised and pleased to see that a whole new set of arguments -- ethical rather than political -- were available for use against the war. Catholics were surprised to find that the American war in Southeast Asia clearly failed the venerable (and I think quite sound) analysis of the just war, when that was pointed out by Gordon Zahn, the pacifist and World War II conscientious objector.

The Catholic church, transformed by the recent Vatican Council, was just beginning to turn its attention to political questions, under the impress of liberation movements around the world, from the north of Ireland to the Congo, although Liberation Theology, which surfaced at a Latin American episcopal conference in Colombia in 1968, was still largely unknown in the Anglophone world. I was nevertheless able that fall to hear the priest-poet Daniel Berrigan -- exercising the prophetic role proper to priests and poets -- give a reading at Notre Dame that adumbrated these things. He was not welcomed by the university administration.

The student anti-war movement displeased the Notre Dame administration even more. Journalist Alexander Cockburn described the incident (from a piece I wrote for *Common Sense*) almost twenty years later: "Back in the fall of 1969 Notre Dame had scheduled recruiting meetings for

the C.I.A. and Dow (Napalm) Chemical Company. The university has long been a prime recruitment spot for the C.I.A.; Philip Agee and Ralph McGehee [C.I.A. agents who exposed some of the Agency's crimes] are both graduates. Ten students, foolishly assuming that the university believed in open debate, sat down in front of the doors of the building where the interviews were to be held. The university immediately called the police and had them arrested. Notre Dame took action against the students in both the state courts and within the university itself. The university treated the issue like a case of student drunkenness, denying there was any moral issue involved. Ultimately all the students were punished with one form or another of suspension, and it was reported that the university notified their draft boards that they were now available for call-up."

The Notre Dame Ten included at least one person who courageously resisted the draft and went to prison for it. With another twenty years gone, Cockburn now asks (in the *New Left Review*, July-August 2007), "Whatever Happened to the Anti-war Movement?" Is it just that the US government was forced to abandon the draft in 1973, because the largely conscript expeditionary force in South Vietnam mutinied, in essence, and their refusal to fight forced their withdrawal that year?

"It is true that many of the soldiers deployed in Iraq have been compelled to serve double tours of duty; that others were facing criminal conviction and were offered the option of prison or enlistment in the army; that others again are illegal immigrants offered a green card or US citizenship in exchange for service in Iraq. But every member of the US military there or in Afghanistan is, technically speaking, a volunteer. In the near future, at least, no US administration will take the political risk of trying to bring back the draft, even though lack of manpower is now a very serious problem for the Pentagon. By the same token, the absence of the draft is certainly a major factor in the weakness of the anti-war movement. But though there was no draft in the Reagan years, there was certainly a very vital movement opposing Reagan's efforts to destroy the Sandinista revolution in Nicaragua and to crush the insurgency of the FMLN in El Salvador." (Noted commentator Noam Chomsky points out that "a good part of the Central American war was a war against the Catholic Church, which dared to adopt a 'preferential option for the poor.'")

Today, says Cockburn, "To say the anti-war movement is dead would be an overstatement, but not by a large margin. Compared to kindred movements in the 1960s and early 1970s, or to the struggles against Reagan's wars in Central America in the late 1980s, it is certainly inert." Why? What follows is not an answer -- just an indication of some of the differences between then and now.

Different Wars

The US attacks on Southeast Asia in the 1960s and '70s, and those on Southwest Asia in the 1990s to the present, are quite different -- the former more murderous, the latter more dangerous; what is constant is US policy, but it has evaluated the two regions differently. We can ignore the strikingly parallel propaganda reasons offered for both wars -- stopping communism in the first, stopping terrorism in the second -- and even the identical warnings that the communists/terrorists would "follow us home" if we failed to defeat them in Asia.

The timely arrival of the "terrorist threat" to take the place of the lapsed "communist threat" -- in 1991 Colin Powell, then chairman of the Joint Chiefs of Staff, complained that the US military suffered from an "enemies gap" -- should alert us to how much both Republican and Democratic administration have done to encourage each as a bete noire, the fear of which justifies US policy undertaken for other reasons.

In what is reductively called the Vietnam War, the US may have killed four million people -- not counting the aftermath in Cambodia or the US-sponsored coup in Indonesia, which killed millions more. With a similar reductive designation, the Iraq War has killed perhaps half that number (given that the Clinton administration may have killed more Iraqis with economic sanctions than the Bush II administration has done with weapons) -- although the deaths in the 1980-88 war that the US urged Iraq to undertake against Iran probably should be added to the latter count.

The US war in Vietnam was a demonstration war. As the only undamaged major country to emerge from World War II, the US organized the economy of the post-war world, and it had to make clear, less than twenty years after the end of that war, that no society could remove itself from that economy and pursue a form of development that contradicted US-approved models. In a sense, the domino theory was correct: if the US were to allow such a thing in Vietnam, other areas (like Indonesia) might emulate it. As a study by the Woodrow Wilson Foundation put it in 1955, the primary threat of communism was the economic transformation of the communist powers "in ways which reduce their willingness and ability to complement the industrial economies of the West."

Given its war aims, it is clear that the US won the Vietnam War, even if it did not achieve its maximum goals. It destroyed the country and its people: a generation later, thoroughly integrated with the US-dominated world economy, Vietnam begs for Nike factories. But it is necessary to emphasize that Vietnam was primarily a demonstration -- and far less important to the US than Iraq is.

In Iraq, the question (as even Alan Greenspan recognizes) is oil. For all that the Democrats are happy to attack, for electoral advantage, the horrible mess that the Republican administration has made of the invasion of Iraq, they support the same long-term policy in the Middle East that the Republicans do.

For more than fifty years, the US has insisted upon control of Middle East oil and gas, which are more extensive there than any place else on earth. But not because the US needs them at home. The US imports only a small bit of its domestic energy from the Middle East: most of it comes from the Atlantic region -- the US itself, followed by Canada, Nigeria, and Venezuela. But control of world energy resources gives the US control of its major economic competitors in the world -- Europe and northeast Asia (China and Japan). No US administration, Republican or Democrat, will voluntarily leave Iraq, with the world's second largest reserves of oil.

Different Oppositions

Public opposition to the Vietnam War grew slowly -- much more slowly than people recall. It

took almost a decade after the initial invasion of South Vietnam by the Kennedy administration to build to the point that 70% of Americans believed, as they did, that the war was "fundamentally wrong and immoral and not a mistake." That was the source of what Henry Kissinger called the "Vietnam syndrome" of the 1970s and '80s -- the unwillingness on the part of the public to countenance a war that looked like Vietnam. For that reason the Reagan administration, which desperately wanted to put US troops into Latin America, was unable to do so; because of it, the Central American demonstration wars of the Reagan administration were driven underground (and partly exposed in the Iran-Contra scandal).

It was the successful attack on Iraq in 1991 -- after the US rejected Saddam Hussein's proposal to negotiate the various territorial claims in the Middle East -- that prompted US President George Bush Sr. to say "By God, we've kicked the Vietnam syndrome once and for all!"

Public opposition to the Iraq War developed in the reverse order to that to the Vietnam war, although the outcome was similar: for some time now more than 70% of Americans want the war to come to an end. Before the invasion of March 2003, public opposition was much higher, even among the US foreign policy elite -- the largest anti-war demonstrations in history were held around the world early in that year.

Three factors led to the withdrawal of US ground forces from Vietnam in 1973: the courageous resistance of the Vietnamese people to invasion, the revolt of the conscript US army in Vietnam, and finally the continuing growth of an ever more deeply-rooted resistance among the American people. All three factors are less present now: the Iraqi resistance is weaker and still fragmented; the objections from a mercenary and semi-mercenary military force are muted; and resistance amongst Americans is broad but essentially neutralized. How has that last come about?

Popular opposition to Vietnam could be neutralized by withdrawal in 1973, followed by some governmental reforms; that's not possible now. So into the breach has stepped the Democratic party: in a landslide statistically greater than the "Republican revolution" of 1994, the Democrats were given control of the Congress in 2006 by an electorate that wanted them to bring the war to an end. But both American political parties -- the two wings of the Property Party, as Gore Vidal said -- are substantially to the right of the American populace, on this as on other issues. For all the danger represented by the increasingly isolated neocons in the US government (especially in regard to Iran), the most nefarious role is being played by the Democrats, who have spent this year neutralizing the mass anti-war sentiment by pretending to oppose the war while in fact supporting it, as their repeated votes for funding the war show.

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The "Notre Dame Ten" and DOW-CIA: A.D. November 18, 1969–November 18, 2009

Friends,

This is a personal statement regarding an event that happened forty years ago, but whose spiritual pertinence for every Christian and every Christian Church in the United States echoes across four decades. The University of Notre Dame is the sounding board from which this temporal and eternal life and death dire spiritual problem emanates in this instance. It is, however, only one Catholic and Christian atmosphere, among tens of thousands of others in the United States, which is bedeviled to the point of gross infidelity to the explicit teachings of Jesus, by its past and by its present entanglements with an American nationalism and militarism rooted in a sociopathic perpetual war economy.

The attached—two posters, a press release, and a ten-page defense brief—relate to an event that occurred forty years ago at the University of Notre Dame on November 18, 1969 and is being remembered and commemorated this November 18. The defense brief that was written by myself and a faculty colleague along with the ten students—who were expelled from Notre Dame on that day for nonviolently protesting the presence on the Notre Dame Campus of DOW Chemical and the CIA for *recruiting* purposes only—is somewhat lengthy. To some, the defense brief may seem boring because of its details. However, I send it to you on the 40th anniversary of the event that precipitated its composition, because it is as morally pertinent at this hour as it was at that previous hour. Pertinent, not only for all Christian institutions of learning at all levels, but also for Christians and Christian Churches, as well as, their present leadership—a leadership today that seems to have fallen into a state of moral stupor regarding from Whom it is that they and their institutions live and move and have their being, as well as, their only *raison d'être* for being.

The gods of nationalism, militarism and institutional survival, spend their deceiving existences tempting Christians to follow their “truths and values” and to set aside the Eternal Truths and Values proclaimed by Christ-God—or at least to set their “truths and values” above those taught by Jesus in the Gospels. On November 18, 1969, the Christian administrators at Notre Dame, knowingly or unknowingly, yielded to these gods and this temptation. Today, in the face of the human slaughter house that the United States Government has made of Iraq and Afghanistan, Christian Churches and institutions of every denomination are succumbing to the very same temptation, either by calculated pusillanimous silence or by energetically praising the Lord while helping to pass the ammunition from 1500 Pennsylvania Avenue into the hearts or heads of hundreds of thousands of God’s infinitely beloved sons and daughters in Iraq and Afghanistan.

There have been times in the past when Christians have refused to kowtow to these murderous false gods and stood firmly with Jesus and His Way. The document that is

herein attached is a piece of the record of one of those times. The document's defense of the ten students is divided more or less into two areas: 1) that the students acted in conformity with the nature and purpose of the American University Community; 2) that the students acted in conformity with the nature and purpose of the Christian Community. Since Notre Dame is a Catholic university, it and those who are part of it are morally held to the purposes and standards of both communities—the Catholic community and the university academic community. If a conflict of allegiances should ever arise between the two interlocking community value systems the Christian would have to choose. By the dictates of both faith and reason, the Christian would be morally required to follow the truth embodied in the Christian Community, since it is rationally and spiritually absurd to choose the temporal, the totally perishable, over the eternal and imperishable, as it is equally rationally absurd to follow and obey the words of a creature when they logically contradict the Word who is the Creator (Jn 1:1ff). However, the position of this brief is that in this instance the protesting students were faithful to the nature and purpose of both communities and therefore should not be excommunicated from a Catholic university on the basis of either standard. That they were excommunicated from Notre Dame was an act of raw dominative power. Excommunication in this instance was neither an act of rational justice nor was it an act of Christlike love. It was suffering imposed simply because one had the power to impose suffering without regard to justice, love or his own practical and moral culpability.

When the students were excommunicated, I chose on December 22, 1969, to send in my letter of resignation from the faculty and as Director of THE PROGRAM FOR THE STUDY AND PRACTICE OF NONVIOLENT CONFLICT RESOLUTION effective upon the termination of my contract the following summer. The issue for me, as it was for every member of the faculty, administration and student body at the time, was, "Who do you stand with: the excommunicators or the excommunicated?" The excommunicators had my livelihood. (I had just bought a small farm.) The excommunicated had the truth about the "overwhelming moral atrocity" (Thomas Merton's words) that the U.S. Government was perpetrating in Vietnam and in which DOW and the CIA were major-league players. So major, that by 1969 both had become international symbols of the murder, mayhem and misery that was mercilessly being poured out on the people of a nation the size of the State of New York 7500 miles away.

Contrary to what has been published about this event in various places over the last four decades, all the students who were expelled did not eventually graduate from Notre Dame. And, many of those who did still paid a price for speaking truth to murderous power and to those it manipulates. Every word of this defense document is embedded in suffering. I send it out on the 40th anniversary of the event because of the "silence" on U.S. Catholic and Christian campuses today—as well as in the American Catholic and Christian Churches in general—in the presence of the U.S. Government again engaging in another "overwhelming moral atrocity" in Iraq and Afghanistan. This silence is the clearest statement possible that U.S. Churches and U.S. Christian educational institutions, including parish religious education programs, have lost their way. They simply are not seriously nurturing that empathic catholic consciousness and conscience that Jesus and His Way absolutely require for fidelity. Regardless of their size, wealth or history they are

obstinately and brazenly proclaiming to the world a mendacious gospel of “I will not teach what You commanded me to teach, I will not obey what You taught me to obey—and this is authentic fidelity to Jesus, this is being a good Christian.” (Mt 28:20).

Silence is not neutral. Silence can be as violent, as merciless and as morally corrupt as propagandizing abortion as the moral equivalent of an appendectomy. Silence can be the moral support system without which murder could not take place. Ten students were thrown out of a Catholic school because each communicated with his whole person that monstrous evil—as determined by the standard of the teachings of Jesus—had no right to recruit on a Christian Campus.

When asked by their children and grandchildren today, “*What did you do in the face of the moral abomination called the Vietnam War?*” they can say, “*I was not silent. I called murder by its right name: murder. It cost me much pain to do this, but I knew that compared to the horror being endured by the Vietnamese people in their homes and fields 7500 miles away, it was very small sacrifice on behalf of Christic truth and love.*” When the U.S. butchery in Iraq and Afghanistan becomes as clear to the children and grandchildren of today’s students, what will most of them have to say? “*I did not know what was really going on.*” Or perhaps, today’s students (and others) will say as poor Cardinal O’Connor said to Nat Hentoff in an interview about his famous book (A CATHOLIC CHAPLAIN LOOKS AT VIETNAM), which was employed throughout the U.S. Catholic Church to morally justify the Vietnam War and to justify recruiting and sending Catholics and others over there to kill people: “*I wish I never wrote it. I didn’t know they [the government] were lying to me.*” (Evidently he was as unaware as most of today’s Church leaders appear to be unaware of being under a severe moral obligation to seriously consider the universally known and ancient truism that, “The first casualty of war is truth,” when evaluating whether a war is mass murder or is in conformity with the norms of Catholic unjust/just war morality.) It would of course be worth more than perhaps anything else if today’s students could say forty years from now, “*I saw mass murder and spoke out against it. I tried to stop it.*” I say *worth more* than perhaps anything else because “Whatever you did for the least, you did for me,” is intrinsically tied to one’s own and everyone’s eternal well-being. “The least” in a society’s war-consciousness is always the enemy *de jour*. The enemy, be it he or she or they, is “the least,” either by active hate or by indifference to the misery rained down on him, her or they.

The Vietnam War is history. The Iraq-Afghanistan War is history repeating itself. The Notre Dame 10 are history. Where is the Notre Dame 10’s history repeating itself on Christian college campuses today? In Christian Churches? Among Christian leaders? We know where the history of Johnson, McNamara, Nixon and Kissinger is repeating itself. We know where the history of DOW and the CIA is repeating itself. We know where the history of those power-people who gave support to Johnson, McNamara, Nixon, Kissinger, DOW, the CIA is repeating itself. And we know where the history of Christians murdering people by the thousands with the blessing of their Churches, their bishops, priests, ministers, pastors and chaplains is repeating itself. But where is the history that called, at a cost to self, mass murder by its correct name—mass murder? Or, perhaps in the future the present generation of Christian leadership and laity will comfort themselves with the

pitiable words of Admiral Chaplain-Cardinal John O’Conner, Ph.D.: *I didn’t know they [the government] were lying to me.*” Words which are the moral equivalent of the post World War II German who says, “ *I didn’t know Jews were being harmed so badly.*”

I place such unseeing, unquestioning expressions of innocence-bestowing naïveté concerning what government-at-war is about, over and against the following statement of Daniel Berrigan, S.J., given at his trial for burning with napalm draft files taken from the Catonsville, Maryland draft board office in May of 1968 in protest of the gross destruction of life that the U.S was responsible for in Vietnam. 1968 was the same year Cardinal John O’Connor, then Navy Chaplain-Commander John O’Connor, published his famous book morally justifying Merton’s, “overwhelming moral atrocity.” To the Federal Court Berrigan said on behalf of himself and the eight other defendants:

*Our apologies good friends
for the fracture of good order the burning of paper
instead of children the angering of the orderlies
in the front parlor of the charnel house
We could not so help us God do otherwise
For we are sick at heart our hearts
give us no rest for thinking of the Land of Burning Children*

(REV.) EMMANUEL CHARLES MCCARTHY

Forty years ago: the “Notre Dame Ten”

by Mark J. Mahoney ‘71

The letter was a form letter. The letter began: “As I informed you on the afternoon of Tuesday, November 18, 1969, you are suspended from the University of Notre Dame for the Balance of this semester.” In the late afternoon of Tuesday, November 18, 1969, a campus security officer delivered the letter to me at my room on the third floor of Sorin College. It was from Fr. Jim Riehle, then the Dean of Students. Four other students had received the same letter and five others were notified that they had been expelled. Thus began the “Notre Dame Ten.”

I was Junior, and had spent the prior year in Innsbruck. Chris Cotter, another of the “Ten” had been in that program in the previous year. Although I had missed the travesties of the Democratic National Convention in Chicago in the summer of 1968, I was next door to Czechoslovakia when the Soviets invaded that country in August of 1968. I was no communist sympathizer. I was not naive about the dangers presented by the Soviet bloc or communist China. But I had also studied the history of Viet Nam and our involvement there, and knew how untrue were the many justifications offered for our presence, and how our prosecution of that war was ruining the U.S. in the eyes of the world. And wrapped up into the question of Viet Nam, legitimately, were a host of issues concerning U.S. foreign policies in the “Third World” as well as issues of racism and militarism and environment and poverty.

When I returned to ND, therefore, in the Fall of 1969, I began the year with intensity about my courses in the wonderful General Program, the religious life on campus, which had more meaning to me now, and the question of what, if anything, I could do about the great social and moral issues of the day. Finally having the opportunity to explore the teachings of Fr. John L. McKenzie, Chandi, and the early Christian church, and the Gospels in the context of the Program for the Study of Nonviolence, I was immersed in the inescapable message of Nonviolence at the core of Christian teachings. This was not a conversion. This was no surprise. It was simply a crystallization of what I had really been taught all my life, stripped of the easy and rote rationalizations for ignoring these teachings as a matter of course in everyday life. I was an Eagle Scout. I worked as a counselor at the oldest boy’s camp in the world, the original camp of the New York City YMCA, where the motto was “The Other Fellow First.” I had the essential moral values and beliefs. In 1969, the world in disarray, and coming of age in a time of such crisis, it was simply

not possible to be challenged as to how to respond to what was happening.

Many current students have parents who attended Notre Dame at this time, and perhaps some have heard of the “Ten” and the events which were the focal point of this most important—if not most remembered—time in the life of this university. The year 1969 was at the height of the United States' involvement in Viet Nam. As had happened the year before, on-campus recruiting interviews were scheduled at the placement office in the third floor of the administration building. Dow was the maker of napalm used in Viet Nam, and also “Agent Orange,” a herbicide that was used to defoliate millions of acres of land in Viet Nam, and resulted in lifetime health problems for the soldiers exposed to it. The CIA was believed by many to have funded and directed the right-wing efforts to overthrow Salvador Allende, the democratically elected president of Chile. This was later admitted to be a fact.

In the previous year, 1968, in the first “Dow-CIA” protest, there had been considerable disruption, but the interviews still took place. In 1969 the students took the first step to transform the character of the conflict with the administration over “on-campus” recruiting by organizations whose means and ends appeared to conflict with the moral teachings of Christianity. The Student Senate passed a resolution requiring that any employer, as a precondition to using campus facilities for recruiting Notre Dame students, must submit to an open question-and-answer forum to discuss its practices and policies, so long as a sufficient number of students petitioned for such a forum to occur.

The purpose of the Senate resolution was not to bar recruiting on campus, but to expose the values and beliefs represented by these agencies to the same scrutiny to which other values and beliefs are exposed in university life. Not only is Notre Dame a great university, the Senate reasoned, it also stands for Catholic higher education in America. Thus, the issue was not merely academic freedom, it was also Notre Dame's mission, as a Catholic university, to explore moral issues confronting its students, and our world. Our students had a right to ask whether they were being recruited for jobs that they could take consistent with the teachings of Jesus or the Catholic Church or their personal consciences.

Such a petition was prepared with respect to the on-campus recruitment by Dow Chemical and the CIA, again tauntingly scheduled to be run together in adjoining offices under the Dome. The administration refused to make any arrangement for such a “forum” despite demands from student leaders.

I did not go looking for trouble. On the other hand, I could not believe how woodenly provocative the administration was in again scheduling Dow Chemical and the CIA for interviewing on the same day, without a hint of reflection on the concerns that had been raised the year before about the obvious and sometimes less obvious roles of these organizations in the atrocities of war and in foreign repression of democratic values and human freedom. The administration was all but taunting the students to take the matter further in another demonstration, while obdurately refusing to engage on the moral, Christian concerns of the students.

I attended the meeting on the night before the recruiting was scheduled. A wide range of views and possible actions was presented, but all were upset and indignant that the Student Senate resolution had been ignored in the face of moral concerns over what these organizations were doing. No specific actions were agreed on, though the primary purpose of demonstrating the following day was to again request an open forum with representatives of the interviewing organizations.

On the following day, Tuesday, November 18, 1969, a number of students congregated in the hallway outside the placement offices. For myself, I felt that I was mostly an onlooker, though I knew many of the students who were present. There were speeches, speeches about the fact then known about the CIA and Dow Chemical, and ongoing reports of efforts to persuade the administration to allow us to meet with the recruiters in an open forum.

My impression at the time, that there was nothing about the demonstration that presented a physical threat to anyone, is confirmed by reviewing the pictures of the event preserved in the university archives, and in the Observer. I recall one student, who I knew, attempting to force his way into one of the interview offices, but he was repelled without any physical struggle and left.

After some time, an administration representative announced that the "15-minute rule" was being invoked. The "15 Minute Rule" was the rule announced by Fr. Ted Hesburgh earlier in the year as a means to deal with campus protests. "Disruptive" students would be given 15 minutes to disperse, and then suspended. If they remained 15 minutes longer they would be expelled. If they still remained after that they would be arrested. The 15-minute rule had become famous across the country, and a signal to the country and *alumni* that Notre Dame would take a hard stand against student protests, even though whatever had occurred at Notre Dame to this point had been very mild by comparison to campus dissent at other colleges and universities. Still, many criticized the "15 minute rule" as inflexible and as immoral disengagement by the administration and university from the burning moral issues of the day.

Some time after invoking the "rule," administrative officials began collecting ID cards from

students gathered at the demonstration, almost at random. Some students has only just arrived, and there was no additional 15 minute time period that elapsed. Some turned in their cards as a show of solidarity with the more active members of the protest. When the recruiters had left, and word spread that state police officers had been called in, the protest broke up. Later that night at a meeting of hundreds of students and faculty in LaFortune, we learned not only that five students received letters of expulsion, and five were suspended – with no factual different to justify the different treatment – but also that the University had obtained a preliminary injunction against student body Vice-President Rick Dedrick and other named and unnamed students, restraining them, under penalty of arrest, from congregating at the placement office or in the administration building. Among those students suspended and expelled and restrained there were many who, like me, had never blocked a doorway or impeded anyone else in their movements..

Weeks of public forums and protests and rallies in sympathy for the "Notre Dame Ten" followed. Highly respected members of the faculty, like Fr. John L. McKenzie and Joseph Duffy, publicly denounced the heavy handed actions of the administration as hypocritical. Although several members of the group could have avoided their suspensions on grounds of factual innocence—which would have been confirmed by the surveillance photos taken at the time—the “Ten” stuck together and made its defense as a group, on the principles we felt were at stake in the refusal of the administration to deal with the moral questions raised by these recruiting efforts. Several faculty members came to our assistance in preparing our “defense” under the avenues of appeal available at the time. One was Prof. Charles McCarthy ’62, who taught in the new, and short-lived, Program for the Study of Non-Violence and whose influence upon students, adjusting for the briefness of his tenure at the university, was possibly as great as any other faculty member in the University’s history.

These events obviously began just before Thanksgiving break. Thankfully I was not headed home to central New York, where news of my suspension had not yet reached, but to Oak Park to the home of my classmate Mike Gearen. I learned then from his brother, John Gearen (1965 Student Body President, Rhodes Scholar, and one of the founders of the *Observer*) that he had personally visited with Fr. Hesburgh to criticize his “15 Minute Rule” a few months earlier. At this time John Gearen was a Yale law student and helped me formulate some of the arguments I would later make on behalf of the “Ten” as one of its two spokespersons. By far, however, the most influential advisor was Charlie McCarthy who, with Carl Estabrook, helped us put together a defense brief that still stands as a challenge to Notre Dame in reconciling its moral pretensions and Catholic teaching with the positions taken by the University and its administration with respect to students, campus

employees, the government and the military. Returning from Thanksgiving, we used our time to devote to our defense and to meetings around the campus: we had been officially barred from attending classes or taking exams (though I was welcomed at my “GP” — now “PLS”— classes). Some of these meetings around the campus were most memorable, resulting in deep friendships with people whom I never would have met otherwise, like George Schuster and Fr. Charles Sheedy.

Eventually there was a public hearing on December 12, I and Brian McNerny, a Senior, presented our legal and moral position to a “Tripartite Appeals Board” made up of one student and one faculty member (Prof. Donald Costello) and one administrative representative. This body only had the power to recommend a disposition to the Dean of Students. On December 15, the three members of this After hearing us, this body recommended that the suspensions and expulsions be rescinded and some lesser punishment imposed, the same for all the "Ten." In a letter to each of the “Ten” dated the following day, this recommendation was rejected by Fr. Riehle, although he did modify the five expulsions to suspensions. I left for Christmas break with the hardest news I ever had to give to my parents: I was suspended from Notre Dame. Of course there would be no refund of my tuition expense for the lost semester either. The only “good” news: I was invited to reapply for admission for the Spring semester.

Lest this whole thing appear congenial—an appearance which would be quickly dispelled by reviewing the various campus publications that year—I point out that while on Christmas vacation, our Draft Boards were notified of the suspensions. This exposed each of the "Ten" to the risk of being drafted into the Army during the resulting lapse in their student deferments. For many of the “Ten,” given our beliefs, this would have meant criminal resistance to the draft and jail, or flight to Canada. I had applied for Conscientious Objector status, but not gotten it yet, and I heard from my Board on January 5, 1970, wondering what my status was.

Although there was no provision for it, I decided to bring a personal appeal on behalf of the "Ten" directly to Fr. Hesburgh. On January 8, 1970, I met with him for some time, and reviewed the whole series of events. I was alert to his usual facility for distracting student leaders from their objectives. Fr. Hesburgh bade me read a tricky passage from a German tract — he knew I was fresh from Innsbruck. I read it, with passion. Then, hopefully without perceptible pause, I read to him again the letter from the Tripartite Appeals Board. More slowly I read this:

[W]e can find no reason to doubt (the students’) motivation, their good faith, their acting in accordance with the spirit of Jesus Christ and with the spirit of academic community.

I asked that he follow the recommendation of the Appeals Board and remove all the suspensions.

He refused. A nice personal letter was received by my parents: "I find Mark, whom I had met before, a very pleasant youngster with high idealism which in time, I am sure, will be tempered by experience." Actually he and Fr. Riehle wrote letters to my parents, assuring them of my continued good character, and I appreciated the gesture, and I know that it was comforting to my parents. However, in my own way, in letters to Fr. He burgh, I tried to make clear my appreciation as well as my continued opposition to the administration's avoidance of the moral issues we had raised.

In his book published years later, in speaking about this episode, Fr. Hesburgh still failed to acknowledge the special context of the Dow-CIA demonstration, or what was really at stake in the dispute between the students and the university. This version of the events downplayed the administration's actions by declaring that there had been no harm done, that all the students who had been suspended graduated nonetheless. Sadly, this was untrue. Three of the students did not graduate. Two of these never even returned to campus as far as I can tell. I have tried to reach out to them over the years and have never gotten the story of what happened to them. The pain of that is to some extent counterbalanced by the joy of having made recent contact with the other student, who did return but did not graduate, and who, despite trouble and struggle in his life, has done well

I did reapply, and was readmitted, to Notre Dame. I had to make up a semester, but I was told that I could not take an overload of courses, threatening my graduation date. Fred Crosson, then the Arts & Letters Dean, and a very honorable man, conspired with me to circumvent that, and allowed me to take extra courses and independent studies. This became more of a challenge because in that Spring of 1970, following the invasion of Cambodia by the US and the killing of protesting students at Jackson State and Kent State, classes on campuses across the country came to a halt in a "Strike" that basically shut down normal university operations everywhere. As unbelievable as it may sound now, classes were not completed for most students, and exams were not generally given, at Notre Dame and practically every other college and university in the country. This meant that now I had to complete four semesters work in my Senior year. Again with the help of Fred Crosson and my General Program faculty, I was able to graduate in the Spring of 1971, on schedule.

Although overshadowed in magnitude by the "Strike" of 1970, the "Dow-CIA Protest" and the treatment of the "Notre Dame Ten" raised issues unique to Notre Dame. This was a challenge to the role of a Catholic university in the moral education of its students and in its relationship with governments or businesses whose actions conflict with teachings of the Church. I believe that those same issues remain today at Notre Dame.

Writing in the SCHOLASTIC six years later, as if it was ancient history already, Mike Sarahan

described the 1969-70 year as the “zenith” of activism at Notre Dame, and the Dow-CIA protest stood at the peak. (SCHOLASTIC, October 24 and November 7, 1975)

On the 25th anniversary of the “Dow-CIA” protest of 1969 three former members of the "Notre Dame Ten," Ed Roickle, of New Woodstock, NY, John Eckenrode of Ithaca, NY, together with Prof. McCarthy, now Fr. Emmaeus Charles McCarthy, then Director of the Program for the Study of Non-Violence, and I, came back to Notre Dame campus to commemorate the "Dow-CIA Protest" and the struggle of the “Notre Dame Ten.” Ed Roickle is an environmental engineer. Dr. Eckenrode is Chair of the Department of Human Development and Family Studies at Cornell. McCarthy left his position as a at Notre Dame in protest over the harsh treatment of the “Ten” and is now an Eastern Rite priest and the foremost lecturer in Christian Non-Violence in the country. (www.centerforchristiannonviolence.org) We met with students and appeared before classes. We were invited to speak at a public forum arranged by the Student Government to discuss these events in the past and how the same questions may be raised in today's context.

Hundreds, students and faculty, attended the forum in the Auditorium at the Kellogg Peace Center. Dr. Eckenrode and Fr. McCarthy and I spoke and engaged in a dialogue with members of the current Notre Dame community on the question which was critical then, and remains critical today: the challenge of creating and maintaining as "Christian" a university which is involved by necessity with governments and institutions and corporations whose goals, actions, and beliefs may be inconsistent with those "Christian" values.

At the forum, and in the classes and other meetings we attended, it became apparent that in many ways the same social and political issues confronting us as students were confronting the students, such as attitudes toward women on campus, drinking, the treatment of lower-paid university employees and the issue of unionization, and the dependency of the university on defense-related research, the military presence on campus, and so on. Of course, today there are stronger parallels, with another war being waged by the United States, unpopular with the rest of the world, and with even more questionable beginnings and motivations than the war in Viet Nam.

On the day following the forum, at the time of the original protest, and at the same place where it occurred, under the Dome on the first floor of the Main Building, the former members of the “Ten” and numerous students and faculty gathered. Among us was Prof. John Houck, who was not only a friend to us but a Guardian Angel for those of us whose activism at that time put them in danger with various religious and secular authorities.

In a visit with Prof. Houck a dozen years after my graduation, John still had a poster I gave

him after one of our demonstrations which drew national attention, in May of 1970. Flyers were put out announcing that we were going to “Napalm” a lamb on the steps of the Administration Building. On the day, however, we instead displayed this poster to the angry crowd – these children were the “lamb” that had been slaughtered. The poster was Ron Haeberle’s famous photograph of a pile of dead bodies from the My Lai massacre. Upon the photo was superimposed a fragment of the testimony which had been given about the event:

Q. And babies?

A. And babies.

These were the question and answer in the examination of a soldier just after he testified that, yes, they killed women and children. John agreed with Mike Sarahan: there had been no activism in the years since that compared with that time.



Under the Dome we were led in prayer by Fr. McCarthy. We prayed for the current students who were struggling to keep alive the social and religious conscience of the University, and for those members of the “Ten” who didn’t return and who had not been heard from, and may have paid a far higher price for their act of conscience than ever imagined by those who excommunicated them from Notre Dame.

Now, 40 years later, although being suspended itself had a number of adverse impacts on me, I do not regret the decision I made. I look back on these events with great affection for the friends and teachers and others who supported us. This is without nostalgia. I do not long for the excitement of the time. We anguished over the state of the world and our seeming powerlessness to stop evil being done in our name. Besides, we have plenty of challenges today to deal with. It is not the events of 1969 that is important to me. What is important is the values and attitudes and beliefs that led me to that point and the decisions I made, and which continue to direct me as I confront the world today, and tomorrow.

I hope to think about that and talk about that there under the Dome at that same spot and

again say a similar prayer for the life of the Spirit of Non-Violence and Resistance at Notre Dame and for our lost colleagues in conscience, wherever they are. We will say a special few words in memory of our beloved friend John Houck, too, as we look for friends in a new generation at Notre Dame.

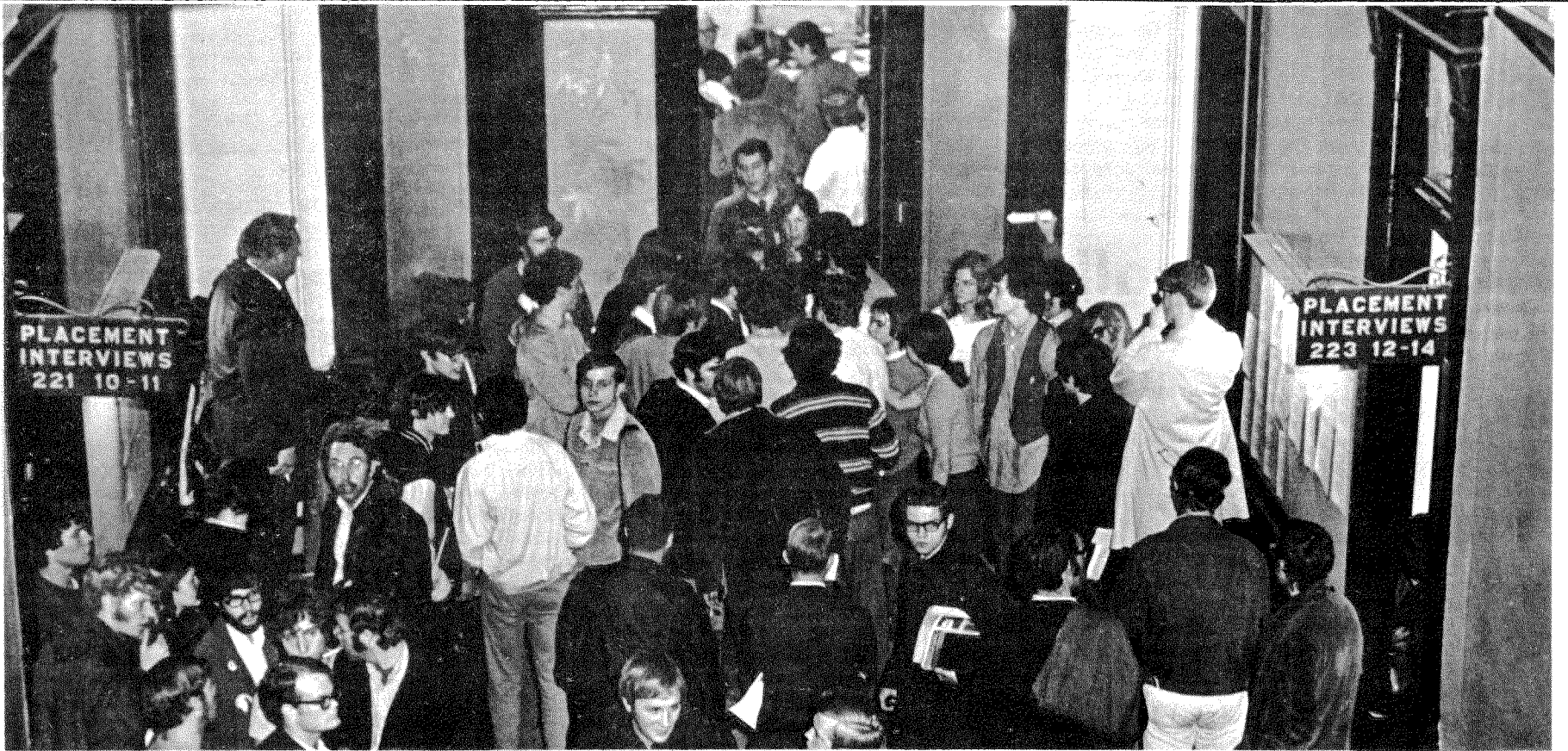
Mark J. Mahoney '71
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November 11, 2009

THE OBSERVER

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Serving the Notre Dame and Saint Mary's College Community

WEDNESDAY, NOVEMBER 19, 1969



Jim Hunt

This was the scene yesterday afternoon as ND students clashed among themselves over the recruitment of Dow and the CIA.

Fifteen minute rule enacted for the first time

Protestors meet, plan to continue demonstration against Dow-CIA

by Dave Fromm

Close to 200 students met in the LaFortune Ballroom last night to discuss yesterday's demonstration against recruiters from Dow Chemical Company and the Central Intelligence Agency and to plan today's action.

Brian McInerney, organizer of the demonstration, said that students would reenter the Administration Building this morning at 9:00 to continue the protest.

"Some will block the doorways; others will be sitting

out in the foyers and the hallways," McInerney said.

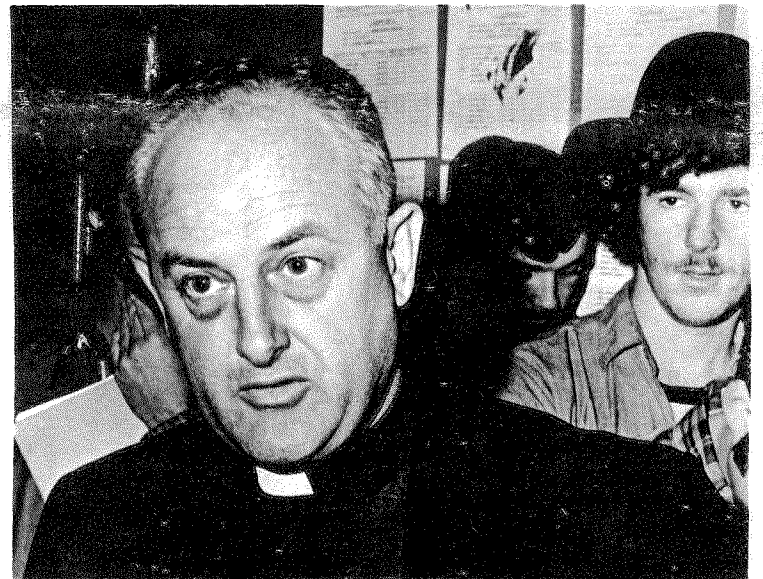
Those who block the entrances will be in violation of a court injunction prohibiting student interference with the interviews. The injunction was requested by the University and issued yesterday by the St. Joseph Superior Court. It takes the matter out of the University's hands and places it in those of the St. Joseph County Sheriff.

Thomas L. Schaeffer, Professor and Associate Dean of Law was on hand at the meeting to explain the injunction. He

said that the County Sheriff will read and post the injunction tomorrow morning outside the Placement Bureau Office.

Students who violate the injunction will be in contempt of court and as a result may, or may not, be arrested, he said. Professor Schaeffer suggested that students should submit to arrest, if it comes, without violent opposition.

The injunction reads, in part: The University of Notre Dame du Lac, Plaintiff vs. Fred Dedrick, Richard Libowitz, Timothy MacCarry, Brian McInerney, Sr. Jean Malone, (continued on page 8)



Jim Hunt

Father James Riehle, Dean of Students, invoking for the first time Father Hesburgh's "fifteen minute" cease and desist order.

Police come on campus arrest Tim Mac Carry

by Rick Smith and Glen Corso

The demonstration yesterday afternoon against recruitment on campus by Dow Chemical Company and the CIA ended with the expulsion of approximately 8 students when the University's "15 minute rule" concerning disruptive demonstrations was enacted. There were 100 students present.

Fr. Riehle, Dean of Students confronted those blocking the door and invoked Fr. Hesburgh's "15 minute rule" against them. He said, "You have 15 minutes to clear this doorway. I have no choice, you have forced my hand." Riehle then walked away, and was accosted by several demonstrators and members of the press. John Ragsdale, a student, asked Riehle whether or not the "open forum bill" passed by the Student Senate applied in this situation. Father

Riehle pointed out that the bill had never been submitted to the Student Life Council hence was not in force. He said that he intended to get an injunction to clear demonstrators.

"The University is acting as a host of the recruiter for the students. The question over a public presentation belongs to the industry. The students blocking the door are in violation of University regulations," he stated.

The Dow recruiter then went from his office into Father Thornton's and the students blocking the door moved out of the way. He returned several minutes later and the demonstrators returned to block the door. According to McKenna, the fifteen minute rule was no longer in effect since the removal of the blockade represented a "cease and desist" action by the de-

(continued on page 8)



Jim Hunt

South Bend riot police, who were deputized St. Joe County deputy sheriffs by Elmer Sokol, wait outside the administration building for the call to enter.

THE OBSERVER

An Independent Student Newspaper

DONALD C. HOLLIDAY, Publisher

GAETANO DE SAPIO, Editor

FOUNDED NOVEMBER 3, 1966

NOTRE DAME, INDIANA

No violence today

Yesterday a group of people used their bodies to prevent others from being interviewed by the CIA and Dow Chemical. Today, these same people will most likely again block that doorway.

The intentions of these people are quite clear to us. They plan to actively show their non-violent resistance to a system they no longer believe in. We have no doubt that they fully realize the consequences of their actions and are willing to accept them.

It is, therefore, extremely important that the members of this community honor their decision by not interfering in the activities that take place today. If the police should enter the campus today, it will be to enforce a court injunction that several people are violating. Anyone who obstructs the enforcement of this court order must fully realize their actions and have made the same moral commitment as the others.

On the other end of the spectrum, it is necessary for those who disagree with the views or actions of the demonstrators to realize that the matter is now in the hands of the civil authorities and should be left there. Anyone who takes the law into his own hands is also in contempt of the law and should suffer the same consequences for breaking that law.

What this campus does not need is a mob scene. If and when, the police enter the Administration building today, everyone must realize that they represent the law of this country. We are not playing games; the whole issue has now moved outside of the University structure. We are dealing with a higher law with higher power and our responsibilities are now real responsibilities.

This is no time for emotions to take over, or for anyone to jump on a bandwagon. In order to keep peace, each of us has a role to play; the people in that doorway must live up to the responsibility of their commitment, as must the police live up to theirs. The rest must honor those commitments.

Administrative errors

The first test of the fifteen minute meditation cease and desist rule has occurred. The situation remains to be resolved but before it becomes further clouded a few of the mistakes already made need to be commented on.

Although the policy might be effective in some sense as a deterrent to protestors it was proven yesterday that its technical aspects are not totally workable. Primarily this was displayed in the actions of some administrators who did not completely understand their roles in the entire process.

The ultimate responsibility for determining whether a demonstration is disruptive rests with the Dean of Students Father Riehle. He exercised his role quite prudently for the most part, consulting student leaders before invoking the policy in the hope that they would be able to convince the demonstrators to leave the building. When it became obvious that the group of about ten would not leave positions in front of the door he gave them 15 minutes to clear a path.

From that point on, however, the situation began to deteriorate. 15 minutes later Father Riehle came back to collect IDs. He immediately began to take them from the students who were blocking the door, the only ones who were participating in the "disruptive" demonstration. Somewhere Arthur Pears, Director of Security, got the idea that he was supposed to start collecting IDs too. He began indiscriminately taking cards from everyone in the area—students who weren't participating in the demonstration, and members of student government and of the campus news media who were there in official capacities. Even though it was announced last night, that although their ID had been taken they were not suspended the incident points out the lack of understanding of the various roles that administration officials are to play and the lack of foresight and common sense on the part of Mr. Pears.

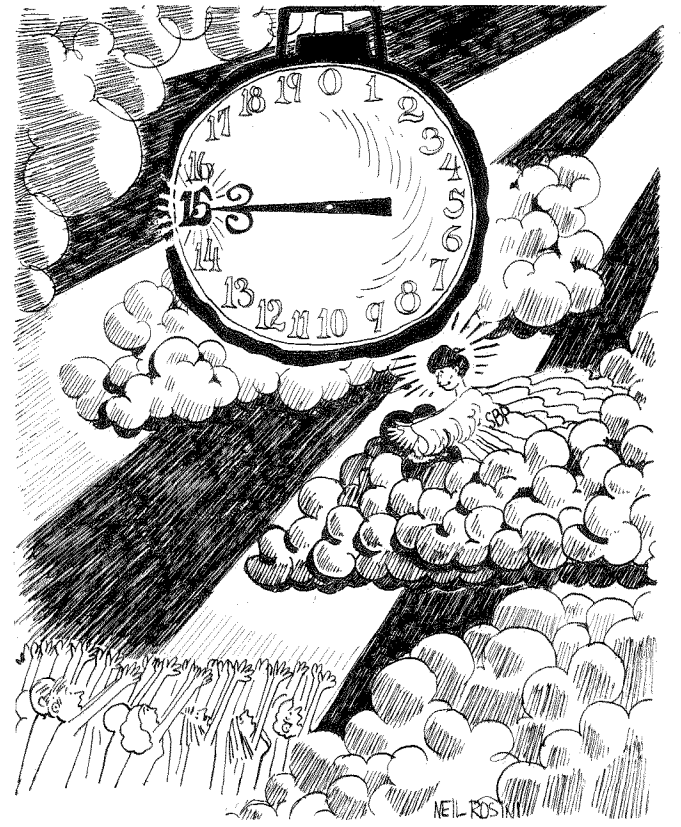
Police were not used to break up the demonstration yesterday but they were still on campus. The amazing fact is that they were on campus without the knowledge of anyone in the administration. Apparently Father Riehle had notified South Bend Sheriff Elmer Sokol earlier in the day that the university might need some assistance. This is standard procedure according to the Dean of Students. Sokol deputized some South Bend police and game them instructions to get prepared in case anything happened. His men however, interpreted his statement as an order to come out to campus and wait around. They did just that and almost precipitated a crisis.

In the future we feel that the lines of communication must be more open to prevent the unauthorized and undesired presence of police on campus. Father Riehle is to blame for not being totally in control of the situation. Sokol is to blame for making a statement to his men which almost resulted in unwanted confrontation between police and students.

The police who did come to campus were equipped with night sticks, helmets and everything else necessary for a riot. If the police are to come to campus to assist in removing people who are disrupting the normal operations then they must come with the attitude of resolving the situation peacefully and not of provoking a confrontation.

The entire day proves the need for the SLC to hasten its examination of Father Hesburgh's policy and provide amendments to some of the clauses that are unworkable or are misapplied. While they are at it the SLC should strive to finish their investigation of the placement bureau in order to answer some questions that the community is raising about its policies.

The opinions in the editorials, news analyses, and columns of The Observer are solely those of the authors and editors of The Observer, and do not necessarily reflect the views of St. Mary's College, the University of Notre Dame, their administrations, faculty or student bodies.



Time waits for no man.

Chris Wolfe

What a joke!

If there is one thing that Notre Dame students have a lot of, it is paper. If it's not election campaign material, or radical propaganda against GE, Dow Chemical, motherhood, and the world in general, then it's something else. But the Students Against Racism have outdone all previous attempts to harass people with such material, by sending to each room a statement of considerably less value than the ink and paper expended on it.

The name of the sheet is "Incite!" (notice that dynamic exclamation point—it's great). That title may evoke a natural association for anyone who lives in our time, since for most people today the first association would be, I think, "to incite a riot". Don't let that fool you though—it may have all sorts of other meanings and I'm sure that those noble young humanitarian liberals would not ever consciously suggest that.

The bulk of the leaflet is a series of comparisons between the American revolution, the fight of the Vietnamese National Liberation Front, and the black power movement. It's straight out of Dudley Do-Right and the Northwest Mounties. First, let's see the scene ("England 1776 = America 1969 = White America 1969") for this frightening confrontation of good and evil. Then, enter stage right the villain, Snidely Whiplash, twirling his moustache and uttering repressed chuckles of malicious glee as he goes about his dastardly deed: you guessed it — Ol' King George, Tricky Dick, and (repeat performance, I guess) Tricky Dick. To the moral exaltation of all, enter stage left the hero, glowing with Mr. Clean-ness and bound on frustrating the evil machinations of Whiplash: George Washington, Ho Chi Minh, and Eldridge Cleaver.

The leaflet continues this nonsense for a while, with such comparisons as "Tories=South Vietnam=Uncle Toms" and "shooting redcoats in the back=Vietcong atrocity=Panthers shooting pigs". The Students Against Racism must have spent a good part of their time and budget searching over hill and dale, scouring the academic communities of the world, seeking, seeking, seeking for someone who knew so appallingly little history.

When was the last time you read a book (by anyone!) which spoke of "shooting redcoats in the back" as an important, concerted American military tactic in the Revolution? (Of course to non-racists that is merely proof of the complete fallaciousness of all history books written prior to their moral insight). It took until the twentieth century for man to perfect rationalizations for the use of organized, mass atrocity, especially by totalitarian fascism and communism. And can you imagine a meeting of these three comrades-in-arms: Washington, Uncle Ho, and Cleaver! Washington, the backbone of staid, relatively conservative Southern society, and Uncle Ho, the self-proclaimed *social* and political revolutionary? Washington and Cleaver, the Fathers of their "countries"? C'mon guys, have a heart.

Not satisfied with this exposure of their deplorable inability to analyze historical and social situations, the Students Against Racism provide for our continuing edification one of the most blatant bloopers in the history of leaflet journalism. The problem is this: when the authors looked around for a quotation or two to finish their absurdity, they forget that they were writing for the Students Against Racism. The results were beautiful to behold: "There can be no integration until whites are the spiritual and political equals of blacks, and until blacks are economically equal to whites" and "whites in history have been so concerned with property that they have neglected to look at the sickness of their soul".

Aside from the atrocious grammar, the statements have a basic problem which is hard to get around: they are clearly racist in character.

Yech. But the final touch is the best: a sign in the upper hand right corner says "your student budgetary allowance at work". Y'see, the joke is on all you who think that this is trash, because through your student senators you gave \$1000 to this bunch. But for all white liberals who are so guilt-ridden that you believe this, it's great.

Pears confiscates press, student gov't ID's

(continued from page 1)

monstrators; also that different people were blocking the door.

Fr. Riehle then informed the students that their fifteen minutes were up and that if they did not move they would be automatically suspended. The students refused, and Fr. Riehle then began to collect their Identification cards.

Pears takes ID's

Arthur Pears began to confiscate ID cards from several people around the area, who had nothing to do with the blocking of the door. Among those who had their cards confiscated were SBP Phil McKenna, SBVP Fred Dedrick, and *Observer* Publisher Don Holliday. Pears allegedly said "That doesn't matter." When Holliday repeated his statement Pears reportedly asked which paper. Holliday replied "the *Observer*." Pears then supposedly said, "That doesn't matter." Holliday then handed over his ID card.

Phil McKenna then announced that the police were outside, behind the administration building.

Police arrive

The police arrived in two patrol cars along with a paddy wagon and emerged, arming themselves with riot helmets and wooden night sticks. They were met by St. Joseph County Sheriff Elmer Sokol and an assistant. Sokol began to chew out the officers.

Apparently Sokol had given instructions for the policemen to wait by the Stadium until he decided to call them in. While the policemen huddled with the Sheriff, Tim MacCarry walked up to the group and attempted to talk to the police. An argument ensued and MacCarry was arrested. Eyewitnesses and MacCarry differed over the circumstances of the arrest. MacCarry was taken to South Bend, but the charges were dropped and he was released later in the evening.

Sr. Malone opens

The demonstration began about 1 p.m. with a talk by Sister Joanne Malone, a member of the D.C. 9. She denounced Dow for using napalm. "The point is that Dow has refused to discuss this. They refuse to accept responsibility for the deaths they have caused." Sister Joanne said that Dow completely controls 22

subsidiaries in foreign lands, including Argentina, Mexico, South Africa, Panama, Greece, Peru, Chile, and that the people in those countries have no say over where the money goes. She also claimed that Dow secretly operated the Rocky Mountain Arsenal, though the Arsenal is supposed controlled by the Army. According to her, Dow is the chief maker of nuclear warheads.

Sister Joanne explained her presence at N.D. by saying that she had been here last May and was interested in what happens here. She said that "ND is one of the Catholic campuses that is doing more than others to ally itself with corporations such as Dow and Grace Lines, which exploit South America."

She questions finances

She claimed that ND receives "millions of dollars from these corporations." She also questioned who really financed the university and what was the university's place—"to educate people or to maintain the exploitation and military repressions of underdeveloped countries."

"I don't think anyone is an outsider when the issue is human life. I want to do something, even if it's to help kids here. This is not violent. The violence is in the offices here, like in Father Hesburgh's and the Placement Office where the decisions made are about who lives and who dies," she said.

"Complicity on killing"

Steve Moriarity, an alumnus of Notre Dame, then spoke about "our complicity in killing," saying that it "Can stop today." He asked that the university's complicity with murder stop now, and that the interviews "be the last today." He said that his brother was flying bombing missions in Vietnam. "I love him, but he's a murderer. The time has come to say, we will stop it."

One of the participants then spoke on how the demonstrators had to be willing to look beyond the particular case of the interviews.

"What we've got to do is much larger. We've got to turn the University around. This will get a couple of us in jail or in difficulty. The University can't play on the liberalism of those in

it. We have to be larger, we have to talk with those who don't understand what is going on today. We have to develop a campus consciousness. Liberal arguments can't tell against us," he said.

Myth of free speech

Tim MacCarry then spoke on the danger of opportunism in the demonstration and the danger of creating the illusion that any solution would mean something. He spoke against the equation of free speech to a business deal.

"This has nothing to do with free speech, it is not relevant here. The myth is that the University is the center of free speech. The idea of a free university is maintained at the expense of the freedom of the world."

MacCarry said that if the Third World were asked about what to do, it would say to destroy the university. He called the university "A functional digestive tract fed by the foundations and tax grants to shit out agents to keep the vicious beast stalking the world." MacCarry spoke in favor of a revolution on the deepest levels of society.

Task is monumental

Tom Heinen spoke about the danger of an academic discussion of ethics.

"The task is so monumental that we must proceed on many fronts. We (Heinen is a draft resister) have nothing to lose, we are already criminals...The longer you can avoid getting fed up...that's fine. But it is necessary for some people to start dealing with reality. They're turning us into psychological eunuchs."

"Racism is perhaps the most obvious manifestation of a sickness that permeates this country. Perhaps that sickness can best be explained as forgetting what it is to be free, forgetting what it is to be a man, forgetting that the value of life transcends any economic or political advantage," said John Wilson of Students Against Racism.

White privilege

"The University maintains the white privilege, the symbols of a sick system. This is not denied of free choice, since it denies no human rights to institutions that deny many people the right to

live. To disrupt is symbolic, it won't stop exploitation and murder. As Joseph Heller in his play showed, the inhuman institutions are allowed to go on because they are ignored."

Mr. James King then spoke. He said that the interviewer did not feel that he could speak to the assembled crowd since he was only a guest of the University. Father Thornton of the Placement Office, he claimed, would have to give him permission to speak. King called it typical of the Catholic American bureaucracy.

Thornton talks

Father Thornton then talked to the interviewer who agreed to talk to representatives of the protestors. Sister Joanne suggested that the interviewer was afraid to talk to the crowd as a whole, which received enthusiastic approval.

At this point, John Girardot attempted to get into the office for an interview but had his way blocked by several of the demonstrators. He gave up and walked away.

Bernie Ryan then revealed that the interviews were being held in the back of the Placement Office and that there were two interviewers. One had been followed, while the other had slipped into the Placement Office. The demonstrators then blocked the main door.

Mignanelli blocked

Tom Mignanelli, a Senior, was temporarily blocked by the demonstrators from entering the placement office. He was trying to get in to learn the time of the interview he had with Ernst and Ernst, an accounting firm. Mignanelli explained that as he tried to go through the demonstrators blocked the door, they asked him to state why he was trying to enter the placement office. He refused and tried to push his way through. A scuffle broke out, which was promptly broken up by SBVP Fred Dedrick. Mignanelli, after consulting with Dedrick, was allowed to pass.

The demonstrators then decided to rap about the tactics. The leaders emphasized their desire to avoid antagonism of other students. Bernie Ryan said that moving the block to inside the office couldn't eliminate the antagonism, and thus he advised keeping blockade at the main

door. It was pointed out that Father Thornton preferred that the demonstrators block the main door. One unidentified leader advised that five or six of the bigger demonstrators move into the office and block only the door into the Dow interviewer.

Rule: blatant violation

The discussion about the possibility of invoking the "fifteen minute rule" began. It was felt that the discussion should be centered about those people who intended to violate the rule. It was said to be in blatant violation of the student manual, and offered little or no recourse to any legislative body.

It was said that the goal of the demonstration was to gain publicity. One unidentified speaker said that the "great silent majority" had no political feelings, and followed any who happened to be in power. The speaker claimed that any adverse publicity from the demonstration might drive the great silent majority into the opposite camp. He said that he hoped that the demonstration would wake up the people who hadn't thought about Vietnam.

CIA man leaves

At this point the CIA representative left the office and proceeded down the hall into another office just inside the main door, followed by several of the leaders of the demonstration.

After more discussion and the blocking of several students from entering the offices, Fr. Riehle appeared and declared that the "15 minute" rule was in effect. Shortly afterwards the Dow representative left and the demonstration seemed to cool off. John Barb claimed that he felt that the administration and Dow were seeking a confrontation, since they had refused to hold the interviews off campus. Barb was heckled loudly and was followed by Tom Connely, a Vietnam veteran.

Connely replies

Tom Connely spoke against the demonstration, and the blocking of the door. He said that they were "no better than those people who are taking the life of a man. You are taking a man's freedom to live when you kill him, and you're taking people's freedom now."

Injunction brought against protest, does not effect plans

(continued from page 1)

individually and as representatives of all others acting in consort or association with them, Defendants...and all other persons...are hereby restrained and enjoined until further order of this Court from congregating and assembling in the Placement Office in the Administration Building (Main Building) on the campus of the University of Notre Dame, or in any area near or adjacent thereto or in any corridor, stairway, doorway or entrance thereto in such a manner as to disrupt or interfere with the normal functions conducted by the Placement Office and they are further restrained and enjoined from blocking, hindering, impeding or interfering with ingress, or egress from said Placement Office or areas adjacent thereto and from

interfering with the faculty, administrators, students, employees, or other guests of the plaintiff rightfully in said Placement Office or areas adjacent thereto...

Sister Joanne Malone, improperly referred to as Sister Jean Malone in the injunction, spoke out against Dow at last night's meeting. (Sister Malone arrived on campus late Monday night to participate in the demonstration. She is a member of the "DC-9" which entered the Dow Chemical Office in Washington on March 22, 1969, poured human blood on office walls and equipment, threw files out the window, and then awaited arrest. Sister and eight cohorts are awaiting a February 3 trial to face a second degree burglary charge and two destruction of property charges).

She said that she is not just

asking that Dow stop making napalm; she also objects to other plans for weaponry and exploitation of Third World Countries.

Sister claimed that Dow is presently making materials for future U.S. wars in Peru, Chile, Argentina, and the Union of South Africa and that the company controls 100% of its subsidiaries in twenty-two countries.

"It is the policy of Dow Chemical to exploit and to kill. The company has no moral responsibility," she said.

Earlier in the meeting, SBP Phil McKenna explained the status of the students who surrendered their IDs yesterday in the Administration Building.

"Anyone's card taken by Father Riehle is subject to either suspension or expulsion, but the owners of the cars taken by

Arthur Pears are in no trouble unless there is some evidence that these individuals were actually in front of the door," McKenna said.

McKenna explained that Riehle, after the fifteen minute "cease and desist" period had expired, only collected the IDs of students who were barring entrance to the room in which Dow interviews were being held. (The CIA recruiter left the Administration Building before the fifteen minute warning was given).

"But Pears started collecting everyone's card," McKenna said. "I just started talking with Pears

and he took my card," he continued.

"Riehle said the University will take legal action against anyone who refused to turn in his card," he added. These persons will be regarded as outsiders and therefore as trespassers.

Persons suspended or expelled as a result of today's confiscation of IDs will have five days to appeal the decision made on them, said McKenna. He also stated that those who fall into this category should contact him in order that legal defense can be obtained for them.

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THURSDAY, NOVEMBER 20, 1969

Five students expelled in CIA -Dow protests



Notre Dame Dean of Students Rev. James Riehle

University suspends five others

by Cliff Wintrobe
Observer Associate Editor

Five Notre Dame students have been expelled and five suspended for blocking the entrance to the Dow and CIA recruiters on Tuesday afternoon announced Father Riehle, Dean of Students, at a press conference yesterday afternoon.

Riehle said that no action has been taken against non-students in the disruptive activities and that no decision has been made whether or not to initiate any action.

He added that there is a chance that more than the ten will face disciplinary action for their actions during the

demonstration Tuesday afternoon.

Riehle refused to disclose the names of those students involved and said they would be notified by letter of the charges being brought against them.

Riehle said the charges against the ten were based on his personal identification of them standing in the doorway, the collection of ID's, and on photographs taken at the scene.

The additional charges will be based on evidence garnered from the confiscated ID's and photographs taken during the demonstration. Riehle added that all confiscated ID's have been returned.

The suspended and expelled students have until next Tuesday at 5 p.m. to file an appeal with Father Riehle or the sentences will be declared final.

Riehle added that the sentences of those students who appeal their cases will be stayed until the disposition of their cases.

These students would be charged with participation in an unregistered demonstration, which is a lesser offense than participation in a disruptive demonstration which the ten have been charged with.

Riehle appointed the membership of the proposed University Court to be the appellate hearing body. The body will be tripartite consisting of two students, two faculty members, and two members of the administration.

Riehle said he expects the appellate body to follow the procedures outlined in the judicial code legislation recommended by the SLC and added that the Court will be free to decide its own procedures.

The proposed University Court is a part of the new judicial code passed by the Student Life Council earlier this year but not yet approved by Father Hesburgh. The members thus are working on an *ad hoc* basis.

The members of the appellate body are Professors William Sexton and James Kohn, representing the faculty; Father Ferdinand Brown, Associate Vice-President for Academic Affairs, and SLC member Professor Leslie Foschio, representing the administration; and Thomas Bridenstine and James Chelich, representing the student body.

If the appeals are denied, those students expelled may not seek readmission to Notre Dame while those students suspended

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Potential disorder becomes peaceful rap

by Jim Holsinger

The demonstration against the presence on campus of interviewers from the Dow Chemical Company and the CIA ended yesterday when the recruiters left the campus.

About 75 persons had gathered in the rotunda of the Administration Building by 9:00 a.m. planning to stop the interviews at the Placement Bureau office. Any action to disrupt the normal functions of the Placement Bureau would have been in direct violation of an injunction obtained by the University on Tuesday from the St. Joseph's County Superior Court.

At 9:00 a.m., the time at which the first interview had been scheduled, Father David Burrell of the philosophy Department announced to the demonstrators that the recruiters had gone. Burrell suggested that even though the recruiters had gone the group should take some time to discuss the issues of the protest.

"We should focus the reasons why we are here for the rest of the community," Burrell said.

Professor James Douglass of the Non-Violent Studies Department then asked the demonstrators to discuss what would be done if the recruiters returned. "The basic issue I don't think has had any resolution whatever," Douglass said.

Brian McInerney, one of the students specifically mentioned in the University injunction, then asked the group to sit, but he told them to leave a corridor so that people could pass through the group.

The hour-long rap session which followed was rambling and disorganized. The people who spoke expressed widely varying views on what was the main issue of the demonstration.

Student Body Vice President Fred Dedrick commented on the impact of the application of Father Hesburgh's fifteen minute rule.

"The fifteen minute rule was in contradiction to the whole code which says you must be

innocent until proven guilty. The absurdity of the rule showed up yesterday," Dedrick said. He also stressed the need for talking, listening, and thinking, but he said "the most important thing is to act."

Other students present at the protest questioned the future of the Placement Bureau. Professor James Massey, chairman of the Student Life Council, who was at the protest explained that a sub-committee of the SLC will hold public hearings on the Placement Bureau, and warned that the news media may escalate the demonstration into an identity clash between students and administration.

Steve Moriarity, an alumnus of Notre Dame, stretched the purpose of the demonstration to include an educational campaign. He asked the group how they could reconcile the differences between the University as a "knowledge factory" and the classic role of the University as a developmental and educational process.

Thomas Connelly, a veteran of the Vietnam War, and a graduate student in the College of Business Administration at Notre Dame, then challenged the right of the protestors to block legal entry to the Placement Bureau by students desiring interviews. He claimed that the students had the constitutional right to enter the Placement Bureau and meet with the recruiters there.

Connelly held the attention of the group until he began to admonish them for using the names of Viet Nam war casualties in the October Moratorium. Connelly blurted out in emotion, "Exploit the living, not the dead." His comments raised mixed laughter and applause, and the reactions ended the exchange.

Some of the protestors expressed the thought that the university should not sponsor the interviews of any corporation by allowing them to recruit on campus. They said that the interviews should be conducted off campus at a place

rented by the corporations for the purpose of recruiting.

The recruiters, who had conducted some of their interviews before demonstrators blocked the Placement Bureau doors Tuesday, left quickly yesterday morning. Mr. James King, the Dow recruiter, returned to Dow headquarters in Midland Michigan.

Mr. King refused to answer

any questions about his leaving. He did give a statement to Mr. Phillip Faccenda, Special Assistant to Father Hesburgh, before he left which explained that Dow felt that it could achieve nothing by remaining on campus.

Dow will finish the recruiting at another time. There are interviews scheduled by Dow on campus again on February 17-18.

Appeals deadline Tues.

by John DiCola

Five of the demonstrators who turned their ID cards over to Rev. James Riehle Tuesday have been suspended and five expelled from the University. The protesters may appeal the ruling to the University Court, through Riehle. If this appeal fails, they may take the case to the ad hoc appellate board appointed by Riehle, and then to Father Hesburgh. If all other appeals are unsuccessful, the demonstrators may make a final appeal to the Board of Trustees. The ten involved in the university action will be notified of their suspension or expulsion by mail. They then have five days in which to make their first appeal to Riehle.

Five demonstrators who participated in the Dow-CIA protest were served with a court injunction at six o'clock yesterday morning. The injunction ordered the protestors, or their representative, to appear in court at 11:00 a.m. on Monday November 24. The restraining order was brought against the five demonstrators and their accomplices, who disrupted the interviews and prevented them from taking place.

The persons named in the court order are: Brian McInerney, Rick Libowitz, Tim MacCarry, Fred Dedrick, and Sister Joanne Malone. Of the five people cited in the injunction, three were supposedly not blocking the doorways, nor actually

preventing the interviews from being carried on.

According to Rick Libowitz, neither he, nor MacCarry, nor Dedrick were participating in the obstruction of the doorways. The three were not among those who turned over their ID cards to Fr. Riehle. Libowitz was not asked for his ID, and Dedrick had his ID taken by Arthur Pears.

Libowitz and Dedrick have not yet decided what steps they will take when the appeal in court on Monday morning. Libowitz has consulted Professor Shaffer from the Law school and will probably speak to a South Bend attorney before the hearing.

"We are still talking among ourselves as to what we should do. It's too early to say anything definite," stated Libowitz. He then added, "You don't mind getting nailed for something you have done, but here is something I didn't even do."

Dedrick also is not sure just what action he will take. He feels that the injunction brought against him is unjust because he, like Libowitz, claims he did not attempt to stop the interviews.

When asked why he thought he was singled out for the court order, Dedrick said, "I suppose it was because I talked to Father Riehle off and on, and I was going in and out of the room talking to the Dow recruiter, trying to get things straightened out. At no point was I obstructing the door."

Panel talks on Black politics

by Jim Graif

"America has come to a fork in the road where it must decide whether it will be a great nation or whether it will crumble because of racism." This remark by Mr. Clarence Towns served as a springboard for the discussion on The Role of Blacks in Political Parties.

Mr. Towns, a member of the Republican National Committee, served as M.C. on a panel which included Mr. Robert Black, mayor of Hyland Park Michigan; Mr. John Kellogg, Cleveland city councilman; and Mrs. Marjorie Helman Parker, an active member of the Republican party organization in the district of Columbia.

Mr. Towns pointed out in his opening remarks that the youth of today will take over the

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Frosh elections today

Less than a dozen freshmen attended a series of speeches given by the seven candidates running for freshman class president in LaFortune Center last evening.

The president, vice-president, secretary, and treasurer are to be decided in the elections today from 11:00 a.m. to 1:30 p.m. and from 5:00 to 7:00 p.m.

The only complete ticket has Dennis McCoy for president, Greg Hannigan for vice-president, Paul Colgan for secretary, and Tony Greco for treasurer. McCoy feels that the primary theme of his campaign is combatting apathy and intends to accomplish this by "structuring the entire government around the individual." McCoy is a strong believer in tight fiscal control and feels that elimination of duplication of effort would bring considerable savings to the freshman class.

Another presidential candidate is Dennis Willson, with Philip Brady as an allied vice-presidential hopeful. The

general theme of their campaign is the strengthening of class governments. Exchanges with other women's colleges is a strong specific point.

Marvin Bergida is running for president with Alden Cramer for vice-president. Bergida favors a cultural emphasis in the freshman class government, and is not afraid to use sizable funds.

Another presidential candidate is Paul Simmons.

He cites class unity as his major goal, and is already working with sophomore class leaders on planned mergings with St. Mary's College.

A fifth candidate is Jim Zagata. He says that his biggest concern as class president would be that "lots of guys will have nothing to look forward to on weekends." He claims the active support of Senators Eric Anders and Joe White.

Charles Voekler is also a presidential hopeful. He is a liberal arts pre-med intent and considers the pressuring of car privileges for the sophomore class next year to be his big issue.

There is also a write-in ticket with Larry Wettermark as their presidential choice. Their main point is that student apathy makes freshmen government worthless.



Panel of guest speakers discussed the future of American politics and black people

Black coalitions discussed

(continued from page 1)

mantle of leadership and will be the ones who will decide the fate of the United States.

Mrs. Parker stated that women are becoming more important in the party structure; they are no longer limited to the tedious tasks. She pointed out that both parties have built-in provisions which state that certain important party posts be held by women.

Using her own positions of alternate committee to the National Committeewoman for D.C. and chairwoman of the district nominating committee as examples, she explained that women are participating in the day by day make-up of the hierarchy's structure. Mrs. Parker said that the women have always done the work, have usually given the best service, and soon will have the power.

Mr. John Kellog is the oldest member of the Cleveland city council in terms of service,

having been re-elected to his seat each time for the past 18 years. He felt that the problem is one of whites trying to understand the Negro in politics.

"Negroes" he said, "are homeowners who are concerned about economics, health, and their children's education and therefore the government must be one which is responsive to the needs of the black community.

He felt that the political machines which fail to recognize the needs of the people are going to be defeated by people who are willing to see all aspects of a city. He cited Chicago and Mayor Daley as a prime example. "Leadership" he said, "must be an instrument of change rather than stagnation."

"Politics is no longer a dirty word to blacks," he stated. Blacks now cast their ballot with cold-eyed clarity looking toward

the future. He pointed out that blacks are forming coalitions among militants, politicians and businessmen with the idea that more can be accomplished if they understand each other and work together. Mr. Kellog said that blacks want leadership they can respect, trust, and know. This kind of leadership knows no color.

Mr. Black felt that a black man should be a Republican because the party needs him. The party must give him the opportunities he needs to develop into a valuable member of the party. He pointed out that as the white educated middleclass man moves to suburbia, he is replaced in the cities by the educated middleclass blackman.

It is these men who must be recruited and given a chance to lead the party in the cities.

15 minute rule controls

(continued from page 1)

cannot return until second semester.

Father Riehle remarked that Father Hesburgh's fifteen minute edict "definitely had an effect on the general feeling of the group (the people at the

demonstration)."

He would not hazard a guess about what effect the university's enforcement of the fifteen minutes will have on future demonstrations for he felt some people would always participate despite outside threats.

Chief of Security Arthur Pears confiscated ID's because of an apparent "understanding" he had that was supposed to do this reported Riehle.

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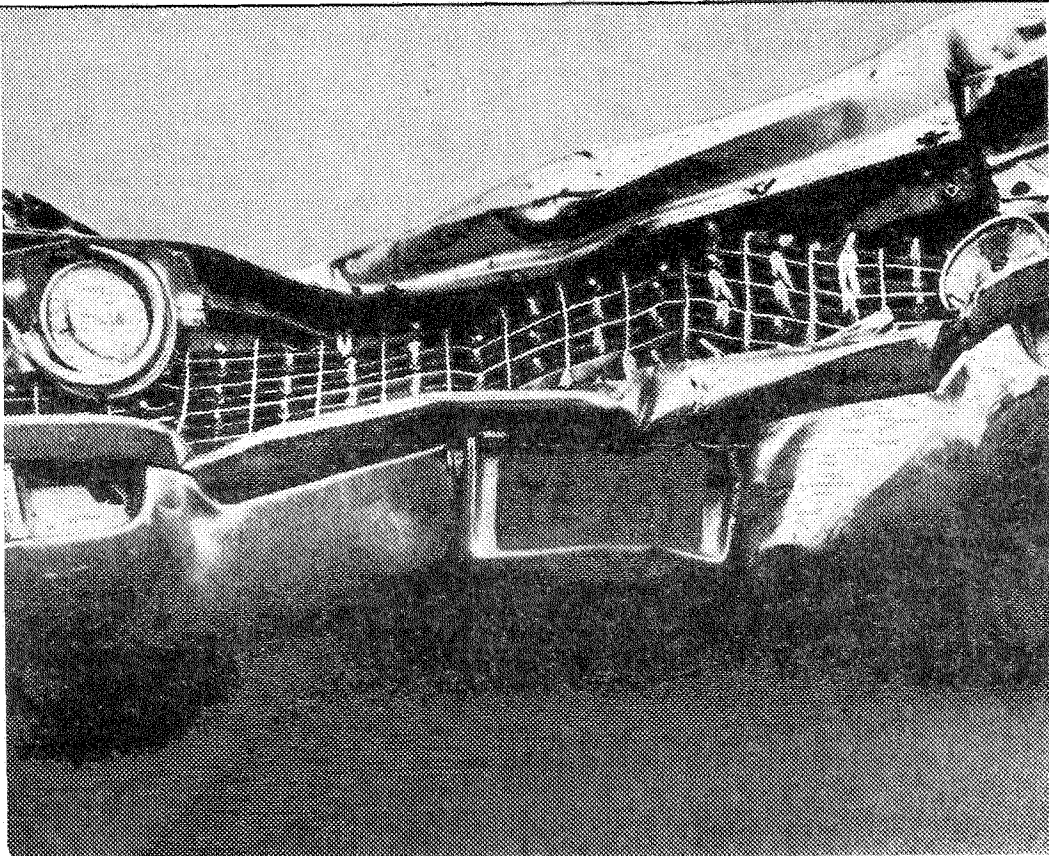
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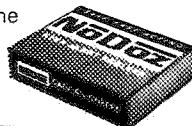


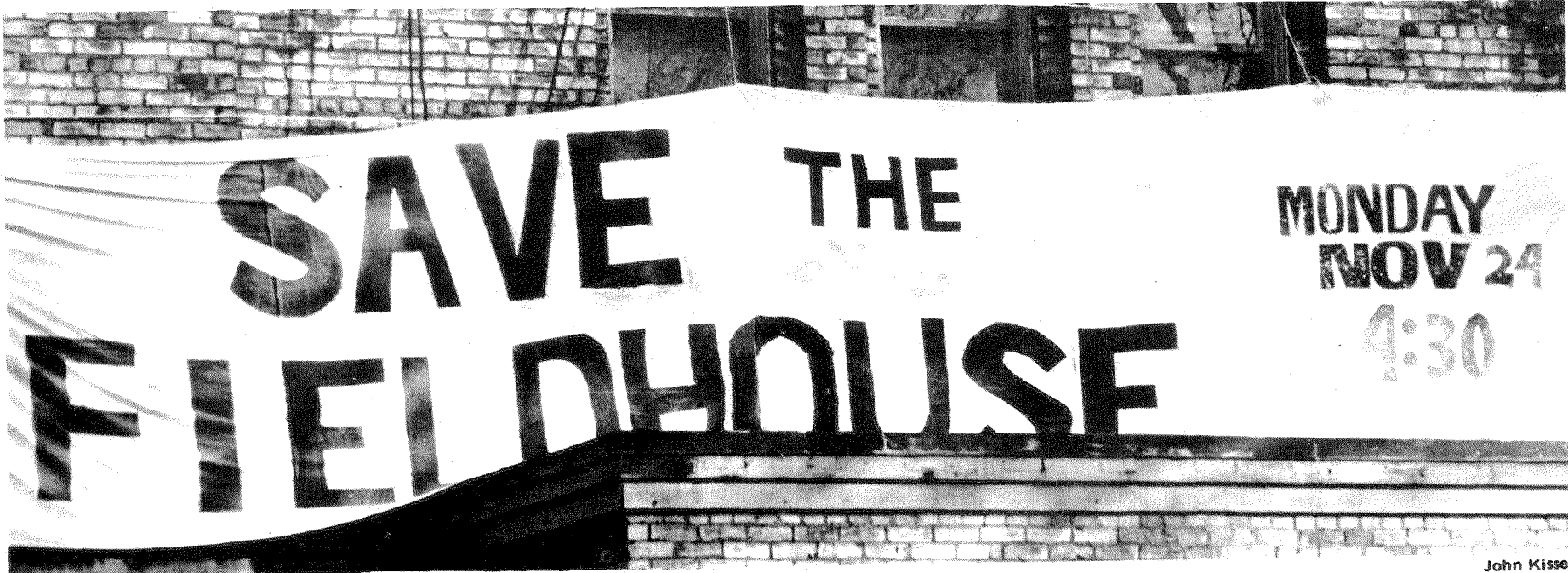
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John Kissel

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Serving the Notre Dame and Saint Mary's College Community

MONDAY, NOVEMBER 24, 1969

Dow - CIA controversy continues

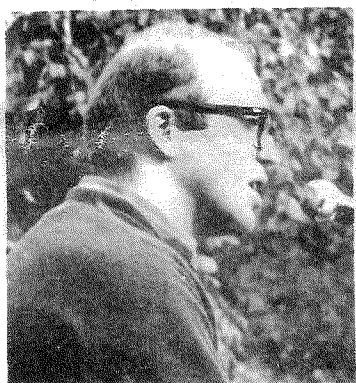
by Rich Smith

Plans for a rally today at 2:30 were finalized at a meeting yesterday afternoon by the people involved in the Dow-CIA protest of last week. A decision on any further action to be taken will be made after the hearing on Wednesday concerning the expulsion of five students and the suspension of five others.

Those present at the meeting included: Professor Douglass, Tim MacCarry, Brian McInerney, Tom Henehan, Shelley Smith, Peter Smith, Professor James Massey, Chris Barlow, Chris Cotter, and Karen Weller.

"The basic aims of the original demonstration against the Dow Corporation and the Central Intelligence Agency will be the theme of the rally," according to Professor James Douglass, spokesman for the group.

Those aims were enunciated in the faculty statement issued on November 19, and include: "The university's subservience to the political and economic system represented by the Dow Corporation and the Central Intelligence Agency... the impropriety of allowing organizations engaged in the sale and export of death and repression to recruit Notre Dame students with complete cooperation of the University, ... forcing undergraduates, graduates, and faculty members into direct action to prevent this abuse of this self-proclaimed 'Christian' university."



Prof. James Douglass John Kissel

Professor Douglass said that the possibility of further action hinges on whether the students at the hearing are able to raise "basic questions" concerning "the University's complicity" with such corporations and agencies.

If the hearings are concerned with solely technical questions, such as whether a student was or was not sitting or standing in front of a door, that will be unacceptable and further action will be necessary, according to Professor Douglass.

"The fifteen minute rule is irrelevant" Douglass said in reply to a question about whether the demonstration would concern itself with Father Hesburgh's famous edict.

"We plan to undertake direct action in as closely related a form as possible to the original demonstration," Douglass said. The possibility of future pro-

tests "depends on how the administration responds to the original issue," Douglass said.

At the conclusion of the meeting, Tim MacCarry, who was arrested for loitering on Tuesday, commented on what is involved in the dispute. "It is important to keep in mind that the main issue here is University complicity in a social order - not liberal pleas for mercy and for reform," he said.

Miss Weller said the University "seems to have abrogated its whole Christian context in favor of an order-keeping organ of society. This really saddens me. That this, the Christian University in the country, should expel and suspend those who attempt to put Christianity into context, really saddens me."

Sunday night groups of students and faculty went around to the dorms to give presentations of their position against the University's complicity with Dow and the CIA.

On Saturday, before the football game, Student Body Vice-President Fred Dedrick and several other persons were distributing leaflets opposed to Dow and CIA.

The South Bend police confiscated about four thousand of the leaflets, according to Dedrick. After stepping inside the police station at the stadium,

Dedrick was told that the leaflets had been confiscated because he had not been given permission to distribute them.

When he attempted to leave with the leaflets, Dedrick said that the police officer grabbed his arm and the leaflets. Dedrick accused the officer of robbing him of his leaflets.

Dedrick said he called Father Wilson, Vice-President for Business Affairs, and Father Joyce and asked for an explanation of the seizure of the leaflets. After getting nowhere, he said he called Mr. Philip Faccenda, Special Assistant to the President, and got the same result.

The police officers and the leaflet distributors then went to the ticket office and were told that Mr. Robert Cahill, Business Manager of Athletics, had ordered the confiscation.

Unable to reach Cahill, they talked to Mr. Don Bouffard, Ticket Manager and Assistant Business Manager, who told them that they had no permission to distribute the leaflets and that the leaflets would be returned after the game.

Dedrick said he asked why they would be allowed to distribute the leaflets after the game and not before, but did not receive an answer. Two calls were then made, the second to the police station, and the leaflets were returned.

'Ten' issue statement

Gary McInerney, representing the ten students involved in disciplinary proceedings brought by the university as a result of last week's Dow-CIA demonstrations, released the following statement last night which reflects the beliefs of the group concerning the main issue involved. ed.

There is no right to kill indiscriminatorily and there is no right to make money through exploitation of other men. Last Tuesday the Placement Bureau invited for interviews the Central Intelligence Agency and Dow Chemical Company, to obvious examples of the unChristian and materialistic priorities which characterize the American society today. Besides its long tradition of manufacturing genocidal weapons, Dow has established a world-wide system of corporate control, thereby enabling it to gain large profits from those countries which are technologically inferior to the United States. The CIA provides a base for this control by subverting the political processes of these countries through assassinations, governmental overthrows, and subsidizing governments friendly to the

United States and to our business interests, regardless of their credibility or popular support. This denies self determination.

The concept of the Christian University has never been examined at Notre Dame. Can this University isolate itself from the moral dimensions of our society? Should we allow ourselves to be channelled and directed into unquestioning cooperation with the corporate system, or should this university challenge students into attempting to restructure society to end the sicknesses? Notre Dame cannot openly attack the evils of America in its classrooms and simultaneously give tacet approval to corporate activities which are at best morally questionable.

For Notre Dame to allow its facilities to be used by corporations to advance their objectives is to become a functioning part of the corporate system. The interviewing process is one of the many normal activities of these companies, much the same as running a memory bank or making travel arrangements. For the University to take part in the corporations' processes in this manner is to be an accomplice to

(continued on page 9)



John Kissel

The Poobah bowl is interrupted as both sides look for Phil McKenna's contact. See story on page 6.

THE OBSERVER

An Independent Student Newspaper

DONALD C. HOLLIDAY, Publisher

FOUNDED NOVEMBER 3, 1966

GAETANO DE SAPIO, Editor

NOTRE DAME, INDIANA

Draft lottery

The draft lottery bill now awaiting President Nixon's signature only makes an unjust draft system less unjust and lacks any substantial reason for optimism among the advocates of a volunteer army.

President Nixon's attempt to remove some of the inequities, however, deserves some praise. Formerly draftees included a disproportionately high number of men that were either poor or black or uneducated. With a lottery, the advantage a man had who was of college calibre and was financially able to attend college is now offset immediately after high school graduation. Also, discrimination against blacks from the vast majority of all white draft boards is lessened by the de-emphasis on local boards.

However, we feel that there were many more serious questions about the old draft practices that were not even considered.

Paramount in importance is the question of selective conscientious objection. Presently, a man is not able to declare himself conscientiously opposed to a particular war. He must declare himself conscientiously opposed to all wars in order to obtain a conscientious objector status.

We believe that it is imperative that the government respect the individual's right not to kill in a particular war if his conscience considers the killing to be unjust and immoral. We ask President Nixon by presidential prerogative to allow for selective conscientious objection in the current lottery bill.

Chairman John Stennis (D-Mississippi) of the Senate Armed Services Committee promised that his committee will hold "wide-open hearings" on other aspects of draft reform by next February 15th. He said the abolition of local boards, deferments for conscientious objectors, and the volunteer army concept will be discussed among other things.

We urge him to put the passage of another draft reform bill next year high on his list of priorities and we commend him on the ideas he has mentioned that will be discussed.

We believe that the President can take an active role in ensuring that a draft reform bill is forthcoming next year. We urge him to use the force of his office to accomplish this task. He engineered the passage of the draft lottery bill and he can again push through a bill next year. He only needs the will to ensure success.

We remind President Nixon that when he is pondering the question of what kind of draft reform is needed and wanted, he remember his campaign promise to construct a volunteer army.

We sincerely hope that the President never has to be held accountable for breach of promise.

C.W.



"At first I saw in the Revolution a chance for a tremendous outburst of revenge...And now the very thought of it terrifies me...all the meaning drained out of this revenge...It was inhuman. It was dull and curiously technocratic."

Marat/Sade

Dave Lammers

To affirm life

Now that the Dow-CIA recruiters have left for a while it would be all too easy for the Administration to purge some of the radical leaders and wait for yet another disruption of law and order, content that its rule of fear had been effective. It would also be easy for the radical leaders to marshal forces for another conflict over "university complicity", or whatever else they think needs changing. But "the rule of fear" and "intensifying the conflict", do not bespeak of a community, they speak of a battleground.

Both sides of the conflict are plagued by pride and self-righteousness. The radicals have much to say about what a Christian university should be all about, but the politics of confrontation will never gain that ideal: they can only polarize and alienate the community. As Thomas Merton says in *Faith and Violence*:

"If we are obviously unwilling to accept any truth that we have not first discovered and declared ourselves, we show by that very fact that we are interested not in the truth so much as in 'being right.' Since the adversary is presumably interested in being right also, and in proving himself right by what he considers the superior argument of force, we end up where we started. Non-violence has great power, provided that it really witnesses to truth and not just to self-righteousness."

Tuesday, both sides had painted themselves into an ideological corner. Just as the demonstrators declined to leave the doorway, the Administration has either been uninterested or unable to communicate or relate to the objectives of the students. Is Father Riehle able to communicate with the radicals, or does he consider that outside of his job? Is it right for Father Hesburgh to take the first plane out of South Bend when he sees the community breaking apart? Why was the Senate resolution for an open forum with the interviewers ignored, and why were interviews denied to members of the Coalition for Political Action? It is my opinion that both sides of the confrontation were forced into their respective positions by a total lack of communication and respect for the other side.

There are three immediate questions that face the community that may determine whether the campus continues to polarize into two warring camps. These questions must be faced by everyone in the community, including all those not involved in the demonstration, including Father Hesburgh.

First, "support demonstrations" that will only serve to intensify the conflict must be avoided, as they can only increase the barriers to meaningful communication. Support demonstrations can only jeopardize the already tenuous position of members of the community.

Secondly, both the right and the left must reexamine the importance of the other side. Immediate, short range goals may have to be suspended (even though people are dying every day) so that the long range goal - a Christian community - can be achieved.

Thirdly, it can in no way be of any benefit to the university to suspend those people who were involved in the demonstration. The suspensions will give credence to the rule of fear which the administration has in its power and while order may be imposed, that order will not be based on the concept of community; it can only serve to increase the already tense relations that prohibit the building of a Christian community.

Students, faculty, and administrators must face the larger question that precipitated the demonstration last Tuesday: what does it mean when we say that Notre Dame is a Christian university? It is only when people on the left realize that disruption has no place in this community and when the Administrators realize that the fifteen minute rule is also not contributive to the community that we can begin to recognize and build upon the unique character of this university: Christianity.

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Agnew hits protest disrupting other's rights

NEW YORK (UPI)—Vice President Spiro T. Agnew declared Sunday that demonstrations, even when nonviolent, "cannot be condoned" if they interfere with the rights of others.

Agnew made the statement in

a guest editorial written at the invitation of Life magazine to explain his reasons for speaking out in recent weeks against war protesters and the news media. The vice president said he was not acting to accommodate the

White House but because "like the great silent majority, I had had enough."

"I had endured the didactic inadequacies of the garrulous in silence, hoping for the best but witnessing the worst for many

months," Agnew said.

Agnew warned that "frightening forces have been set in motion as the public has become conditioned to precipitate action rather than quiet discussion."

"The announced decision of the more extreme antiwar groups to continue and to escalate their disruptive activities proves this," he said. Agnew called the Vietnam Moratorium "not only negative in content but brutally counter productive" because it encouraged the North Vietnamese and undermined the President's policies.

The vice president said the response from across the country to his views "has been both extensive and gratifying" and affirmed the importance of his office.

Agnew said he made his speech in New Orleans Oct. 19 attacking leaders of the Vietnam Moratorium because "I believe—

and believe deeply—that, while the right of lawful dissent is sacred, the purpose behind any civil dissent is subject to question."

Agnew said there were "important distinctions" between various kinds of nonviolent civil disobedience.

"The nonviolent breaking of a discriminatory law enforcing segregation in a restaurant, later declared unconstitutional, has a retrospective justification," he said.

"But the nonviolent breaking of a law unrelated to discrimination for which redress is sought, such as lying in the street to block traffic as a protest against a denial of equal employment opportunity, cannot be condoned. The rights of others not involved in the dispute to their freedom of locomotion are thereby disrupted," he said.

'Notre Dame 10' issue statement

(continued from page 1)

all of its other activities, exactly as helping execute a murder is the same as pulling the trigger. Our complicity with this system demands that we take

responsibility for all its actions. A moral decision without action is passive compliance. We view the University not as an institution to perpetuate the

evils of society but as one which must work for their eradication. Such a decision on our part engendered a need for action, regardless of the fear of punitive measures. In our notices of expulsion and suspension, we were accused of "obstructing the life of the University;" we did not obstruct that life, but rather affirmed the life of a Christian University.

ARVN stops attack

SAIGON (UPI)—South Vietnamese Forces yesterday turned back an attack near the Bu Prang Special Forces camp killing at least 20 Communist soldiers while suffering only light casualties themselves.

Government spokesmen said more than 600 Communists were killed last week along a 30 mile stretch of the Cambodian border, most of them around Bu Prang and its sister outpost of Duc Lap.

They said last week's fighting was the heaviest in the region in 15 months and "thwarted a North Vietnamese attempt to seize a large chunk of Quany Duc Province."

In yesterday pre-dawn battle, about 1,000 yards northeast of Du Prang and 112 miles northeast of Saigon, the Communists attacked a South Vietnamese force in an attempt to overtake the Bu Prang outpost.

Spokesmen said the government forces hurled back the assault killing at least 20 of the attackers. South Vietnamese casualties were described as light.

Near Saigon, an American helicopter accidentally fired a rocket into allied troops regrouping Saturday after a battle killing one South Vietnamese soldier and injuring 33, including a battalion commander and two U.S. advisors.

The incident occurred about 50 miles northeast of Saigon near Xuan Loc, headquarters of

the government's 18th Infantry Division. The division had just fought a 30 minute clash with Communist troops during which they required helicopter support.

The choppers arrived and one of them fired a 2.75 inch rocket which struck a tree and ricocheted into the allied unit, spraying shrapnel through its ranks.

The incident was placed under investigation.

In their announcement of the Communist deaths near the Cambodian border, government spokesmen said 292 of them were killed near Duc Lap. Another 293 were slain around Bu Prang.

Storm - unlucky 13 threatens Panama

MIAMI (UPI) — Hurricane Martha drifted slowly toward the Panama Canal Zone Sunday, buffeting the coast with gale force winds and high tides.

She is the first hurricane to have a name beginning with the letter "M" since the weather bureau began naming storms in 1953. Tropical storms have occasionally been given names beginning with letters beyond the 13th in the alphabet.

To select Bowl queen

With the Irish in the bowl picture for the first time in 45 years, plans are currently being made for participation in some of the traditional pre-game and post-game activities. One of the more immediate items involves the selection of a beauty queen to represent the university at the pre-game social festivities and the half-time show at the game.

Notre Dame as the visiting team has been asked to choose a girl who will be called "Miss Notre Dame" to sit on the court comprised of the Cotton Bowl Queen from the host team, and the seven "princesses" from the other Southwest Conference schools. The Queen will be expected to attend all the activities of the three day Festival with an escort.

Student Body President Phil McKenna and Student Union head Dennis Clark are leading a

committee to form a plan for the selection of the Queen. It has already been decided that a St. Mary's girl will be chosen but no plans for the basis for the choice have been made as yet. The committee hopes to form a program that would be able to make the decision as soon as possible since the Cotton Bowl Association needs all necessary information on the queen soon for publicity purposes.

The Queen will participate in a student-group dinner on Dec. 30, a Cotton Bowl Style Show Brunch, and the Official Cotton Bowl Student Dance on Dec. 31.

The Queen will ride on the float of the Cotton Bowl Court in the Cotton Festival Parade. She will be presented in a brief pre-game ceremony, and will sit with her escort in a special section for the Court.

HHH - stop sending troops to combat

LOS ANGELES (UPI) — Former Vice President Hubert Humphrey said Saturday he hoped President Nixon would stop sending draftees into combat in the Vietnam War. Humphrey, here for a meeting of the trustees of Brandeis University, said that since Nixon has said the U.S. is going to get out of Vietnam "the sooner we do so the better."

"When you send young men over to Vietnam now, after the highest official in this land has said we're going to get out, it's asking a terrible price of them and I would hope that we would quit sending selectees and draftees into combat in South Vietnam," he said.

"I think North Vietnam would like to keep us there, knowing that we do not seek a military solution," the former vice president said.

OFFICIAL NOTICE

All Notre Dame Students Planning to Enroll in the PROFESSIONAL EDUCATION COURSES AT SAINT MARY'S COLLEGE During the Spring Semester are Urged to Attend a General Information Meeting on Monday, December 1st at 7:30 p.m. in the Memorial Library Auditorium.

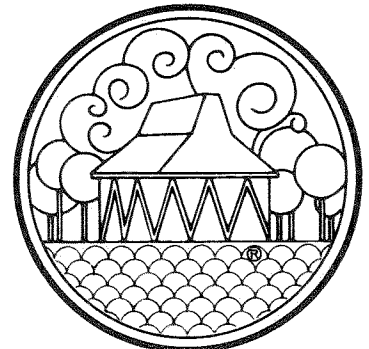
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THE OBSERVER

Vol. IV No. 50

Serving the Notre Dame and Saint Mary's College Community

TUESDAY, December 3, 1969

N.D. 'Ten' chooses Board hearing

by Cliff Wintrode

Observer Associate Editor

The Notre Dame "Ten" exercised their option to have a hearing before the old tripartite appeals board rather than a trial before the University Court at yesterday morning's preliminary session of the Court.

Defense counselor Gary McInerney read the Ten's decision to the Court in a prepared statement which also contained the rationale of the Ten's decision.

He said the Ten were afraid of being caught up in the legal semantics of a court and a trial and felt the court would only consider the legal actions of the Ten rather than the nature of

their actions.

He added that the Ten were not happy with the recent SLC directive stating that a tie vote of the six member Court would be considered a vote to uphold Father Riehle's actions.

He also objected to the presumed guilt and burden of proof of innocence placed on the ten defendants by the University Court.

The tripartite appeals board is composed of three members: one faculty member, one administrator, and one student and is a hearing body which can only recommend a disposition of a case to the Dean of Students.

Any decision by the Dean of Students can not be appealed to any other campus appeals board.

Such a decision is only subject to an appeal to Father Hesburgh and the Board of Trustees.

Dean of Students Father Riehle was surprised that the Ten chose to go before the appeals board when he has final say and when he would have to overrule himself for the penalties against the Ten to be dropped.

McInerney said the Ten were willing to take the "calculated risk" that Father Riehle would overrule himself if the appeals board recommended to him that the charges be dropped or lessened.

The risk was acceptable due to the Ten's belief that it was necessary to conduct their case in an atmosphere where the nature of their actions will be

the main focus of discussion said McInerney.

After the Ten's decision was read, the Court instructed McInerney to file for a hearing before the appeals board and then they dismissed themselves.

McInerney said he intends to

file for a hearing in the next couple of days and added that he hoped the appeals board could meet this weekend and begin with the proceedings of the hearing rather than hearing preliminary motions.

(continued on page 3)

Lawless, Slawson reply to notice by LSCPDU

by Mark Walbran

William B. Lawless, Dean of the Notre Dame Law School, and Richard W. Slawson, President of the Student Bar Association issued a statement yesterday to clarify the notice of the Law Students Committee to Prevent Disruption of the University which appeared in yesterday's *Observer*. The following is a segment of that statement:

committee was an "ad hoc committee."

When asked if the committee was organized at the request of the administration, Stahl replied, "No."

"The committee," he explained, "is a loosely organized group of law students

SMC 125th year closing

by Prudence Wear

SMC News Editor

In commemoration of the closing of its 125th anniversary year, Saint Mary's will host a distinguished group of artists and national figures, many of whom will receive honorary degrees at a convocation Sunday, December 7. Some of the guests will be performing and lecturing throughout this week.

Tonight at 7:30, Emma Endres Kountz, concert pianist and music critic, will perform and lecture in St. Mary's Little Theater. Her topic will be "Tradition, Trivia, Triumph in Church Music."

Twelve persons, some of whom have achieved national recognition will be recipients of honorary degrees conferred by Saint Mary's College on Sunday, December 7, 1969, at a convocation formally concluding the school's 125th Anniversary year.

Among those to be honored are Dr. Frances Oldham Kelsey, director of the Investigation Drug Branch of the Food and Drug Administration; Robert A. Podesta, assistant secretary for economic development in the

U.S. Department of Commerce; Rev. Theodore M. Hesburgh, president of the University of Notre Dame; Norman Dello Joio, noted composer who has written Saint Mary's special 125th Anniversary Mass; Margo Hoff, nationally prominent artist; Robert Speaight, British actor, author, and director; Mrs. Mike Mansfield, wife of the U.S. Senate Majority Leader; Mrs. Guy Curtis, human rights and civic leader from South Bend; and Mrs. Charles B. Cushwa, distinguished Saint Mary's alumna from Youngstown, Ohio.

Also to be honored with degrees are Sister M. Alma Peter, C.S.C., assistant to the president of Saint Mary's College; Sister Miriam Joseph Rauh, C.S.C., professor emerita of English literature of Saint Mary's; and Rev. Louis J. Putz, C.S.C., rector of Moreau Seminary, University of Notre Dame.

Dr. Kelsey was named medical director of the Food and Drug Administration in 1960 and was responsible for withholding the license of thalidomide.

In 1962, she received the President's Award for Distinguished Civilian Service. Robert A. Podesta, a nationally

prominent investment banker appointed by President Nixon last February, is a trustee of Saint Mary's and, DePaul University and Mundelein.

A recipient of many outstanding and meaningful awards, Margo Hoff, St. Mary's artist-in-residence for 1969 has exhibited her work in most of the major cities of the United States and has held over twenty, one-man exhibitions in Paris, Chicago, and New York. Many of her creations are contained in some of the world's great collections.

Her varied activities have covered most aspects of art and design and have ranged from mosaics, opera costumes and sets to rugs in Pakistan. She designed the cover for Chicago's 1967-68 telephone directory, created a mosaic for the Delaware East Building in Chicago, and did the design for a will of the Mayo Clinic.

Completing the trio of music, art, and theater personalities to be honored by Saint Mary's is Robert Speaight, British actor, author, and lecturer. Speaight is directing the student production of *Romeo and Juliet* which will be presented in conjunction with the College's formal ceremonies.

Speaight, born in Kent, has received international acclaim throughout the years as an acknowledged authority on literature and the theater. Following his graduation from Oxford University with an Honors Degree in English literature, Speaight proceeded to establish himself as one of the most versatile and outstanding actors in the craft.

From his first professional appearance on stage at the Liverpool Repertory Theater in September 1926 through the whole range of Shakespearean roles at the Old Vic-Sadler's Wells Company, Speaight has fashioned a brilliant career. He created the part of Thomas Becket in T. S. Eliot's *Murder in the Cathedral* and played it more than one thousand times, both in English and French, all over the world. He also played in *A Man for All Seasons* throughout

The Observer of Tuesday, December, 1969 printed an advertisement entitled: "Law Students committee to Prevent Disruption of the University." The text sought witnesses and pictures of the DOW-CIA demonstrations of November 18th. It indicated that those with information should contact a named law professor at The Law School

It should be made clear that the advertisement was neither authorized nor directed by the Dean, Faculty, or student government of The Law School. Any group of students may band together and publish such an advertisement.

Further, it should be known that upon request for legal counsel to the administration, the Dean of The Law School arranged with the president of the Legal Aid and Defender Association to provide counsel to the administration, only on condition that counsel would be provided equally to any student accused of participation in the demonstration. Mr. Daniel Shea, President of the Legal Aid and Defender Association polled his membership and reported that law students had volunteered to provide counsel on both sides of the matter. This information was thereafter relayed to those individuals who sought free representation by the law students.

The law professor the joint statement refers to is Professor Charles E. Rice. The committee's notice in yesterday's edition ended with the sentence:

"Contact us in the office of Professor Charles E. Rice, Law School, Room 100E Phone 8355."

When asked what his role, if any, was with this committee, Rice said yesterday that he has only provided a place for the committee to meet and receive phone calls. He added that if the others brought in outside counsel then he would enter the case.

Lou Stahl, a second year law student, is chairman of the committee. Stahl said that the



Dean Lawless

offering their services to the university in connection with demonstrations and other disruptions."

Stahl said that the committee has two primary functions. The first, he said, is to assist Father Riehle in any future demonstrations or disruptions that might occur. The second, he said, is to handle any appeals before the University court resulting from demonstrations or disruptions.

Stahl said that the law students who volunteered to prosecute are obviously not sympathetic with the demonstrators.

"We fully support the right to dissent," said Stahl, "but we believe there is also a right to assent. Both rights must be protected."

"I don't believe," Stahl added, "that the rights of any student can be allowed to be trampled by a willful minority, regardless of the pretext."

The committee is not associated with the Legal Aid and Defender Association, Stahl said. "The Legal Aid and Defender Association," he explained, "does not provide counsel for either the university of the students."

Daniel Shea, president of the Legal Aid and Defender Association, said that the association had offered its services to both the administration and the students.

"It's strictly a volunteer shot," said Shea. "It's not the function of Legal Aid to serve the university. Our function is to serve the community at large," he added.



Dr. Frances Oldham Kelsey

(continued on page 2)

Mr. Mark F. Mahoney

UNIVERSITY OF NOTRE DAME

NOTRE DAME • INDIANA • 46556

DEPARTMENT OF ENGLISH
(Area 219) 234-7461

December 15, 1969

Rev. James L. Riehle, C.S.C.
Dean of Students
University of Notre Dame
Notre Dame, Indiana

Dear Father Riehle:

We were asked by the Student Life Council to serve--as representatives of the administration, faculty, and student body--on a Tripartite Appeals Board whose purpose was to conduct a hearing called by five students suspended by the Dean of Students and five students expelled by the Dean of Students for actions involved in the Dow-CIA demonstration of November 18, 1969. That hearing was not to be a court of law, but rather a place where we on the Appeals Board would listen to charges and defenses and make human--not necessarily legalistic--judgments so that we could make recommendations to you. At that hearing, held on Friday, December 12, the Dean of Students contended that he had no recourse but to suspend and expell the students because they violated the rules laid down in Fr. Hesburgh's letter of February 17, 1969. We were unable at the hearing to deal with the problem of whether or not individual students among the ten were justly accused. We could not deal with this specific legal problem because the students chose, instead, to defend themselves with a statement using political and moral arguments. At the close of that statement, the accused students asked us to decide if they were "acting in good faith and consistent with the spirit of Jesus Christ," if they were "acting consistent with the ends of this community." After examining the statement of the students, we can find no reason to doubt their motivation, their good faith, their acting in accordance with the spirit of Jesus Christ and with the spirit of an academic community, as they have come to define them. And this last phrase seems to us most significant. The accused students have provided this community with a conscience-challenging document that could be the basis of productive discussion toward defining and coming to understand what those of us in this community mean or want to mean by "academic community" and "Christian community." We do not feel capable of defining these terms for others; we do not feel capable of deciding that the students violated our definitions of "academic community" and "Christian community" and should therefore be suspended or expelled; we do not feel capable of deciding that the students' definition of "academic community" and "Christian community" is the right one and that we must all therefore join them. But we do feel that we have in this confrontation the makings of a dialog-for-self-definition that could enrich this community and which would be in the fullest spirit of a university's purpose.

But what to do, at this point, with the ten accused students? Clearly, Father Riehle acted in full accordance with the duties of his office. There can be no doubt that the rules laid down in Father Hesburgh's letter were violated, that the normal activities of the University were disrupted, that the rights of others were violated. In the abstract, these violations are intolerable. But we recommend, in this case, that the punishments be reduced by an act of executive clemency, and that all ten punishments be the same.

The reasons for these recommendations are several: First, removal or lightening of the sentences can set an atmosphere in which a productive dialog about the meaning of "academic community" and "Christian community" at Notre Dame can now take place in the appropriate University bodies. The bitterness and disruptions and polarizations that would surely follow the upholding of the suspension and expulsion notices would make fruitful discussion on the issues raised by the accused students' document difficult. Second, the Administration of the University appears not to have taken steps to avoid this confrontation; and to revoke or to lighten the punishments would show, on their part, that they are interested not in punishment for its own sake, nor in making future examples or symbols of these students. Third, there can be reasonable doubt as to the identity of the expelled students because, according to the testimony of the Dean of Students, identification at this point was made on the basis of his recollection. The distinction between suspension and expulsion is so serious that it should depend on more formal procedures than the recollection of the Dean of Students. Fourth, this board did not consider Fr. Hasburgh's letter to be on trial. But we do feel that under some circumstances variations of penalty should be considered for violations of the letter. In this case we feel that the punishments do not fit the crime.

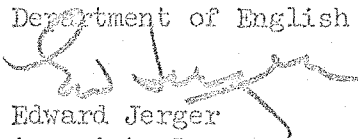
We do not think that following our recommendations will encourage further disorder. On the contrary, we feel that it will encourage serious and peaceful and helpful conversations. No one actually concerned with bringing the orderly procedures of this University to a halt will take comfort from our recommendations, for certainly the moral and political and factual and procedural ambiguities which lead to our present recommendations will never again occur in just this conjunction. All future demonstrations will be able to be judged by the facts and concerns of that time. We have made our recommendations on the basis of the facts, concerns, and ambiguities of this unique time.

Yours sincerely,

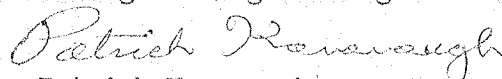
THE TRIPARTITE APPEALS BOARD



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DEFENSE OF THE
TEN ACCUSED STUDENTS
INVOLVED IN THE
DOW-CIA DEMONSTRATION
OF NOVEMBER 18, 1969

PRESENTED TO THE
TRIPARTITE APPEALS BOARD
DECEMBER 12, 1969

Our actions on November 18 were necessitated by the political position assumed and steadily maintained by the University of Notre Dame Administration. In the following we will try to discuss that position, the rules that defend it, and its relation to the University as an academic community. It should become clear that the situation which we describe is, *mutatis mutandis*, generally applicable to the American University today and is not peculiar to the University of Notre Dame, although there are of course special aspects of the problem here.

I. The Political Stance of the University.

1. It is important to realize that the origins of the current imbroglio lie in the political position assumed by the University of Notre Dame. Now it is often argued that universities do not-- and should not-- take political positions: that they are "neutral" on political questions. But we argue that universities, as significant institutions in our society, cannot avoid having a political effect; and since the administrative decisions that determine the nature of that effect cannot be considered to be taken blindly or capriciously, they clearly represent a political position. For example:

a) It is obvious that the investment policy followed with regard to an endowment has a definite social and political effect. In recognition of this fact, church groups and others in recent years have been withdrawing their investments from companies whose policies on race, war, or social conditions they cannot condone,

b) The university in its cooperation with the military for the production junior officers is at the very least professing that it is not unreasonable to affirm the moral acceptability of the current activities of the military, a position that can hardly be described as anything but political.

c) The university in its modern function as a knowledge factory in cooperation with industrial, governmental, and military organizations must assume that these organizations are engaged in morally acceptable activities.

d) Finally, the university as a supplier of manpower actively channels its second major product -- educated men into positions of government and industry. It must accept as reasonably ethical the arrangements that it facilitates, for it is obvious that only some organizations are allowed to recruit on campus(e.g., it is hard to imagine the Placement Bureau's scheduling interviews for the Ku Klux Klan, the progressive Labor Party, the Lawyer's Guild, a local Brothel,

etc.).¹

2. Now the point of these examples is to show that the University acts in a political fashion and manifests a coherent political position. And the position the University Administration has chosen by its actions is to affirm the structures and assumptions-- indeed, the very institutions, (such as the Dow Chemical and the Central Intelligence Agency) which are responsible for the Vietnamese wars and the Conspiracy Trials; for Song My "incidents" and Fred Hampton "affairs"; and for a systematic exploitation of the poor and repression of legitimate desires for social reform both at home and abroad in the name of profit, competition and anti Communism². Consider just the Vietnamese War--a war abhorrent on principle to Christian pacifism and not even reconcilable with any one of the several requirements of the Catholic "just-war" theory (e.g., proper authority, just cause, act of defense, last resort, proportionality of means and ends, etc.), as Gordon Zahn has pointed out.³ This war, as well as the other items mentioned above is not an unfortunate accident or a "terrible mistake": it is a logical outgrowth of the political system represented by Dow and CIA. And instead of exercising a critical function over this system, this university chooses to cooperate with and even avidly seek favors from that system!⁴

3. The placement interviews of Dow and the CIA are therefore merely symbols of this political stance of the University--the stance we refer to when we speak of "University complicity."⁵ But these are indeed symbols "which contain and communicate what they

¹ Such discrimination shows that the defense that "invitation to placement interviews in no way implies approval by the administration" cannot be seriously maintained. Cooperation and acceptance in action is perhaps more important than verbal approval.

² Archbishop Helder Camara of Brazil points out the unitary nature of this system: "The United States is a living demonstration of the internal contradiction of the capitalist system: it has succeeded in creating underdeveloped strata within the richest country in the world - 30 million Americans live in a situation below the dignity of the human condition; it has succeeded in provoking a fratricidal war between whites and blacks: under the guise of anti-communism, but in fact driven by a lust for prestige and the expansion of its sphere of influence, it is waging the most shameful war the world has ever known. The dominant system in the United States is so irrational in its rationalization, as they call it, that it has succeeded in creating a one dimensional, 'robot' existence, to such an extent that young Americans of different cultural traditions feel called to build a more just and more human society by transforming the social context and humanizing technology." *The Church and Colonialism: The Betrayal of the Third World* (Denville, N.J., 1969), pp.104-105.

³ Vietnam and the Just War, Gordon Zahn, (pamphlet).

⁴ Examine, for example, Notre Da me's "Industrial Associates Program" (see the letter and enclosures from Vice President Frederick D. Rossini to faculty members, 1, October 1969)

⁵ In order to obtain its injunction, the Administration has to aver in court that a property right or an "essential business relationship" is in danger!

signify"--the subservience of the University to a vicious political, and economic system.⁶ We therefore find them intolerable to the extent that we find subservience intolerable.

4. Now it is surely incumbent on all of us to put up with evils in an institution of which we are part for the sake of good order in the community; but there is as surely a point where the institution is so corrupted, so turned from good ends that to put up with the evils accepted by the institution is cowardice and hypocrisy. We are all haunted by the specter of the "good Germans."

5. And is it so surprising that the perversion of the University to the service of the evils of our society should be so repulsive to us? Corruptio optimi pessima is the scholastic maxim - the worst is that of the best thing; the University, which should be the mind and conscience of society, abdicates that responsibility and follows the worst inclinations of that society.

II. The "15-Minute Rule"

1. Now let us turn to the rule under which we have summarily suspended and expelled. The rule combines in the over-burdened person of a single administrator the functions of police officer, prosecutor, judge, jury, and academic firing squad. The parallels between this procedure and martial law have been pointed out frequently. What is the reason for this severity?

2. It is perhaps the most "innocent until proven guilty"--that there be a temporal and personal separation in the process of apprehension, prosecution, judgement, and execution of sentence. This procedure is understood to apply at every level of our society, even for the most heinous crimes--murder, rape, the destruction of essential property. It is ludicrous to compare our action to crimes like these; yet the Administration has denied us the protection of this fundamental procedure. What is the reason for this severity?

3. Finally, it should be clear that not all "disruptive" actions but only those with certain objectives are intended as the object of this rule. One may block a door-way, "substitute force for rational persuasion," or "impede normal University operations" in the course of a party-raid, a weekend drunk, or an over-exuberant pep rally without fear that the "15-Minute rule" will be used against him. But the rule was immediately conceived and employed in response to actions of this sort when those actions were directed to political ends: specifically, ending University complicity.

4. What, then, is the reason for the severity of the rule? The only answer we can surmise is that the Administration sees something much more important at stake when these actions are

⁶ As the author (not one of us) of a letter to the editor of the South Bend Tribune expressed it, "Dow Chemical by its production of war material profits from the misery and destruction of war. The CIA by its involvement in the internal affairs of foreign nations, particularly in (Latin) America, supports governments most likely to favor American business interests . . . these governments allow the exploitation of their national resources, and... resist reform, especially land reform, necessary for the improvement of their nations' standards of living." South Bend Tribune, 3, December 1969.

directed at the political stance of the University than when they merely "infringe on the rights of others" (often much more seriously than we did) with no overt political motive. And what is at stake is the perpetuation of the University as a service station for a system that lives on domestic and foreign countries' repression. The 15-minute rule is designed to protect the University's complicity. The Administration seems to believe that the financial life-blood of the University as a research and development installation flows only with the political subjection of the University to military, governmental and industrial organizations; the Administration must therefore prevent any effective threat to its political alignment and cater to the political opinions of these organizations and of those (wealthy) parents and alumni who share these opinions. It must prevent "embarrassing incidents" as well as any effective interference with its political stance. The University's constituency is, in short, not the community of teachers and students within it but rather that "outside constituency," the political and represented by the Board of Trustees!

5. The Principal audience therefore, for the promulgation of the 15-minute rule was not the University community but rather that "outside constituency," for whose purpose the University is being run. It is being told in no uncertain terms that Notre Dame is a "safe" place and that the Administration will brook no interference from students or faculty with the cooperation of the University and that constituency. Of course the Administration must be ever wary of the slightest occasion for the use of that rule in order to demonstrate its resolve and prove in the face of critics from the outside it is no "paper tiger." Now we contend that a rule (a) promulgated unilaterally and by fiat, obviously haste, (b) to repress, in the harshest possible fashion,⁷ any effective interference with the political function of the University, is no rule at all when the political stance which it protects becomes so evil as to be intolerable.

6. November 18, 1969, the Notre Dame Administration, fully cognizant of the year-long debate concerning University complicity⁸, presented us with an ominous alternative: either (a) we must acquiesce in the administration's endorsement of Dow, the CIA, and the structures and assumptions that they represent by the simultaneous scheduling of recruiting by these two organizations—squarely under the Golden Dome, literally and figuratively; or (b) we must prevent this affirmation of a vicious system, even if it meant that the Draconian rules for the protection of this perverse political relation would be used against us. We could find no third alternative; we

⁷ Expulsion and delivery to the secular arm are the harshest penalties presently available to the University. It is attempting to provide harsher ones by the obtaining of an injunction.

⁸ Our position has been, at least since last year's demonstration; and the issue is hardly confined to our campus.

therefore chose the latter course.

III. Academic Freedom: An Issue?

1. It has been asserted that, by our action against Notre Dame's complicity, we somehow threatened someone's academic freedom. The seriousness of this charge in a University community requires an answer. The "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors defines academic freedom as follows:

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in his classroom in discuss subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject.....

(c) The college or university teacher is a citizen , a member of a learned profession and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. He should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should male every effort to indicate that he is not an institutional spokesman⁹.

It is difficult for us to see how our action violated any part of this definition. The recruiters were certainly not here as teachers and can hardly claim the privileges of teachers. Furthermore it was we who sought an open discussion of Dow and CIA with the recruiters. In accordance with the Student Senate Resolution which demands open discussions with recruiters requested by one hundred students, we presented the Placement Bureau with the required petitions: the Administration chose to ignore these "proper channels"and proceed with the interviews. On November 18, we asked the recruiters themselves to talk openly with us: the Dow recruiter was amenable, but the administration was not. Moreover, the Placement Bureau violated the "corollary (to the 'open speaker's policy) of an "open listeners' policy" enunciated by the Student Life Council on December 2, 1968 by refusing to schedule appointments for students who were known

⁹ AAUP Bulletin 53 (1967), pp. 246-7. This is the standard statement on academic freedom, endorsed by some 50 other learned societies.

to be politically unsympathetic to these organizations!¹⁰

2. We agree with Professor Donald Kommers (who agrees with us an little else!) on his distinction between the "university structure" and the "academic community." He describes the relationship between the two as, "The structure houses the community. Now it is surely the "academic community" which can be called an "open system of intellectual exchange"; which is "incapable of taking a position on anything" (because, assumedly, of the "open system" it represents); and to which the above statement on academic freedom applies. But can the "university structure" shelter its political position behind the shield of academic freedom? The structure is

hardly an "open system of intellectual exchange"; which is "incapable of taking a position" (we have soon how it does so), and to which the freedom of a teacher belongs. The direction of investment policy, financing of research for outside purposes, and procuring officers for the military, government, and industry are hardly decisions protected by any postulate of academic freedom.¹¹

3. If the modern American university were similar to the medieval universitas societas magistrorum discipulorumque--the whole fellowship of teachers and students (alone)--then the "university structure" would be sparse at best and the university (as "academic community" alone) would truly be able to avoid political involvement. But now the structural tail wags the academic dog. In the contemporary university (perhaps particularly at Notre Dame) the faculty have become employees and the students, products. The university structure arrogates to itself the protection that the principles of academic freedom properly afford only to the academic community.

4. It is our contention that the real enemy of academic freedom is the political stance of the

¹⁰ We were responsible for the violation of any right on 18 November? Since no right to academic freedom was violated, and since we deny that anyone, has a right to participate in the activities of Dow and the CIA - or even to interview for them, the only rights that could conceivably have been violated by our action were the rights of our fellow students to be free from vigilante interference. For even if one does something which he has no right to do, nonetheless the right to be free of the correction and interference of others, at least to a certain extent. If I am boating my wife, I surely have no right to do so, and my neighbor may disapprove, but I probably do have the right to be free from his interference; however, if I am about to murder my wife, my neighbor has not only the right but the duty to intervene. Analogously, we feel that it is possible that one can argue that our fellow students, although they have no direct right to interview with Dow and the CIA, nonetheless may have the right to be free from our interference. But this point is moot because, as was pointed out above, with full knowledge of the crisis which it was provoking, the university presented us with the unpalatable alternative of violating this putative right or allowing the (much more serious) affirmation of complicity.

¹¹ Kommers' letter of 24 November was a response to the 19 November statement of the faculty "University Committee for Human Rights". which supports us.

university structure--its complicity with the economic and political powers of the state¹². For example:

(a) The right to "full freedom of research" also has financial implications; research in most fields requires money. How will that money be allocated when the university structure is bought and paid for by the system responsible for the evils in the society?

(b) The teacher is cautioned against introducing "controversial matter which has no relation to his subject ." How broadly will that be interpreted by a university structure that is not critical of but complicit with the political structure? (Note the fate of those who dealt recently in controversial matter at Yale, the University of Chicago, and UCLA.)

(c) As an "educational officer" the teacher is required to show "appropriate restraint... when he speaks or writes as a citizen." What "restraints" will be appropriate" in the eyes of a university structure with a vested interest in Dow and the CIA?

In sum, then: (1) The University assumes a political position by its mutual support for the social and economic system represented by Dow and CIA and is responsible for repression and exploitation at home and abroad; (2) it uses rules to protect the "normal activities of the university"--ostensibly in defense of individual rights -- which are invoked only against effective interference with political stance; and (3) it invokes the name of academic freedom to defend not the intellectual activities of the academic community but the political position of the university structure, while denying in practice the openness implied by academic freedom.

The political position which the university has assumed is intolerable: we are bound in conscience to oppose it.

By the remainder of what we say here today we hope to show those who have the responsibility of determining whether we are to be allowed to remain at Notre Dame that we have done nothing which is inconsistent with Notre Dame as a academic community or Notre Dame as a Christian community. Even stronger than this-- it is our purpose to show that what we have done is totally productive of the ends of both communities. No, let us go one step further and say from the innermost depths of our consciences that if we did not do what we did we would have been complicit in the destruction of the University of Notre Dame as an academic community and as a Christian community.

¹² In a statement on "Academic Freedom in a church-related Institution" circulated by the Notre Dame Charter of AAUP, Prof. John L. McKenzie, S.J., remarks in passing, "The college and the university cannot be an arm... of the government. If they are the arm of anything, they lose the academic freedom which makes it possible to pursue an communicate learning."

Now there is no one, in or out of the university scene today, who would seriously propose that students who demonstrate against individual industrial companies, e.g. Dow Chemical, have as their ultimate purpose the destruction of the company qua company. Since the first protest against Dow at Brown University in January, 1967, the avowed purpose of these demonstrations has been to allow the university administration to perceive that they are actively and unnecessarily cooperating with outside agencies which are in direct opposition to university interest and in direct opposition to the general interest and well-being of humanity. In passing it should be noted that if this University's administration had respected the desires of the student community as manifested in the Student Senate resolution, which would have allowed open discussion with any recruiters who were allowed to use university facilities, the present demonstration would not have occurred. We mention this in passing in order to raise the question of who was the cause of the occurrence of the present demonstration— those students who found it necessary to demonstrate because the administration arrogantly dismissed a reasonable student body request for a means of rational persuasion, or those individuals in the administration who through malice or incompetence defied the Student Senate's Resolution? We mention this not because we wish to hang our hat on some ancillary issue but in order to explicitly raise the serious problem which exists at all levels in the University as well as in our society in general, that is, the total injustice of X punishing Y for a failure for which X is primarily responsible. Indeed we feel that in our present situation not only was the administration the primary cause for the demonstration by blatant defiance of the Student Senate resolution but that they were equally a cause of the demonstration by their continual refusal to engage in a genuine dialogue which would encourage the use of rational persuasion. For the most part those in power at this University have engaged only in a benign monologue in which they listen to us in abashed and grateful awe. This is a necessary activity for preserving one's power. This is a cause; it is not of our making-yet we are expected to suffer. We are being prosecuted and persecuted by the perpetrators of the "crime" much as the criminals of 127th Street are punished for their crimes by the "law and order" respected citizen of Wall Street and Madison Avenue.

Authority, secular or Christian, should be obeyed. This is only a rational and reasonable attitude of mind. However, authority in a Christian community by a secular community is more than a policy of "might makes right" hidden behind an esoteric philosophy or, in the case of a university, an educational theory that can only be perceived by those whose interest is being served! Authority by definition is the moral use of power and therefore obedience to authority is morally good and disobedience to authority morally bad. But authority exists in a society for a society; it therefore loses its moral base when it exercises what power it has in a fashion which deviates from the ends of society. When authority acts toward the ends of a community (Christian

or secular) it has a moral base and disobedience attacks both the society and the ends of the society. But when authority acts in opposition to the end of a society (Christian or secular), then disobedience becomes not only a right but a duty owed to the community.

The immoral use of power, the non-authoritative use of power corrupts not only the man who uses it but the man who obeys. Complicity in immorality is hardly the way to holiness or to humanness—regardless of what the “silent Majority” doesn't say.

It is our contention that the manner in which the now famous 15-minute rule was promulgated and the manner in which it was applied in the instance of the Dow - CIA demonstration of November 18 is totally inconsistent with the ends of an academic community and a Christian community. We know that the President of Notre Dame, Theodore Hesburgh, will ultimately make the decision as regards our membership in this community. We therefore are directing all our comments to him in order to help him truly meditate and reflect on the humanness and holiness of his "15 minute rule" and the humanness and holiness of its application in this instance.

Father Hesburgh, in your letter of February 17, 1969, you quote in the most favorable context another unnamed university president who said "who wants to dialogue when they are going for the jugular vein?" Pages of exegesis would barely suffice to untangle the explicit and implicit jungle mythology of such an attitude. The statement does not become any less dreadful when adopted by the president of a Christian university. (It was originally made by the president of a secular university) That it smacks of something other Spirit of Christ Crucified and the spirit of the early Christian martyrs almost need not be said. That it is the product of a moral system that has been devised as if the Incarnation had not occurred needs most emphatically to be said. That it cannot be adopted by a Christian or by a Christian university also needs to be emphatically proclaimed. The spirit of your letter is the spirit of the above-quoted statement. We call upon you as a fellow Christian and as President of our University to disclaim that statement and to disclaim that spirit.

If there was ever a sign to show a Christian that his stance is inconsistent with Christianity, it was the "total" public acceptance of your letter. Public morality is not Christian. Public ethic as well as the ethics of your letter of survival. The supreme good of the University of Notre Dame as stated in your letter is that it continue to exist. This means that no other goods can be maintained if the "good" of survival is threatened. We suggest that if the University of Notre Dame is to continue to exist as a Christian university that it subject its decision to the test of the Gospel of the Prince of Peace and not some quasi-Promethean ethic based on self sufficiency. There is no moral action in Christian life except the act of Christian love, and there is a direct antithesis between Christian love and the ethics of survival or self maintenance. There is an antithesis between the

ethics of survival and the Sermon on the Mount. The rational ethic of survival does not turn the other cheek; it does not walk two miles when forced to walk one; it does not give the tunic when the mantel is taken; it does not love its enemies. Love, not law is the basis of the constitution of the Christian community; if love fails, law is no substitute. Christian love fails only when I refuse to love. It is an undeniable “fact of Christian life” that justice under law is compatible with hatred. Laws governing individual conduct as composed by the president of a corporation and approved by the Board of Trustees of a corporation are something which a Christian community can totally do without. In fact, this “fly by night” law-making of a few is totally inconsistent with not only the ends of a Christian community but also with the end of a highly intelligent university community.

“Authority cannot coerce or compel the Christian to fulfill his destiny. It cannot by an imposition of its will command love. What authority can do is to, show the Christian what Christian life is and move the Christian to desire that fashion of life... Authority will do this not by control but by proclamation of the gospel... Proclamation by action (active love in the spirit of the life of Jesus Christ) is true leadership.”¹³

“ The story of the temptation of Jesus touches upon our problem. Only Matthew and Luke have the story of the three temptations and the order of the three temptations differs in the two Gospels. The offer of power over the kingdoms of the world is placed third (and presumably in the climatic position) by Matthew (4:8-10)second by Luke (4:5-9). Jesus rejects the offer with a quotation from Deuteronomy 6:13 in which it is commanded that worship to Yahweh alone. Certainly the story means that secular power is not to be acquired at the price of the worship of Satan; but we do grasp the import of the story fully if we think that only wrong with the offer of secular power is that it came from Satan? In the New Testament “the world” in the pejorative sense is the realm of the power and the authority of Satan; the reign God is opposed to this power, and the struggle between the two reigns is constant and deadly. St. Ignatius Loyola made this the theme of the meditation on Two Standards in the Spiritual Exercises Like most Christian interpreters from early times, St. Ignatius did not question the implicit assertion in the temptation narrative that secular power is Satan's to give. The offer is not rejected because Satan is unable to deliver what he promises; it is rejected because the use of secular power is hostile to his mission.¹⁴

"Luke alone (12:13-14) has preserved a saying in which Jesus refuses a request to act as arbiter in a dispute of two brothers over the inheritance. The refusal is brusque; Jesus asks who has constituted him judge or arbiter. This was the type of problem which the scribes solve professionally; it is a legal problem with moral aspects. Yet Jesus will not touch it. He disclaims interest or competence in secular disputes. He

¹³ Authority in the Church, John L. McKenzie, S.J., Sheed and Ward, 1966.

¹⁴ Ibid., p.28.

will not take that position which the scribes occupied in the Jewish community, because this position entitled the scribes to make personal decisions which belonged to others. The disputants able to settle the dispute themselves. A solution imposed from outside would have been no solution.¹⁵"

The Jewish community furnishes no model of authoritarian structure either. The discourse of Matthew 23 sums up most of the animadversions of Jesus upon Jewish leadership. He tells the disciples to do as the scribes and Pharisees say, but not as they do--which is as complete a condemnation of authority has ever been compressed into a single sentence. They lay heavy obligations others which they themselves will not bear. They love vain display and the recognition of their authority. They are obstacles to those who wish to enter the reign of God. They are casuists who evade sacred obligations' by verbal hairsplitting. They lay Great stress on the trivial, and neglect the vital, duties which involve persons.¹⁶

Jesus left no direction on how Christian community should be governed; he only left directions on how it should not be governed, i.e. not according to the model secular power, the corporation model in our time. This is only important if we want to be a Christian university (96% Catholic undergraduate population plus the plethora of Proclamations that we are indeed a Christian university, would lead to one to the conclusion that we want to be one). But by definition a Christian university is radically different from all other kinds of community.

"There is scarcely any point in the New Testament which is less ambiguous than the proposition that the Christian life of the members of the Church is achieved through the personal decision of each member. No one, neither those in authority nor anyone else, can make this decision for another. The Christian realizes his destiny as a Christian because he wills it, not because someone else has willed it for him,

But the Christian cannot achieve his Christian destiny by himself, for the fulfilment of the Christian life is simply beyond the powers of nature, One is enabled to live as a Christian by his incorporation in Christ. This means that he achieves his personal destiny in and with the community of the Church; each member assists the other members, and each member has it within his power to make it difficult for other members to realize their destiny. Jesus spoke severely of scandal.¹⁷

Finally, one need not worry about a Christian university collapsing into anarchy without a hard core legislative program, if it remains organized about it's true center—Christian love infused by

¹⁵ Ibid., p. 29.

¹⁶ Ibid., p. 31.

¹⁷ Ibid., p. 91.

the dwelling of the Holy Spirit.

If one is excommunicated from a Christian or academic community it should be because he is not living in consistency with the ends of those communities. It is our position that our action of November 18 was totally consistent with the end of a Christian community as well as the end of the academic community, and therefore we should not be excommunicated.

As regarding the Christian community, the standard for excommunication is that one no longer wishes to live individually and collectively in the spirit of the life of Jesus Christ; i.e. he no longer desires to be a Christian. We emphatically state that we were trying to live in the spirit of the life of Christ. We firmly and unequivocally state that his spirit was and is our motivation. We ask all those who will be involved in judging us--each member of this appeals court as well as Fr. Riehle, Fr. Hesburgh and whoever else in the administration will be involved with determining whether we are to be excommunicated -- to read the following material:

The Power and the Wisdom, John L. McKenzie, S.J., Chapters 11 and 12

Authority in the Church, McKenzie, Preface, Introduction, Chapters 1, 7,9,11,13.

The Politics of Protest, President's Commission on the Causes and Prevention of Violence, Chapters II and III.

Faith and Violence, Thomas Merton, Part I and II.

The Non - Violent Cross, James Douglass, Chapters 1, 2, 3 and 8

in order to determine if our motivation or judgement was consistent with the end of a Christian university. Our university careers three of four years are on the line. Please do not just read this material- study it-- reflect on it--pray for it. For if we were consistent with this community's ends, then you possess no authority to dismiss us from this Christian community! If upon reading this material you feel that we were not acting in good faith and consistent with the spirit of Jesus Christ, that we were not acting consistent with the ends of this community, than we want you to feel free to excommunicate us.

Michael Bresnahan
Christopher Cotter
Ronald P. Domingue
John Eckenrode
Mark J. Mahoney
Brian McInerny
Jim Metzger
John R. Molitor
Edward Roickle
John P. Wiltz

Addendum 1

Statement of the University Committee for Human Rights.

"The authorities of the University of Notre Dame must understand that the fundamental and political issues of our time will continually be presented on this campus so long as the University recruits students and employs personnel who take the ideals to which the University is dedicated. The events of the last twenty-four hours presents these fundamental issues in an inescapable way. Accordingly, we would like to make the following points:

- 1) We deplore this university's subservience to the political and economic system represented by the Dow Chemical Corporation and the Central Intelligence Agency. We Content that this subservience is the central point at issue in the demonstrations.
- 2) The Administration have refused to consider the impropriety of allowing organizations engaged in the sale and export of death and repression to recruit Notre Dame student- with the complete cooperation of the University. They have ignored a Student Senate resolution on the subject of open recruitment, thereby subverting the "proper channels" and calling into question the value of "non-disruptive" procedures when a substantive political and economic issue is at stake. Consequently, they have forced undergraduates and faculty members into direct action to prevent this abuse of a self-proclaimed "Christian" university. Neither an injunction nor the summoning of police nor other forms of repressive action can obscure the moral and political issues involved.
- 3) We therefore call upon the President of the University to end university sponsored recruitment, to quash all civil and university proceedings against participant demonstrations, and to begin the reform of the University to oppose rather than to serve the outrages perpetrated by our society at home and abroad.

In support on these points and to manifest our continuing concern for the principles they involve, we, the undersigned members of the faculty of the University committee, hereby form a permanent organization, the University Committee for Human Rights. We invite other members of the Notre Dame community to join with us in defending and advancing this continuing concern."

Endgame

Father Hesburgh's letter of February, 1969, promulgating the fifteen-minute rule on disruptive demonstrations, dealt solely with the *form* of dissent: the definition of disruption and the response that the University would give. University policy leaves no room for moral consideration of the *cause* for dissent. Dealing solely in these terms, terms chosen by the University administration, the penalties incurred by the Dow-CIA demonstrators are questionable. Father Riehle's judicial implementation of the rule reinforces this doubt.

With five students suspended and five expelled on November 18, the Student Life Council acquiesced to Hesburgh's letter and established a court of appeals that would hear the case from a "guilty-until-proven-innocent" stance. The Tripartite Board of Appeals convened on December 12 and heard a detailed presentation by the ten students, a presentation defending only the principles of their actions. Under the judicial system dictated by the fifteen-minute rule, the Dean of Students, who had served as accuser of the students, felt no responsibility and was in no way compelled to prove the truth of his accusations. Fr. Riehle simply indicated the methods used to determine that five students should be expelled and five suspended. No evidence was presented to ascertain the legitimacy of his identifications, and, as the Board later reported, "there can be reasonable doubt as to the identity of the expelled students because, according to the testimony of the Dean of Students, identification at this point was made on the basis of his recollection." No guilt was proven at the hearing; no evidence was presented; in the system of justice constructed by the fifteen-minute regulation, none had to be.

The hearing of the Board of Appeals began with the presupposition that ten students had violated Hesburgh's law; the students were obliged to prove their innocence, the administration need only assert guilt. Three days later, the response of the Board went to the multiroled Fr. Riehle who then determined a final judgment and decreed a punishment. Unanimously, the Board members had attempted to "make human — not necessarily legalistic — judgments."

The Board spent the largest single portion of its statement acknowledging the challenge that the students had made to the University's morality. Notre

Dame has continuously avoided confronting these accusations in any manner more significant than rhetoric. "The accused students have provided this community with a conscience-challenging document that could be the basis of productive discussion toward defining . . . what those of us in this community mean by 'academic community' and 'Christian community'!"

The Board asserted that "There can be no doubt that the rules laid down in Father Hesburgh's letter were violated, that the normal activities of the University were disrupted, that the rights of others were violated."

Its recommendation asked "that the punishments be reduced . . . and that all ten punishments be the same." The reasons for its decision recognized that the University "appears not to have taken steps to avoid this confrontation." The presentation concluded, "In this case we feel that the punishments do not fit the crime."

The leveling of punishment by Fr. Riehle ignored the pleas that the issues larger than the letter of the law for once determine action in the academic community. The letter informing the ten of their fate, reduced the Board's document to an assertion of disobedience. Father Riehle sees suspension as the "minimum meaningful level" of response. The phrase itself echoes the claims of the demonstrators that their disruption had, in the face of the University's refusal to confront the moral issue, become the minimum meaningful demonstration. Finally Fr. Riehle recognized no necessity to comply with the Board's recommendations; for half of the defendants, the punishment was an affirmation of the original decision.

The last attempt to shake the obsession with form that had dictated all University action on the case came in an appeal to Father Hesburgh, to which the President responded, ". . . I consider this particular matter closed."

We deplore the success of the bureaucracy in burying substantial questions beneath ill-formed legalism, and we deplore the callousness of Father Riehle in perverting the recommendations of the Board of Appeals. Only the repeal of the suspensions and the recognition of the moral issues involved can eliminate the injustices already done.

perspectives

charles mccarthy

faith & violence: the ten

The SCHOLASTIC has asked me to comment on the "Notre Dame Ten—Dow-CIA" event. Specifically the editor has requested me to comment on the implications and possible repercussions of the University's response to the ten students. The following three statements should serve to identify the event and to capture the seriousness of the problem it raises.

The first statement is the letter sent by Theodore Hesburgh to each of the ten students who appealed to him after the Dean of Students' final decision.

Dear (Student's Name):

According to last year's judicial code which you chose for your appeal, there is no appeal to the President provided. However, I assume that anyone can appeal to me at any time.

Your action took place November 18, 1969. You were officially suspended by the Dean of Students on December 16, 1969. I heard nothing from you until today, January 8, 1970.

I have reviewed totally all the events, procedures and written rationales, and am convinced that the decision rendered in your case was just, and I uphold it.

I am generally open to discussion with any student or group of students, when not prevented by previous commitments. However, in view of the above decision, I consider this particular matter closed. I did discuss the matter in general and in particular with Mark Mahoney who delivered your letter.

Very sincerely yours,

*(Rev.) Theodore M. Hesburgh, C.S.C.
President*

This second statement is an excerpt from Thomas Merton's *Faith and Violence* which was distributed on the second day of the Notre Dame - Dow - CIA event.

The problem today is not to lose sight of the real problem of violence, which is not an individual with a revolver but is death and genocide as big business. The big business of death is seen as "innocent" because it involves a long chain of indi-

viduals each of whom can feel himself absolved from responsibility because he has been efficient in doing his little job in the massive operation. . . .

For the company and for the employees of the company which make flame-throwers for Vietnam, North Vietnamese are not people — they are things or just numbers. The company and the employees can forget the reality of what they are doing. Let us be honest. The real crimes of the Vietnam war are committed not at the front (perhaps no crimes can be committed once one is in such an inhuman situation), but are committed in war offices and ministries of "defense" around the world where no one ever sees the horrors of war — where no one ever has to see any blood. Modern technological mass murder is not directly visible like individual murder. It is abstract, corporate, businesslike, cool, and free of guilt-feeling. It is this polite, massively organized white-collar, well-oiled murder machine that presents us with the real problem of violence in the world today and not the violence of a few desperate people in the slums. It is absolutely necessary that we stop blessing and canonizing this "pure" violence of corporately organized murder simply because it is respectable, efficient, clean and profitable. Murder is not to be passively permitted — it is to be prevented — it is to be RESISTED — especially when it becomes MASS MURDER.



The final statement is an excerpt from the "defense" which the ten students made to the Appeals Board, Dean of Students and President.

Father Hesburgh, in your letter of February 17, 1969, you quote in the most favorable context another unnamed university president who said, "Who wants to dialogue when they are going for the jugular vein?" Pages of exegesis would barely suffice to untangle the explicit and implicit jungle mythology of such an attitude. The statement does not become any less dreadful when adopted by the president of a Christian university. (It was originally made by the president of a secular university.) That it smacks of something other than the spirit of Christ crucified and the spirit of the early Christian martyrs almost need not be said. That it is the product of a moral system that has been devised as if the Incarnation had not occurred needs most emphatically to be said. That it cannot be adopted by a Christian or by a Christian university also needs to be emphatically proclaimed. The spirit of your letter is the spirit of the above-quoted statement. We call upon you as a fellow Christian and as President of our University to disclaim that statement and to disclaim that spirit.

If there was ever a sign to show a Christian that his stance is inconsistent with Christianity, it was the "total" public acceptance of your letter. Public morality is not Christian. Public ethic as well as the ethics of your letter are the ethics of survival. The supreme good of the University of Notre Dame as stated in your letter is that it continue to exist. This means that no other goods can be maintained if the "good" of survival is threatened. There is no moral action in Christian life except the act of Christian love, and there is a direct antithesis between Christian love and the ethics of survival or self maintenance. There is an antithesis between the ethics of survival and the Sermon on the Mount. The rational ethic of survival does not walk two miles when forced to walk one; it does not give the tunic when the mantle is taken. Love, not law is the basis of the constitution of the Christian community; if love fails, law is no substitute. Christian love fails only when I refuse to love. Laws governing individual conduct as composed by the president of a corporation and approved by the Board of Trustees of a corporation are something which a Christian community can totally do without. In fact, this "fly by night" law-making of a few is totally inconsistent not only with the ends of a Christian community but also with the end of a highly intelligent university community.

There is almost an abyss between the statements of Tom Merton and the ten students, and the statement of Ted Hesburgh. All imply ethical stances or moral codes. Each calls itself Christian. But the "incarnating" of the spirit of Ted's statement precludes the living of the spirit of Tom Merton's and of the student's statement — at least as far as the event under discussion is concerned. Beyond this, it is now a matter of fact, that the

Christianity of the "Notre Dame Ten" has no place at Notre Dame. It is also a matter of fact that Dow and CIA have been found morally acceptable organizations and therefore do have a place at Notre Dame. For me then, the implications of the University of Notre Dame's response to the ten students are that Notre Dame is dangerously near a counterfeit of the Gospels and an act of hypocrisy and that it is bearing witness to the Catholic people of the world in general and the Catholic people of the United States in particular in a way that is perilously close to scandal. "Notre Dame" should not forget that one is enabled to live as a Christian by his incorporation in Christ. And what this means "Notre Dame" is that each of us achieves his personal destiny in and with the rest of the Church; members have it within their power to assist other members or they have it within their power to make it difficult for other members to achieve their salvation. Bearing false witness, proclaiming a false gospel by word and deed to a country and to a world that desperately need the "good news" is satanic.

If the implications of the "Notre Dame Ten—Dow—CIA" event are severe, the possible repercussions could be as disastrous as fighting terminal cancer by going to sex flicks. But I personally think that the repercussions are going to be good — very good, because I think Ted is going to reverse himself and suspend the suspensions and return the boys' tuition for the missed semester. He is not going to reverse himself because he cannot enforce the "15-minute rule." He is going to reverse himself because he is going to know that what Dow, CIA and the "fifteen-minute rule" are symbolic of is totally inconsistent with Christianity and any destiny that Notre Dame might find meaningful to pursue. He is going to reverse himself because he is going to know that for Notre Dame to fulfill its destiny "diakonia" and not "domination" must be the key word governing the use of authority. Ted is going to reverse himself because he is going to know that it is very important that he lighten the burden he placed on those ten students by taking that burden on himself. Ted is going to reverse himself because he is going to know that only by disclaiming Dow, CIA and the 15-minute rule can he be the sacrament that he is meant to be. Ted is going to reverse himself because he is going to know that students, alumni, administrators, and we, the faculty, need his proclamation to assist us to our destinies. Finally, Ted is going to reverse himself because he knows that Jesus Christ and not S. I. Hyakawa, nor Kingmen Brewster is the "significant other" for him. And once Notre Dame reverses its stance in the world the repercussions will be miraculous.

Mr. Charles McCarthy, Director of the Program for the Study of Nonviolence and Professor of the Collegiate Seminar, received his B.A. from Notre Dame in 1962, Mr. McCarthy has also earned a law degree from Boston College, an M.A.T. in English education and an M.A. in Theology, both from Notre Dame. He is a member of the Massachusetts Bar Association on their request and assisted the ten students charged with disruption in the preparation of their defenses.

STATE OF INDIANA)
)
ST. JOSEPH COUNTY)

IN THE ST. JOSEPH SUPERIOR COURT

SS:

1970 TERM

THE UNIVERSITY OF NOTRE DAME DU LAC)

VS)

CAUSE NO. E-2721

FRED DEDRICK)
RICHARD LIBOWITZ)
TIMOTHY MAC CARRY)
BRIAN MC INERNY)
SISTER JEAN MALONE, individually and)
as representatives of all others)
acting in consort or associated)
with them)

TEMPORARY INJUNCTION

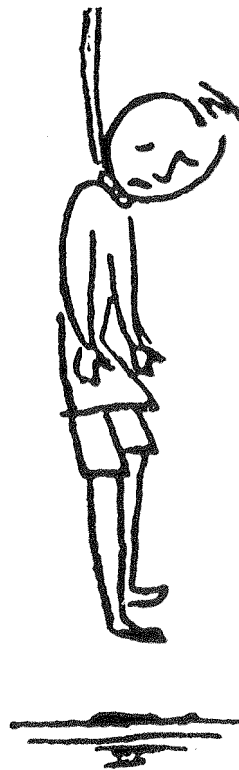
The court now in consideration of the foregoing Findings of Facts now orders as follows:

That the defendants, Fred Dedrck and Brian McInerny and the class which they represent and all persons acting in concert with them and all other persons receiving notice of this injunction whether acting individually or in concert be and they are hereby restrained and enjoined until further order of this Court from congregating and assembling in the Placement Office in the Administration Building on the campus of the University of Notre Dame or in any area near or adjacent thereto or in any corridor, stairway or area where entrance is permitted to the campus in such a number as to disrupt or interfere with the normal functions conducted by the Placement Office, and they are further restrained and enjoined from blocking, hindering, impeding or interfering with ingress to or egress from said Placement Office or areas adjacent thereto, and from interfering with the faculty, administrators, students, employees or other guests of the plaintiff in said Placement Office or areas adjacent thereto.

Signed this 22nd day of January, 1970.

Norman [Signature]

Playing Hangman



On Tuesday and Wednesday of next week, Dow Chemical and Honeywell, among others, are scheduled to interview prospective employees. It has been three months to the day since the exuberant activities of the last visit by Dow and the CIA transpired on November 18, but little has been done to make straight the way. In fact, the only step which even indirectly treats the causes of the obstructive demonstration, a report on the Placement Bureau by a joint committee of the Student Life Council and the Faculty Senate, was undertaken a month before the disruption.

The recommendations of the joint committee were accepted for the most part by the SLC Monday night, for what they were worth. Among these accepted were: that the Bureau be retained as a valuable service to students, that an area approximate to the Bureau be provided for dissemination of literature concerning interviewing companies

and that the Bureau prepare a brochure explaining its procedures and policies. It also crushed a recommendation to charge a \$50 to \$75 fee for use of the facility by companies.

The most significant recommendation endorsed by the Council denied the CIA use of the facility because of its "stated policy . . . not to engage in discussion in any kind of form, even for the sake of defending its actions and operations."

What preventive measures have been taken in the event of a similar demonstration next week have been in a probable refinement of the judicial code and the threat of the invocation of a temporary court injunction, which could sentence disrupters to three months in jail. In this two-part article the SCHOLASTIC examines the campus and civil court proceedings of the last CIA-Dow incident and their implications for future Placement Bureau controversies.

I. Building the Gallows

THE usual confusing mish-mash of charges, counter-charges and bungled investigative and judicial proceedings which have become the hallmark of campus crises is the fit subject of black humor — of a perverse chuckle. Although ROTC administrators would deny it, the sit-in on the field of the ROTC Presidential Review in the spring of 1968 caused its cancellation the following year. The infamous though not indecent Pornography Conference of a year ago resulted in a magnificent 140-page plus report whose very existence

seems to have been forgotten and its recommendations largely ignored. But last November's CIA-Dow disruption and its subsequent judicial juking are worthy of a healthy bellylaugh.

How is it that at least two of the ten suspended and expelled students were innocent, yet their suspensions upheld? Or that the person who was charged with the final decision on the suspensions was the very one who summarily invoked them? Or that "the rule combines in the over-burdened person of a single adminis-

trator the function of police officer, prosecutor, judge, jury and academic firing squad," in the words of the defense statement of the ten?

The answer, in part, lies with the judicial code itself. Following the disruption the Student Life Council discovered that the judicial code it had approved had not yet been passed on by Father Hesburgh. Consequently it decided to give the ten the choice of appeal under the old code which was technically in effect at the time, or the temporarily approved new code. A battle ensued in the SLC however over the procedure of the new code. The new code designated use of the six-man tripartite University Court in the situation. Although the burden of proof supposedly still lay with the Dean of Students, the court would in effect be an appeals court, thus necessitating a 5-1 decision in favor of the ten to overturn the summary suspensions. The council succeeded in reducing the ballots needed-to-overturn to four, a majority, meaning a tie vote would uphold Fr. Riehle.

SURPRISINGLY the ten students chose to be tried by the old code, although they knew the three-man appeals board of that judicial system could only offer recommendations for disposition of the case directly back to Fr. Riehle. Fr. Riehle commented, "I told them if they chose the three-man court it could only give recommendations back to me. I wanted to get off the hot seat."

Mark Mahoney, one of the ten, explained his view, "Riehle walked in with six people, four law students and two law professors. When we asked for a continuance, they said they had law exams. It was sort of a moot court atmosphere, for them very much of a game — a legal question — and for us a moral question. Although Foschio [chairman of the court] said all the evidence would be considered, it didn't appear we could get away from the legal aspects. We wanted a moral decision and what we got was a legal one and so it didn't really matter in the end."

The new code states: "The Court shall determine whether the conditions established by the President's Letter were met in ordering the suspension or expulsion." Riehle concurred, "I think the six-man board probably would not have allowed them to read their statement, though I'm just guessing, because only the facts were to be reviewed."

The greatest danger of the code was realized when the ten refused to defend themselves at the hearing on the basis of the facts of the disruption. Since their summary suspensions and expulsions made them guilty from the outset, the court had little choice. The recommendations of the appeals board were sympathetic to the defense statement of the students. It laid part of the blame on the University. "The administration of the University appears not to have taken steps to avoid this confrontation." It also admitted that it was "unable at the hearing to deal with the problem of whether or not individual students among the ten were justly accused."

NEITHER Mahoney nor Charles McCarthy, chairman of the Nonviolent Program who assisted the ten

in their defense, blame Riehle for their suspensions. McCarthy said, "Riehle is not responsible for the court's decision. Those are upper echelon decisions. Those are Faccenda's, Hesburgh's and Joyce's, not Jim's."

It appears that the new judicial code will be repaired. SLC chairman James Massey has made several recommendations to the council to insure smoother proceedings. Summary actions by the Dean of Students will require a trial which will be a first hearing and not an appeals board; the Dean of Students will be required to show cause for his summary action and it will require a majority of the court to uphold his decisions.

But even a judicial code working with buttery-smooth efficiency will not be equipped to resolve the questions of a disruption similar to that of Dow-CIA. Both McCarthy and Mahoney believe that the existence of the judicial code and the 15-minute policy are antithetical to the concept of a Christian university.

McCarthy said, "I think that the kind of thing the judicial code embodies, might makes right, can be shown in no better example than in the 15-page statement on which the ten based their whole semester. The administration didn't see fit to answer any of their points."

MAHONEY sees the Christian community as placing a burden of responsibility on all its members to uphold its ideals. "The judicial code is really inconsistent with the idea of Christianity. It recognizes the right to protest to a certain point, but it doesn't give the responsibility to the administration to understand protest and bare some of the suffering for what went on — to face the main issues. The roots of this problem have been around for a long time. The whole ideal of the university had been violated long before that doorway was blocked."

"The concept of rational persuasion is sacrosanct around here but you can't use it under the present structures. Hesburgh told me that if 50% of the students wanted to get rid of the rule, he would. But that's not rational persuasion, that's coercion. The statement of the ten was disregarded because it was made by only ten people, but isn't that rational persuasion? The only rational persuasion at Notre Dame is going through Hesburgh and that is authoritarianism and paternalism."

At last Friday's University Forum Hesburgh said that if fifty per cent of the students desired the elimination of the Placement Bureau, it could be done. This, too, misses the point of the disruption. It is not the existence of the Placement Bureau that the demonstrators are questioning, but the lack of self-realization of the University. The deepest values of the University and of the judicial code "seem to be the status quo and the maintenance of the university," according to Mahoney.

McCarthy is confident that the University can find better ways to solve the problem of disruption. "We've got the people and the equipment to find a better way to settle conflict. There aren't mean, hateful, vicious people here. The adversary court system form of resolving conflict is absolutely detrimental to the ends

of Notre Dame as a Christian university and community”

DOW is scheduled to return to interview next Tuesday and Wednesday and in the three months since November 18, no steps have been taken outside of the statement by the ten to treat the root problems of the disruption. The SLC has conducted an investigation of the Placement Bureau to be sure, but not an investigation of the ideals of the university. The judicial code, coupled with the injunction, will be able to hum along sweetly, handling the surface crisis, the eruptions caused by deeper wrongs. Meanwhile the injustices

perpetuated by a malfunctioning judicial code and by an inability or a refusal to understand beyond surface appearances leave the ten missing \$1500 tuition and a semester's worth of study.

McCarthy diagnosed the proceedings of the past few months. “It's just a situation of people who have power over other people; of inflicting suffering or the threat of inflicting suffering. And that's not what a university is about. That just means you're inflicting suffering, not that you're right.”

Tim O'Meilia

II. Writing the Warrant

FOUR Notre Dame seniors awoke to the pounding of St. Joseph County sheriffs, at 6 a.m. on Tuesday, November 18, 1969. The marshals of St. Joseph County Superior Court served notice of a restraining order, issued at the University's request, against the Dow-CIA demonstration. At the same time came notice that the University was seeking an injunction to *permanently block* all future Placement Bureau demonstrations. Father Riehle had arbitrarily selected four students as “leaders” of the protest and thus forced those students—Fred Dedrick, Timothy MacCarry, Brian McInerney, and Richard Libowitz—to serve publicly as “representatives of a class” of all future demonstrators.

A restraining order providing protection from a temporary threat to real property or persons is good only for a brief, stated period, the period until a hearing on a temporary injunction can be held. Similarly, a temporary injunction is valid only until a hearing can be held for a permanent injunction. Three months and sixteen hours of court hearings after that Tuesday morning, the temporary injunction was granted.

Attaining the injunction required of the University the use of their corporate lawyer (and corporate lawyers do not come cheap) and the posting of a \$5,000 bond. The four students, arbitrarily selected by the Dean of Students, (two of whom were removed by the court as unjustly named) have incurred several hundred dollars in court costs. The legal document in question is not a masterpiece—it is fairly ambiguous in what it prohibits, although rumors that it prohibits all walking by students in the administration building are slightly exaggerated. The document means this precisely: at the request of the University administration, a demonstrator called “disruptive” can now be cited for contempt of court. For this, he could face a 3-month jail sentence and/or up to a \$500 fine.

The court costs aside, even the ambiguity of the legal document aside, the transfer of the conflict from campus to civil judiciary raises serious questions about how the University is autonomous and who in it publicly represents that autonomy to those outside the University. It also makes public the problem of how the University should react to dissent and makes that prob-

lem public in a way that is embarrassing to anyone who still believes that this is a Christian community.

THE reality of what the “university” is under American law emerges when a university dissolves its separation from society as an academic institution and goes into court. The rhetorical illusions of scholarly or Christian community disappear and leave a legally recognized business corporation. The business just happens to be dissemination of knowledge. This is an unfortunate situation unique to American law, and while it is certainly advantageous in some respects, it comes as a rather uncomfortable realization. A corporation is what students have to deal with when the corporation officials (the Administration), the only element of the community with any legal position, places its problems under the jurisdiction of a civil court.

In Anglo-American law, court injunctions and consequent contempt of court charges are narrowly legalistic matters. In this case, the injunction was adjudicated on the University's contention that it faces irreparable harm from future demonstrations unless the court restrains the source of this danger, the University's students. The court of equity (or the civil court) creates, in an injunction, a new, specific set of rules; prior to the injunction, the University could not have taken the matter of a demonstration to court, but with the injunction in hand it is now able to do so. The case of the demonstrators here is similar to that of striking laborers in the early days of labor union development: the employers could point to no law which the workers were violating in the strike, but they were able to convince the court that they would suffer real damage, so the court granted an injunction against the strike.

PHILIP Faccenda, lawyer and Special Assistant to Father Hesburgh, explains the purpose of the injunction in this way: the conflict is resolved by reverting to the state of affairs that existed before the conflict developed, specifically, by keeping the opposing forces apart. “And

I don't view the Administration as one of these forces in this situation. Rather, there are the students who want the Placement Bureau open and there are those who want it closed. Not in every situation is the University neutral, but in this one it is."

The decision to seek an injunction against demonstrators at the Placement Bureau came after consultation among administrative officials, Mr. Faccenda explained. It was Fr. Riehle who, as Dean of Students, proceeded to obtain the court order. From the administration's point of view, an injunction is only "one of several tools available in the attempt to peacefully solve difficulties." The editorial in the *South Bend Tribune* suggested the injunction added "another weapon to the arsenal" of the University in dealing with campus disruption. Faccenda further insists that the pursuit of court protection in this case does not represent any policy decision affecting campus locations other than the Placement Bureau: "each case must be evaluated at the time."

The University has two options in taking some legal action against demonstrators: it can either charge them with trespass or use an injunction. It is following the latter course hopefully to prevent the kind of inflammatory situation that developed last winter during the Pornography Conference. If students were charged with trespass and police called in, the police would be obliged first to ask them to leave and if they refused, to remove them by force. With the injunction, now in force, the University can rather petition the court that issued the injunction to further issue contempt citations against demonstrators. The citation would be served by the police, this would be their only action. It would require the person to whom it is given to appear in court, but it does not directly require police action.

Using the injunction benefits the University in two ways: the threat of initiating a petition for contempt citations will probably be enough to halt any demonstration, and if it is not, the demonstrators find themselves in criminal court, not in the campus judiciary. It is interesting to note that, in all likelihood, the University will probably not use the second advantage in the way that one would expect: demonstrators will not only find themselves being publicly indicted for serious penalties, but they will also be liable to trial on campus.

AMERICAN universities have turned to injunctions with the hope that the forced confrontation with civil authority would be frustrating and therefore discouraging to people who are, after all, interested in arousing discussion and action within the University. This would supposedly force the dissenters to seek avenues other than demonstrations. Notre Dame points to the University Forum, the SLC, and similar bodies. Yet the bill passed last year by the Student Senate in reaction to a previous Dow-CIA demonstration, a bill providing for discussion between demonstrators and corporate representatives, was ignored because, as Faccenda explained, "the Student Senate has no legislative power."

THE legal approach of the four defendants was based on the fact that the outcome of their hearings will affect

members of the community beyond themselves. Although purely political explanations of the Dow-CIA action were allowed in court (as similarly political ones are not in the Conspiracy Trial), the emphasis of the defense proceedings fell on the attempt to disprove the assertion that the four student leaders had acted in concert and that the University faced imminent danger of disruption when Dow and CIA returned for interviews in February. Judge Kopec granted the injunction on the narrow grounds of possible future disruption, which he found "explicitly admitted" in the statements by Fred Detrick and Brian McInerney that they could only assure the court that there were no plans formulated at that time for further action. The preservation of unregulated conscience, coupled with continued disagreement with Dow and CIA, left the possibility of disruption open.

Paul Kusbach, the defense lawyer, also tried to illustrate the administration's prior knowledge that the demonstration would take place; he pointed to the administration's refusal to convene a conference between the interviewers and protesters as provided for in the Senate Bill passed last spring. Thus, an attempt was made to prove that the University could have prevented confrontation. The court concluded, however, that the factions opposing recruitment faced a wider spectrum of choice: therefore, it granted the requested protection to the University Administration.

FROM this intricate tangle of legality and legal prose, a portrait of the affair emerges that falls in the familiar area of inscrutability. Applying strictly legal considerations, the case of the University appears legally solid: myopic but solid. The outcome of the courtroom drama itself led the defendants to guess that they had been victorious: an obvious miscarriage of justice occurred in naming Libowitz, Detrick and MacCarry as leaders of disruption when they had not at any time blocked the door.

Further, the status of the placement service as an essential part of the University remains in question despite the fact that the corporate power (the Administration) claims it is so: Hesburgh and Faccenda have echoed each other in stating that it exists only "because the students want it." The process that determined this truth remains obscure.

Also, it is possible that the court unavoidably mirrored the mood of the nation and of South Bend, a mood generally defensive and even reactionary on the issue of campus unrest. This mood, it might be speculated, broadened the dimensions of considerations in adjudicating the case. From this standpoint, the political views of Judge Kopec himself were on trial before the eyes of the South Bend community. Because the University took the matter out of its own community, the question was subject to influences from the South Bend community.

THE impact of the injunction upon the campus itself remains to be seen. The Administration views it as a neutral tool they have secured to prevent further trouble. The ambiguity of the injunction itself leaves

wide range for speculation on its stringency. Neither the court nor the Administration claims to forbid the right, guaranteed by the Bill of Rights, to peaceful demonstration. But what tactics other than blatant blocking of doors constitutes interference with the business of the administration building? What "number" of persons gathered in one spot constitutes disruption? Does protest activity in other areas of the same building violate the injunction?

The fault of the proceeding goes beyond these questions of ambiguity; Fred Dedrick articulated the most basic aspect of that fault: "The harm has already been done because the University has decided to pit its corporate strength against four students . . . three of whom engaged in no greater threat to the order of the University than the simple exercise of free speech activities."

THE use of injunction to deal with campus unrest has appeared only in the last decade. Yet the history of the use of this option repeatedly includes cases of disruption beside which the Notre Dame case appears meager and, even ridiculous. Columbia University, for example, sought injunction to stop repeated take-over of buildings alleging "imminent danger of severe bodily injury to students and other persons on the campus, substantial destruction of plaintiff's property and the likelihood that other buildings may be occupied. . . ." The University of Wisconsin sought court protection from extensive occupation of buildings only after "the director of the Office of Student Organizations' Advisors contacted one or more of the defendants and offered cooperation, guidance and assistance in explaining and communicating to the protest's leaders. . . ." Placed beside the efforts of these last-resort petitions, the Notre Dame injunction indicates an overly heavy-handed and suppressive response from University authority to the prevalent mood of student concern and activism.

Paul Kusbach reflected that "an injunction improvi-

dently granted could be worse than no injunction." The import of this possibility is an escape from any pressure to face the issues brought up in protest. The injunction and similar measures afford the authority of the University this possibility. Further, the increase in factionalism resulting from the Administration's transfer of community affairs into the civil courts compounds the struggle to increase communication within the community. Phil McKenna, Student Body President, assessed the Administration's actions as a "refusal to recognize the essentially necessary elements of trust. The Administration itself has resorted to force, that which it speaks against, to stop overt disagreement." Dedrick added to that assessment, saying that court action "removed a large part of the controversy from the community and put it in a courtroom where the elements of the University became opponents rather than fellow-participants in a community struggle." Regardless of the possible violation of the injunction and the complex string of events that will follow, the University has magnified communal strife to the level of the civil court.

THE Massachusetts Institute of Technology recently abandoned its injunction proceedings. Allegedly, a blue ribbon committee of the M.I.T. Faculty Senate censured the invocation of such self-protective measures as a serious failure of imagination. The committee reportedly asserted that it was wrong to pretend after a decade of student activism that symbolic protest carried a threat to life and property. The right to injunction is established in American law to prevent just this threat. The crisis of protest, except for violent conflict, is not of the magnitude to which the "drastic" weapon of injunction should restrict itself.

Carolyn Gatz



We

Willis Nutting

I am suspicious of the tendency to extend very far one explanation of why men act as they do. A person devises a theory to explain certain facts. If the theory seems satisfactory he then extends it to explain other facts. If it seems to be successful there, other people take hold of it and extend it still farther. Then it becomes fashionable to try to explain everything by it. Only gradually do the limits of this fashionable theory come to be discovered.

We are right now in the midst of the fashion of trying to explain all men's actions in terms of sexuality, and so we want to explain men's violence in these terms too. I myself find it rather hard to see any correlation between a pattern of man's sexual situation and man's violence or lack of it. There are times and places where men have lived in comparative peace, and times and places where they have lived in comparative violence, but I don't see that a change in sexual situation precedes the change from peace to violence, or vice versa.

If we take the special case of violence on college campuses, which is much in our minds just now, we find this lack of correlation of patterns. Whether the college is co-ed, or all male or all female, the same radical discontent seems to be present, and the same tendency of all parties to use some form of coercion to deal with it. And if we look back we see that the same sexual pattern once existed without the radical discontent and the consequent coercion.

In colleges of the Catholic tradition it is fashionable now to explain our troubles as due to the control of the institution by celibate priests or sisters whose abnormal sex life has led to all sorts of complications of their personalities. But here again we must remember that these same celibate people were in control of our Catholic colleges when there was comparatively little trouble. And also, we see the same trouble, or worse, in institutions where celibacy plays no part. And so, to repeat, I see no correlation between the present situation of potential violence and the sexual pattern of students, teachers or administrators.

But although I am not enthusiastic about a sexual explanation of our troubles, the troubles exist, and we seek some explanation to enable us to understand the *why*.

I suggest, as at least a part of the "why," that Notre Dame, and the rest of the American universities, have never been real communities in which every one of the members of the institution could refer to the institution as *we*. There might be a superficial unity brought about, say, by an enthusiasm for football, but in the deeper matter of teaching and learning there was always *we* and *they*. At Notre Dame there was the president, who had "full and final authority in all matters pertaining to the

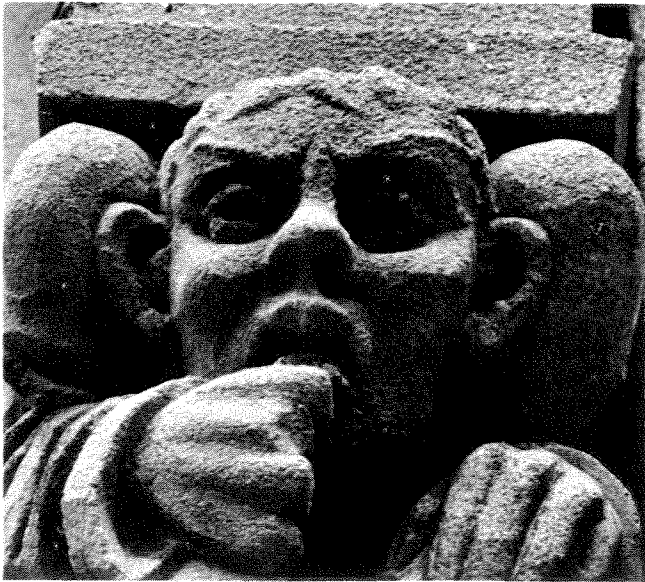
university." He was aided by subordinate administrators. I don't know how far these lesser administrators thought of the administration as *we*, or how far they considered themselves as corporate members of this administration. But I know that they considered the teachers as *they*, people who could be employed or dismissed at will. The teachers had a certain sense of *we*, a sense which was fortified by no possibility of corporate action. And they definitely regarded the administration only as *they*, a group of men with arbitrary authority which was impervious to argument or persuasion, and which had little sense of the problems of the lay teachers.

The students were *they* to both administrators and teachers. They were the difficult ones who had to be regulated by stiffly enforced rule. Their opinions were of little account. They were the obdurate material which the teachers tried to fashion according to forms existing in their (the teachers') minds. They were often the enemy who were out to deceive the teachers and who had to be circumvented at all costs. That there might be wisdom lurking in the student body was an idea too absurd to be considered. The students might have had a weak awareness of *we*, but their earlier education, strengthened by what happened at Notre Dame, tended to discourage them from thinking that they had any wisdom or strength in themselves.

This condition, apparently existing at Notre Dame from its beginning, came to be duplicated in our secular universities as the presidents constantly gained more power throughout the nineteenth century. Each of the three elements in the university—students, faculty and administration—could perhaps think of itself as some kind of community, but each element could only think of the other two elements as *they*, people of whom you had to be suspicious, and who were a different breed of animals from yourselves. There were smoldering resentments at the *they*, but almost no violence, or even thought of it. But there was potential violence, for each of the elements in the situation had come pretty much to the conclusion that the only way anything could be gained from either of the other elements was by some kind of arm-twisting. No one believed that much could be accomplished by serious and respectful discussion. There was little respect to be respectful with.

This was the situation when the country-wide, and even world-wide dissent of youth appeared among us. Demonstration, confrontation, calling in the police, issu-





ing of injunctions, wholesale rejection of old structures, denunciation of the morality of the other party—all this formed a wonderful environment for planned violence and the violence born of hysteria. “Down with *them*” was the easiest thought-of solution. The administration was the *they* that represented the establishment and had to be destroyed. The students were the *they* who blocked doorways, entered buildings to destroy records, burned down halls and mobbed deans. They had to be reduced to law and order, by the civil power if necessary. The faculty were the *they* who felt a certain amount of glee at seeing the administration shoved around, but also a certain amount of trepidation at seeing so many applecarts upset. In the crisis their ultimate sympathy was divided between the two contending groups, but not many of them became really identified with either. Neither did they make any effective attempt to bring the two camps into one community where serious and respective discussion could take place.

And so we come to Notre Dame. We haven't had the violence that has been reported elsewhere—the burn-baby-burn violence or the holding of a dean prisoner. But we have had some of the counter-violence. The blocking of doorways, in a very mild and symbolic way has been answered by a fifteen-minute rule with threat of expulsion and by an injunction in the civil courts. Ten people have been suspended for a semester. Two men, and all others who have done the same thing, or will do it, have been enjoined from impeding the operation of the university. I can only explain such drastic measures as something born of hysteria. Our authorities must have thought that they were dealing with burn-baby-burn people, who could only be handled by force or threat of force.

In this local confrontation of ours, small as it may be in comparison with what happened at Berkeley or Cornell or Columbia, we are definitely faced with the lack of community here at Notre Dame, with the gulf between the *we* and the *they*. And it is my serious conviction that in this situation the students showed themselves much more willing to enter into a real community of Notre Dame than did either the administration or the faculty. The students who were being punished under the fifteen-minute rule were eager to explain their position, willing to admit that they might have been wrong, but that they had done what they thought right and could do nothing else. The president of the student body

was working with dignity and with persistence to bring about mutual understanding. The student senate, I believe, had earlier asked that the moral situation might be brought out into the open, that corporations sending representatives to the campus should be questioned as to the morality of some of their undertakings, if students wanted to question them. All this, it seems to me, is evidence that there is in the student body a sincere wish to communicate with the rest of the university and to have their problems respectfully considered. The students do, of course, reflect that new awareness of themselves as men who have an interest in, and a right to help determine, the conditions under which they live. This is a fact of the situation which all parties must recognize if there is to be any realism in our dealings at all.

It seems to me that neither the administration nor the faculty (in its official organs, as distinct from certain members of the faculty) measured up to this seriousness and responsibility shown by the students. Both these elements in the university seemed to be much concerned with maintaining their own prerogatives and with regarding the students as the *they* who had to be kept in line by a show of force. There seems to have been little effort to understand particular students as individual persons. Who, for instance, who really knows the students implicated in the suspension and the injunction would believe that they wished to burn down the university? They were not known as persons. They were included in the general *they* who were dangerous and who therefore had to be disciplined in a hurry lest they destroy the place.

To me the most dismal sign of lack of community at Notre Dame was the trial scene. Here four members of the Notre Dame Family were brought into court (certainly a form of violence, however necessary it might have been thought to be.) Here the head of the Notre Dame family was absent, and represented only by two of his subordinates. And here the attorney for the Corporation of Notre Dame du Lac repeatedly objected to questions put to witnesses by the attorney for the defense on the grounds that matters of morality were not relevant to the case.

I don't want to underestimate the difficulty of establishing a community at Notre Dame, particularly on the part of those in authority. Those men, in their effort to keep the university going, are almost constantly in the company of important people in the business world. Most of the university's trustees are such people. By their constant association with them our administrators would almost inevitably develop a sense of community with them, with the establishment if you will. Into this establishment the officials of such corporations as Dow Chemical fit very well. They are a part of the *we* of Very Important People. If you eat with them and drink with them and travel with them you come to think with them, with these very important people. You come to regard their life style as normal. You find it hard really to think with these very unimportant people who persistently question the values of Dow Chemical and the rest of the establishment. They are nuisances. They are children. They are irresponsible idealists. And of course, as they get older they will get more sense. But until they do get more sense they must not be allowed to upset the applecart. They must be kept in line. Thus force! And a fatal failure to allow Notre Dame to become a community, a fatal lack of an attempt to understand.

But if Notre Dame is not a community, potential violence is there which can erupt any time.



to speak of lies

john g. hessler

The SCHOLASTIC prints the Valedictory address given by John G. Hessler last May because we feel that the speech, both in itself and in light of last spring's violent reaction to it, deserves to be read and considered by the entire University community. A Danforth Fellow, Hessler graduated *summa cum laude* in English from Notre Dame.

By way of prologue, I would like to read to you a poem which I wrote perhaps a month ago. I see in it all I could ever bring myself to say of the love, the hate, the hope, the fear, the sadness I feel over Notre Dame. It seems to me in place here. I have called it, "Leaving Notre Dame. A defiance."

the green shoots of willow bud early
water from rising streams
stands in ditches in fields of coming wheat
as in the rice paddies of the Yangtze

in ancient China
men esteemed their men friends best
They wept at partings
wrote love poems in place of letters

among our people
in this time
in this country it is forbidden
to do either

There is so little I can say, that I can say truthfully. Words are treacherous things. All over the world, in every country, in every language, in every time, words have been the instruments of murder and violence and destruction. Words kill people. Even as I stand here under this flag, even as I am speaking, people are dying at the hands of one or another of a whole series of unspoken lies for which our flag has come to stand. The whole texture of lies we call our way of life has killed thousands of people, made life less than worthless to countless more. If the words which stick in our mouths were only empty that would not be so bad. But they are tongued with poison; they are lethal. There was a time, we are told, when this flag stood for a great dream of union and peace. That dream has long gone rancid. There has since been the time of the stench of slaughtered buffaloes carried for miles on the wind across the prairie. There are even now unholy stench still in more recent fields. It does not help to weep when they play the national anthem.

I AM speaking to you of lies. It has become a commonplace to shudder at the profound wasteland of modern life. Demented visions of our waste and loss and loneliness attend us everywhere. The proliferation of urban concrete ugliness, the fouling of the environment, have become stock sources of lamentation. Violence in the streets and campuses of our land is only the same, at last, as violence in the fields and hamlets of Vietnam. Billions of dollars have been burned away in heartbreaking games of conquest. Eighty years ago we subdued the final frontiers of our continent, but we have not ceased to seek new conquests with which to stuff our hollowness. We have chased our lengthening shadows across the horizon; we have left our vain footprints on the lifeless shores of the moon. Even our vast system of superhighways, the triumph of engineering and technology, the pride of congressmen and businessmen and housewives, are only the externalization of our troubled psyche writ large. Like the fibers of our being stretched to an awful pitch, we have strung out roads across the continent and are busy racing up and down them, back and forth to nowhere. There is no more eloquent, no silenter, no sadder witness to the fruitlessness of our lives than the rusted frame, smashed glass, twisted metal of a wrecked automobile—multiplied as this vision is, endlessly, in the junkyards across the country.

I am speaking to you of lies. In Washington the play-actors of our own ignorance and incompetence gather daily, pathetically intent on maintaining our glorious dream, our way of life. Few eyes remark the gathering darkness, few voices admit our nightmare perpetrations. The very air is heavy with a rhetoric of power, the barrenness of which no one seems to recognize. Yeats might have been speaking of us when, in his poem, "The Second Coming, he said:

The best lack all conviction, while the worst
Are full of passionate intensity.

Shall we attribute our commitment to this course of world, national, and personal destruction to blindness, or to depravity? Our leaders are only fools or demagogues or scapegoats.

Unconscious almost of alternatives, we live in a moribund culture. Disgust is our familiar companion. Faced by the disjunction between those lies the culture blares at us, and by what we know even as we know

the blood which is dying in our veins, faced by this disjunction, we are seized with fear, seek escape in some absolute ordering action, whatever it may be. Some of us cultivate God, a refuge of ages, a shore against time. Others of us cling to our friends and to the possibilities of human intercourse, finding strength in the touch of their bodies. Still others are forever implementing the Revolution, moral, social, or aesthetic. Some of us find less satisfactory ordering activities even than these. Some withdraw into private drug-fed fantasy worlds. Others commit suicide. Still others of us go mad. There is little wonder really that young people in their disaffection are more inclined simply to drop out than to try to offer any creative solutions of their own. Simple refusal to participate in the placid murderousness of our age is in itself a powerful and constructive action. Some people may call this morbidness; I call it rage for the truth, unwillingness to look at things other than as they are. I cannot and will not cast a rosy haze over the past, nor will I paint rose-colored pictures of the future. To live without hope is perhaps to be a moral coward. But to live by false hope is to be a fool. I ask not for orientations, for compromises with life, for the lies by which we go on living. I ask for vision.

I AM speaking to you of lies. It is not sweet and just to die for the fatherland. We have not got to make the world safe for democracy. We have not got to insure the self-determination of the peoples of South-east Asia. We have not got to be murdering mankind in pursuit of crazy illusions. It is not sweet and just to die for anything.

I cannot send you out with the usual blessings and good wishes. I cannot tell you if you go out and make lots of money you'll be happy. I cannot tell you if you give it all away you'll be happy. It is not our lot to be happy. Everything is falling apart. We have killed too much to get where we are. We have come too far and there is no way back. I feel helpless and compromised. I can only hope that somehow, somewhere, you will find some measure of justice and humaneness in your lives. I trust in that, insanely. There is an animal hope beyond hope, and I have that in you. I only wonder, in 20 years, if we live that long, when our children ask us, even as we are asking our parents now, what we were doing while our government was carrying off this carnage, then, when none of the marching and burning and rioting and demonstrating will seem excessive or irresponsible, then, when the world is no better, when they ask us what we did to stop the murder of innocent human beings, when we think of our years at Notre Dame, and of the very little we have had the courage to do, then, when we have come to live by our own set of lies, excuses, extenuations, then, what will we say to them? I wonder, will we ask ourselves ever why we did not stop this goddamned war?

I had thought I might end by singing a song with you, but I haven't the power or the voice to do that. Instead I am going to read to you a poem. The poem is about lies. It was written over fifty years ago by an Englishman in the trenches of the First World War. His name was Wilfred Owen. Here, then, is his poem:

Bent double, like old beggars under sacks,

Knock-kneed, coughing like hags, we cursed
through sludge,
Till on the haunting flares we turned our backs,
And towards our distant rest began to trudge.
Men marched asleep. Many had lost their boots,
But limped on, blood-shod. All went lame,
all blind;

Drunk with fatigue; deaf even to the hoots
Of gas-shells dropping softly behind.

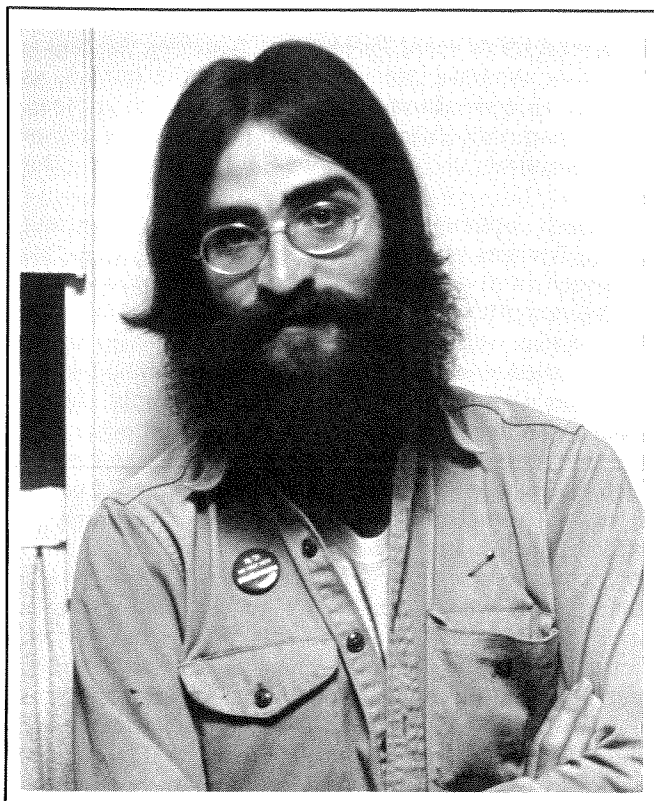
Gas! Gas! Quick, boys!—An ecstasy of fumbling,
Fitting the clumsy helmets just in time,
But someone still was yelling out and stumbling
And floundering like a man in fire or lime.—
Dim through the misty panes and thick green
light,

As under a green sea, I saw him drowning.

If in some smothering dreams, you too could pace
Behind the wagon that we flung him in,
And watch the white eyes writhing in his face,
His hanging face, like a devil's sick of sin;
If you could hear, at every jolt, the blood
Come gargling from the froth-corrupted lungs,
Bitter as the cud

Of vile, incurable sores on innocent tongues,
My friend, you would not tell with such high zest
To children ardent for some desperate glory,
The old Lie: Dulce et decorum est
Pro patria mori.

In the manuscript that poem is dated August 1917. A little over a year later Wilfred Owen was killed in those same trenches by enemy fire. A bare week after that the Armistice was signed. Wilfred Owen knew the truth. He saw the lie. But the lie was too strong. And it killed him. The people of England did not mark much his passing.



I AM PRIVILEGED TO VISIT
ONCE MORE THE GOLDEN
DOME AND FIND IT STILL AT
HOME. FOR WHICH THANK
YOU FATHER HESBURGH

Dan Berrigan

The Golden Dome, the forehead of God the Father by Phidias, wrinkles in puzzlement.

The Golden Dome, the forehead of Zeus pregnant with deities; their beatific beneficial thought.

The Golden Dome cracks like a golden egg; "the last egg I'll lay," squawks the corporate goose.

The Golden Dome furrows with perplexity, the gold leaf flakes like dandruff. A Buddha on a bad trip, "what the hell gives here? Sister Joann in miniskirt, rambunctious students speaking in tongues, old time religion a rout, pot, hunkering outside agitators, burning hunting licenses."

The Golden Dome goes straight up, a weather balloon, air force surplus. "The weather up here is bad, bad, sir." Over. "Hell on wheels up here, sir." Over. "GET US THE HELL DOWN FROM HERE, SIR." Over.

The Golden Dome, the forehead of Father Hesburgh, filled like a cornucopia with golden thoughts, thoughts of gold, dreams, dome upon dome rising, El Dorado, Zanadu, the topless towers, the Kremlin onion domes. O build us bigger and better foreheads.

The Golden Dome; outer space, inner space, the ecology of the brain, its skull, its terrain, the explorers of consciousness, the space men of spirit.

The Golden Dome of Mary Mary quite contrary. She floats there, uneasy as a Pasolini heroine on guy wires; a Macy ballon on Thanksgiving filled with supernatural helium. Uneasy; mindful of the mocking helicopter lift of Jesus by Fellini. Her thought streams out, uneasy; sky writing over South Bend, a Pepsi commercial at a State Fair; "O what next, Father Hesburgh?"

The Golden Dome, raised by the solid clerics, cut loose by the airy tribes. The Holy Cross Fathers turn over in their graves, eggs sunny side up, eggs over. The graves are a garden, alive. The grave trustees offer in tribute to Father Hesburgh, a golden domed stop-watch.

"WATCH THEM, STOP THEM, FATHER HESBURGH." Father Hesburgh, his mandate given, is invested in the Order of the Golden Dome by Holy Mother State.

The Golden Dome like a schizoid brain, flows left and right, two streams of conscience.

Right side. Yacht trips, White House parleys, lawnorder, good housekeeping, ivy league transplants, medieval grandeur, pigskin thoughts, money thoughts, Time mag, mad comics, mod clerics, clear sailing, cops coming, ground breaking, gold bricking.

Right side. rent-a-tent rent-a-tent rent-a-tent. ROTC. Think right squad right right not wrong right is might out of sight fight for right states rights oil rights mining rights rubber rights white is right.

Left side. O what a pod, a jumpin bean, a radium implant, a Jesus word, a Buddha tooth, a Zen filament, a golden bat, a radar squeak from that belfry. Small space in the golden attic for the Gospel of Saint Matthew; a crowded phone booth, in a brazen bull's belly, a hot line to the slum towns, hospitals, resisters, prisoners, victims, hoods, hipsters, gurus, Indians, potheads, freaks, sufis. An open line to the dismembered battered drained unearthed illegal remnant of the earth. Listen; "Are you with me?" Listen; "I am with you." The Golden Dome is resonant as a hive of golden bees. The golden honey pours from its spout, a wholeness, a history.

Gold gold gold, it is man, it is the burning bush at the crossroads, it is the golden bough flowering.

Gold gold gold. The golden gates open, the poor enter first, Father Hesburgh.

Gold gold gold. The rain of gold. Danae conceives, Mary conceives. O what sons the gods get, golden sons, they dance they celebrate. Jesus that long haired golden boy treads like Shadrack the durance that fuses and releases all his gold. Fuse, release, resist, gold, gold, gold, golden resisters, Father Hesburgh.

perspectives

joseph m. duffy

ROTC: a small affair

What passing-bells for those who die as cattle?

WILFRED OWEN

NEARLY a year ago I was asked by a colleague to write a statement for the Academic Council which would represent the extreme left position on ROTC—one, that is, which would altogether reject ROTC as a legitimate academic program. Such a position seemed mild to me rather than extreme—inevitable, in fact, and reasonable. Indeed the labelling of ROTC as killing school would, I thought, have rendered simple justice to the work of the military on campus. There was a tactic behind my colleague's request, however, and that was to use my statement as a radical extreme which would perhaps alarm some members of the Academic Council and therefore persuade them towards acceptance of a middle course of modified reduction of the military reserve enterprise.

In this case I was being exploited as a resident radical—universities yearning towards adequacy require their token blacks, homosexuals, poets, and radicals—but the strategy was candidly put forth by my colleague. I was agreeable to his liberal good intentions even though the outcome seemed predictable, since the time of the meeting on ROTC status was administratively calculated—it was held during the spring final examination period after the *Scholastic* and *Observer* had ceased publication and at a time when the decision could be kept from the notice of potentially dissident students.

My statement on ROTC was based on an academic argument. The position advocated withdrawal of all official recognition from ROTC courses, the denial of faculty status for ROTC personnel, and the admission of no substitute academic courses for ROTC credit. Such a decision would effectively relegate ROTC to the category of such extracurricular organizations as S.D.S. or Y.A.F. This seemed to me to represent a generous concession to the status of ROTC since its main concern is not merely peripheral to but out of the mainstream of the University; and it contributes considerably less to the intellectual, moral, cultural, ideological, social, or

physical life of the campus than any other extracurricular program. A narrowly circumscribed body of instruction and procedures directed towards a term of military service is the material of ROTC, and this instruction is given on university grounds for convenience, not because, as with other activities, it derives its basis and definition from the common experience and common interests of those living within the university environment.

I felt that from the point of view of the academic whose concerns are professional rather than moral, a more significant and much more disturbing factor than the presence of a killing school is the incongruity of academic status for ROTC. That incongruity is underlined at Notre Dame by the inexplicable attachment of ROTC to the College of Arts and Letters. But ROTC could be grafted on any acquiescent college—or on none—since its courses are taught outside the context of traditional university disciplines by men whose profession is not teaching and research, but military service. It muddles the issue to attempt to justify the ROTC staff as academic because of minimal degrees held or the course as academic because of some resemblance in content to certain university studies. The anomalous position of the military man on the university faculty is crucially conveyed by his failure or his inability to devote his full time to any recognized academic discipline. His profession is nonacademic, his department is nonacademic (his public opinions are subject to military restraint), and his teaching is wholly directed towards a nonacademic object. That nonacademic object is the structure and institution of the military itself which should neither be recognized nor served by the University as part of its official life.

THIS argument still seems mild and reasonable in a pretty stereotyped academic context. A year has gone by and the situation has not changed notably except



that fewer students are submitting to the blandishments of the military reserve organization. In the official life of the University ROTC does not appear to have undergone academic attenuation. Its program, serviced by its own personnel, is still given under the strange auspices of the College of Arts and Letters; and its command is still extended *ex officio* voting membership in the council of the College of Arts and Letters. In the world outside, the violence continues: the American military leaders, masters of the men who are hospitably received by the College of Arts and Letters, are the triggers for this country's aggression in Asia—high-level gunmen who in a more sensible order would be charged for their bloody crimes against the human race.

Since the university, whatever its delusions of significance may be, has so little real power in the life of contemporary society—it cannot manage and kill as the government can, nor exploit and deprive as business does, nor propagandize and deceive as the mass media do—it seems like straining for a very minor point to argue against the perpetuation of a killing school on this campus. Moreover, such a discussion introduces questions of value, assumes shared concern over human worth, human dignity, human justice; it even suggests the existence of moral issues and inevitably demands that moral judgements take precedence over efficiency of university operation or over the snowy dreams of order of trustees or over the rights of individuals to be recruited on campus. The problem of ROTC is a small affair in a small place, and yet its introduction is liable to be embarrassing to those who are painting the meretricious facade of the university, the public image of academic entrepreneurship—the lust of the university to be coy mistress of capitalism and masochistic hostage of government. Such discussion blemishes and therefore defeats the purpose of the advertisement; it leaves the lust sullenly frustrated. The whore disguising whoredom with mincing appeals to civility, the victim denying (but enjoying) its victimization with strutting pomp of impartial search for truth, undergoes spitefully the ordeal of exposure.

LAST year Father Hesburgh circulated his druidical regulations to the national press (and afterwards to the students and faculty) but was silent about the armed mob of police which had just previously invaded the campus; he had no word about the complacent boast of

the local district attorney that it was fortunate no one was killed during that foray at the Pornography Conference. Someone might have been *killed* over the acquisition of a film that was eventually shown for the phlegmy titillation of a thick-necked audience at police headquarters. More recently the Engineering Council, which has a history of reticence on any conceivable public issue, in a flush of literacy and self-congratulatory ardor defined the likeness of the University in tablets of law and excluded those whose proportions were mathematically unsuitable. There is in Father Hesburgh's regulations, in the recent University injunction (against everything public, one presumes, except indecency), in the engineers' quaintly fastidious edict, something very cold. Their appeal for docility is, at last, meagre, shrivelled, and forlorn; it displays a true absence of proportion, a lack of a sense of human priorities, a want, indeed, of any feeling about the complexity of life itself. The University is not a collection of intellectual gnomes marching in good-natured lock-step to a piper's tune of civility—their pale rhythms insulated against the threat of gnostic invaders. The University is—potentially—a larger, more dynamic, more imaginative place where, as elsewhere, real adversaries are contending over fundamental issues; they are engaged in creative war whose goal is paradoxically a synthesis involving a whole human society.

Not Father Hesburgh's regulations, nor the University injunction, nor the engineers' prejudices are important enough to risk arrest over. The places of real power are outside and the urgent contests will take place there. But wherever they are encountered, the attitudes that would continue to bind the suffering wit and outlandish striving of the human person are worth challenging and defeating. Here on the campus the job is to persuade the uncommitted, to meet the cunning of power with the cunning of instinct, to counter pretension with exposure and risk of embarrassment. The age of blind guardianship of the good life for a few is over, yet the custodians of the old privileges are formidable and tenacious in holding on to their authority and the successful revolution is far off. If all the Lord's people were prophets, as Moses exhorted, the institutional manacles would soon be broken and we would all now have the future we want. In the meantime there is joy in the vision but, after that, the resolve to endure and to undergo long pain. And there is, as well, the intransigence always to ask the small question in the small place. What uncouth ethical or academic assumptions allot ROTC a continued place on this campus?

Mr. Joseph Duffy, a professor in English, received his undergraduate degree from Columbia and his doctorate from the University of Chicago. He has taught at Notre Dame for the last sixteen years. Professor Duffy has recently completed a study of Charles Dickens, called Pickwick and Other Strangers.

Each week the SCHOLASTIC will make this column available to a member of the University community to explore and comment upon contemporary issues. Views expressed here do not necessarily reflect the editorial policy of the SCHOLASTIC.

MISE(RY)-EN-SCENE: REMARKS ON THE NOTRE DAME TEN
FORTY YEARS LATER

Nescire autem quid antequam natus sis acciderit id est semper esse puerum

"Not to know what happened before you were born -- is to be a child forever," wrote Cicero, just before the beginning of the Christian era.

We'll be talking tonight about things that happened before many of you were born, and our purpose is that you not be a child all your life, in spite of quite strong forces in our society that encourage just that.

We'll be talking about some people I was privileged to know when they were practically children -- on this day, forty years ago, when they decided not to be -- and suffered for it.

And we'll be talking about institutions -- government, corporate, academic, and ecclesiastical -- that caused great suffering by committing crimes and by being actively and passively complicit with them.

The Notre Dame Ten and many others called our attention to those crimes. And they continue to do so.

* * *

In order to understand the story we have to go back to the generation after the Second World War, roughly from 1945 through 1969. The United States was the only undamaged major country to emerge from that war. Russia had won the war against Germany but had been devastated in the process. The US had devastated Japan from the air, not just with atomic bombs on Hiroshima and Nagasaki, and the US had acquired what was left of the empire of our putative ally, Britain, notably in the Middle East. In the year after the end of the war, half of what the world produced was produced by the United States.

What American planners (Republican and Democrat) were thinking was set out clearly in 1948 in a secret State Department policy planning document [PPS 23 2/48]:

"We have about 50 percent of the world's wealth, but only 6.3 percent of its population.... In this situation, we cannot fail to be the object of envy and resentment. Our real task in the coming period is to devise a pattern of relationships which will permit us to maintain this position of disparity.... We need not deceive ourselves that we can afford today the luxury of altruism and world-benefaction.... We should cease to talk about vague and... unreal objectives such as human rights, the raising of the living standards, and democratization. The day is not far off when we are going to have to deal in straight power concepts. The less we are then hampered by idealistic slogans, the better."

Noam Chomsky comments, "recall that this is a Top Secret document. The idealistic slogans are, of course, to be constantly trumpeted by scholarship, the schools, the media, and the rest of the ideological system in order to pacify the domestic population." And the most idealistic slogan -- and the biggest lie -- was that the US had to oppose the dire threat of communism, emanating from the Soviet Union.

The USSR up to its collapse twenty years ago never controlled an economy even half the size of that of the US. In the years after World War II, when the US insisted that it had to defend Europe against Soviet attack -- that's what the NATO armies were supposed to be for -- the mechanized divisions in the Russian army were horse drawn. But dominant social groups in the US wanted to control the world economy that had fallen into their laps, and the Cold War was born.

The Cold War was in fact functional for both the US and the USSR because it gave them an excuse to control restless clients. When the US wanted to overthrow a recalcitrant government in Latin America, we said we were "stopping communism." When the USSR invaded Hungary in 1956 or Czechoslovakia in 1968, it was to stop the reestablishment of capitalism. But we can see now from the distance of another generation, that the dominant partner in this malign conjunction was always the United States.

"In 1955 the Communist threat was defined, very perceptively, in an extensive study of the Woodrow Wilson Foundation and the National Planning Association, *The Political Economy of American Foreign Policy*, a study that involved a representative segment of the tiny élite that largely determines foreign policy, whoever is technically in office. The primary threat of Communism is the economic transformation of the Communist powers 'in ways which reduce their willingness and ability to complement the industrial economies of the West'.

Communism, in short, reduces the 'willingness and ability' of underdeveloped countries to function in the world capitalist economy."

That was the danger in South Vietnam, when President Kennedy decided to invade it in 1962. The people of South Vietnam (where most of the war was fought) didn't have the good grace to accept the government that the US government had picked out for them (as Latin American countries were taught to do). They had the temerity to resist, and the Kennedy administration decided to make an example of them. The rest of the world -- particularly Asia -- was to be shown that no small country was allowed to develop its economy and society in ways that did not co-ordinate with the American control of the world economy. We killed four million people to demonstrate the Mafia principle that no one was allowed to run independent operations in territory that we controlled.

It was in fact hard to see the real situation through the mass of propaganda that the American government and media put forth throughout the 1960s, but the critical spirit grew throughout that decade. (That's why the Sixties have to be condemned by all sides today -- see for example Barack Obama's book.) By 1969, when the Notre Dame Ten bravely and non-violently took on the criminal complicity of the University of Notre

Dame with that war, about 70% of the public had come to regard the war as "fundamentally wrong and immoral," not "a mistake." But Notre Dame and its president chose to support the killing.

In the years after the Ten's demonstration, the US withdrew its troops from SE Asia, but it didn't lose the war. The American military had so destroyed and poisoned the land and the people that the independent development that the US had meant to forestall was indeed impossible. The US did not achieve its maximum war aims, but Vietnam and all SE Asia was forced into a subservient role in a world economy dominated by the US.

There were three things that brought the war to an end: [1] the bravery and sacrifice of the Vietnamese people's resistance to the invader;

[2] the mutiny of the American conscript army in Vietnam, which led to the withdrawal of American troops and the hasty end of the draft; and [3] the opposition of the American people, like the Notre Dame 10.

"The protest movement began largely on campus, in very scattered ways. Each effort seemed completely alone, and almost hopeless, in the face of enormous antagonism [such as that shown by the ND administration]. But students persevered, and small efforts inspired others, and finally grew to a major mass movement ... largely as a result of the impact of student protest on general consciousness. And that mass opposition compelled the business community and then the government to stop the escalation of the war."
[Noam Chomsky]

And it is by the way a myth that the draft was the principal reason for the protests. The draft was always class-based -- it caught people from the 80% of the population who were poor and working class. The 20% of the population who went to college could always manage to escape it. The student leaders of protests were not in much danger of being drafted. That's not why they protested.

Again, in the next decade, the wide-spread protests against the Reagan administration's murderous wars in Latin America -- protests that were perhaps even more broadly based than those of the 1960s -- grew up without any threat of a draft. And that itself was a result of the '60's protest. When the Reagan administration came into office in 1981, they modeled themselves on the Kennedy administration, twenty years earlier, in many ways. One was that they wanted to put US troops into Latin America, as Kennedy had put troops into SE Asia.

But the Republicans in the 1980s found that they could not invade other countries as easily as the Democrats of the 1960s. The Reagan foreign policy was driven underground, as in the vicious war against Nicaragua, directly as a result of the protests of the 1960s.

But America is in fact a more civilized place than it was forty years ago. In the Middle East today the carpet bombing and chemical warfare that were the way the Vietnam war was waged are impossible.

When the first Bush administration was able to arrange a foreign war in 1991, after the dissolution of the Soviet Union -- and the resulting absence of the fake excuse for American wars since WWII: "stopping communism" -President Bush Sr. exclaimed that the real advantage of killing people in the Persian Gulf was that it showed "The Vietnam Syndrome is dead!"

By "Vietnam Syndrome" he meant the revulsion in the US populace against wars like Vietnam. US planners had to overcome at least that revulsion if the ongoing foreign policy of the American elite was to continue to be enforced by war, regardless of the reluctance of the American people.

And at the center of that foreign policy was the insistence of the American government that it control Mideast energy resources. The invasion of Iraq in 2003 was actually to be called "Operation Iraqi Liberation" until it was noticed that the acronym revealed too much...

What the Pentagon calls the "Long War" (in the Middle East) did not begin with 9/11. It stretches back deep into the twentieth century. During World War II the US State Department described the Mideast as the "most strategically important area of the world," and the area's vast energy resources – oil and natural gas – as "a stupendous source of strategic power, and one of the greatest material prizes in world history." In the years since then, oil companies and their associates have reaped colossal profits; but, even more importantly to the US, control over two-thirds of the world's estimated hydrocarbon reserves provides what every administration since WWII has seen as "critical leverage" over European and Asian rivals, what the State Department called "veto power" over them.

The US does not need Mideast oil for domestic consumption, and we in fact import very little oil from the Middle East. But we insist on controlling the region from Palestine to Pakistan, from the Caspian Sea to the Horn of Africa -and will kill a lot of people to insure it, with Israel as our "local cop on the beat," as the Nixon administration put it.

And it should by now be clear that – whether we call them al-Qaeda, Taliban, insurgents, terrorists, or militants – the people whom we're trying to kill in the Middle East are those who want us out of their countries and off of their resources. In order to convince Americans to kill and die and suffer in this cause, the US government in successive administrations has repeatedly lied about the situation, the biggest lie being the current one, that the US is fighting a "war on terror," as they expand the war to Pakistan, which they see as the center of opposition to US control of the region.

The policy faces opposition from two groups: the American people, who are reluctant to go to war; and the people of the region, who are reluctant to be colonized. In a

devastating guerrilla raid in that war, a resistance group killed thousands of Americans in the home country on 11 September 2001.

Al-Qaeda said that they did it because of (a) the murderous sanctions on Iraq, (b) the oppression of the Palestinians, and (c) the American military presence in the Muslim holy places.

Although elected as a peace candidate, President Obama has chosen to continue the Long War more brutally and extensively than did the Bush administration. Chris Floyd comments accurately, "...to see the expansion of the AFPAK War finally, formally promulgated, and to realize what this really means, not in terms of the ludicrous political theater of Washington and the media, not in the war-game fantasies of think-tankers and armchair warriors, but in the actual costs -- the death and suffering of thousands of innocent people, the ruinous chaos and the violent hatred engendered, the massive financial corruption and gargantuan debt added to our already corrupt and bankrupt system, the further coarsening and brutalization and militarization of our society, and again, because it bears repeating, the physical and emotional destruction of countless human beings whose only crime was to be born in a region targeted by the Great Gamesters of the world, the warlords in turbans and those in Brooks Brothers suits, the gangsters in the alleys and in the corridors of power -- this is a bitter and sickening thing."

* * *

I'll conclude with an observation from a book I'd read just months before the Notre Dame Ten took their action. My ghostly father, the late Dominican theologian Herbert McCabe of Oxford, had written, "...the relevance of Christianity to human behaviour is primarily a matter of politics, it is concerned first of all with the [forms] of communication, the structures of relationship in which [people] live."

Carl Estabrook, Ph.D

It is good to be back on campus for this event. My involvement in the Dow-CIA protest is a lesson in how ordinary students can take an action that moves them from bystander status to taking a more active role in moral and ethical issues of the day. I was an ordinary student – not one of the leaders or organizers of the protest. I was pre-med and actually on my way that morning to the library to study for an organic chemistry test that evening. Organic chemistry was a weed-out course and I needed to do well – so some anxiety about it since I was not a naturally gifted chemistry student.

But I had been keeping in touch with the events leading up the protest – may have even attended a planning session prior to it. I was troubled by the war and the stark contrasts between my Catholic upbringing and the words of the gospel and what was going on in Vietnam. I was becoming increasingly aware of how Notre Dame was connected to those issues institutionally, for better or worse. And I was personally at a point where I was ready to move beyond being on the sidelines of the antiwar movement.

But when I decided to take some time from studying and go by the administrative building I wasn't thinking of blocking doorways. And while I grew convinced that it was a defensible action given the enormous symbolic meaning of the presence of Dow and CIA under the statue of Mary, I of course had no idea of how things would unfold following the invocation of the 15 minute rule and the weeks of events that followed – culminating in our appeals trial. And while this event was personally difficult to bring back to my parents – my father was an ND grad and had served in the Navy in WWII – my mother was a South Bend native – this event was also an incredible part of my education at ND. I met wonderful faculty like Charlie McCarthy and Carl Estabrook, and worked with a great group of students like Mark Mahoney. I am sure that students here feel as though some of the work outside the classroom that they have done in the community or internationally to work for peace or alleviate poverty and suffering has the same meaning for them.

But if there is a lesson in my example, it is that there are many ways to respond to violence and injustice. You don't have to always be the leader or the person on the front pages. You can take small steps that can make a big difference.

I never went on to be a physician – rather, when I returned to ND after my suspension I switched to psychology – then went to graduate school and am now a professor of Human Development at Cornell – where I direct the Family Life Development Center - that does work to address issues of violence in families – such as child abuse and neglect and partner violence – as well as promote development among at-risk youth.

This is how my own life course and professional life connects to issues of violence in our society. Although still concerned with issues of war and peace on a larger national and international arena, I did not become a prominent antiwar activist after I graduated. Again – there are many ways to integrate our values and commitment to nonviolence in our personal and professional lives – mine happens to be around research and teaching aimed at preventing violence to children and adolescents.

It is with that concern in mind that I approach the current wars in Iraq and Afghanistan with dismay. I worry about the generation of children growing up in those environments – for the many innocent children have been lost – and for those who have survived — what it means for their development when they have been exposed to so much loss and violence. In the name of a war of terror, we have terrorized millions of children. In our name, our country has destroyed whole communities like Fallujah and left behind environments that are toxic to children living there – both physically as with the poison left behind with spent munitions, and socially, as family networks necessary for healthy child development have been ripped apart and all too often the learning that occurs are lessons of violence and hatred. Of all the rights and freedoms that I believe should rightfully be bestowed on children – such as the right to life, freedom from exploitation and abuse, and so forth, one core fundamental value should be the right not to hate.

To illustrate let me read the beginning of an article published in the Guardian in 2007:

The car stopped at the makeshift checkpoint that cut across the muddy backstreet in western Baghdad. A sentry appeared. "Are you Sunni or Shia?" he barked, waving his Kalashnikov at the driver. "Are you with Zarqawi or the Mahdi army?"

"The Mahdi army," the driver said. "Wrong answer," shouted the sentry, almost gleefully. "Get him!"

The high metal gate of a nearby house was flung open and four gun-toting males rushed out. They dragged the driver from his vehicle and held a knife to his neck. Quickly and efficiently, the blade was run from ear to ear. "Now you're dead," said a triumphant voice, and their captive crumpled to the ground.

Then a moment of stillness before the sound of a woman's voice. "Come inside boys! Your dinner is ready!" The gunmen groaned; the hapless driver picked himself up and trundled his yellow plastic car into the front yard; the toy guns and knives were tossed by the back door. Their murderous game of make-believe would have to resume in the morning.

Abdul-Muhammad and his five younger brothers, aged between six and 12, should have been at school. But their mother, Sayeeda, like thousands of parents in Iraq's perilous capital city, now keeps her boys at home. Three weeks ago, armed men had intercepted their teacher's car at the school gates, then hauled him out and slit his throat. Just like in their game.

"That day they came home and they were changed because of the things they'd seen," said Sayeeda as she ladled rice into the boys' bowls. "The youngest two have been wetting their beds and having nightmares, while Abdul-Muhammad has started bullying and ordering everyone to play his fighting games. I know things are not normal with them. My fear is one day they will get hold of real guns. But in these times, where is the help?"

The boys live with their widowed mother and uncle in a modest family house in al-Amil, a once peaceful, religiously mixed suburb in western Baghdad that is yielding to the gunmen, street by street. Similar tales of growing up in the war zone are heard across the country.

Parents, teachers and doctors contacted by the Guardian over the past three months cite a litany of distress signals sent out by young people in their care - from nightmares and bedwetting to withdrawal, muteness, panic attacks and violence towards other children, sometimes even to their own parents.

Amid the statistical haze that enshrouds civilian casualties, no one is sure how many children have been killed or maimed in Iraq. But psychologists and aid organisations warn that while the physical scars of the conflict are all too visible - in hospitals and mortuaries and on television screens - the mental and emotional turmoil experienced by Iraq's young is going largely unmonitored and untreated.

(The Guardian, Tuesday, February 6, 2007)

I fear for these children. But I am also afraid that the situation for civilians in Afghanistan and now Pakistan is getting worse as we move to a more remote-controlled air war using drones. In a 2009 article in the New England Journal of Medicine researchers from Kings College London presented data from an analysis of the impact of different weapon types on civilian deaths across over 14,000 events and over 60,000 civilian deaths. When looking at deaths per incident related to weapons like guns, roadside bombs, guided missiles, and so forth, the average number of civilians killed was 4 – itself a cause for alarm given the propaganda we are fed about the accuracy of our military weapons – either they are not so smart after all or they are being used indiscriminately in direct violation of just war principles. But when you look at the data from airstrikes, the average no. of civilians killed was 17, similar to the no. killed by suicide bombers on foot – which was 16. So our high tech approach to war – with drones being directed by operators at computer consoles in Arizona and Virginia – is no more protective of civilians than the indiscriminate terrorists we are trying to stop. The women and children can't tell the difference.

The iconic picture from 1972 of the 9 year old “girl in the photo”, Kim Phuc, horribly burned by napalm, helped galvanize a nation against a war that so readily killed and maimed children. For that girl, however, she survived. She not only survived, but she is now married, has two children and runs a foundation devoted to addressing the problems of children and war. In psychological parlance we might call her resilient. She describes her Christian faith as one factor that helped her overcome this terrible childhood and the years of medical procedures that followed. But it was also an extended network of family and friends, and a loving husband. Children can recover from the horrors of war, but it is not automatic nor easy. We have a duty to the children Iraq and Afghanistan – to paraphrase Colin Powell – if we break them we must now fix them.

Unfortunately our country, in order to protect its right to go to war and not be held accountable to the community of nations - lags behind in its commitment to children and to preventing civilian deaths in armed conflicts. In 2 days, Nov. 20 – we will mark the 20th anniversary of the adoption of the Convention of the Rights

of the Child. Currently 193 countries have ratified the Convention – only 2 states have not – Somalia because it lacks a recognized government and the U.S.

Likewise, by the end of 2004, 104 countries had signed the Protocol on the Prohibition or Restrictions on the Use of Incendiary Weapons – that bans use of weapons such as napalm and white phosphorus on civilian populations or military targets close to civilian populations. The U.S. is not a party to the protocol and of course used white phosphorus in Iraq as we have seen. So there will continue to be children growing up now in Iraq and Afghanistan who will have to endure the experiences of Kim Phuc in a previous generation.

So 40 years later at Notre Dame and elsewhere – I ask what has changed? I am encouraged by some developments in recent years, such as the establishment of the Kroc Institute or the hiring of faculty who teach about nonviolence or peaceful resolution to conflict. But I also see a vigorous ROTC program on campus and other signs that ties to the military – industrial complex are alive and well. So this is a continuing conversation – and one I hope we can engage in tonight and into the future.

John Eckenrode '72

November 18, 2009

University of Notre Dame

On the 40th Anniversary of the “Dow-CIA Demonstration” and the “Notre Dame Ten” November 19, 2009.

Mark J. Mahoney¹

I never got my ID card back. The last I saw of it was when the Dean of Students, Fr. Jim Riehle, asked me for it on November 18, 1969, directly under the Golden Dome where the university’s Placement Office was located. I remember thinking, when I saw him in his cameo



appearance in the film “Rudy,” “he looks just the same as when he took my ID card!” [Odd twist of fate: my nephew is married to Rudy’s niece!] However when I look at my dining hall card from that time I know how much different I look now, after the passage of 40 years. To a student today I am sure that it seems like an eternity until they reach my age. It is not. It is like yesterday. *Tempus fugit*. The lesson: don’t wait. Life is not a dress rehearsal. Do not postpone for too long the habit of acting on your dreams or of taking a stand for what you value and what you believe.

A word about what actually happened on November 18, 1969. While this was very much about what Dow Chemical and the CIA were doing in the world, it was as much about how Notre Dame was responding to the moral crisis presented

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by enabling them to recruit ND students. We were not, like students elsewhere, seeking expulsion of recruiters. Arranging recruiting interviews off-campus would only reduce the symbolic effect, but not the reality. We were seeking a process to enable students to make an informed choice – an open forum where recruiters could be questioned. This was about a Catholic university covering up, and refusing to even acknowledge that there was a moral crisis presented by unqualifiedly encouraging students to consider employment that involved finding better ways to burn the skin off of human beings, or to destabilize and overthrow democracies using murder and the threat of murder. This was Notre Dame, not Columbia, and that is why we were there.

I had not blocked any doorways. I was innocent of what I was accused of, and not the only one. So why did we all appeal together, all for one, up or down? We were there at the demonstration because the Administration was wrong. I stuck with the group because they were right. I could not walk away. I intuitively knew that sending a message by punishing us students was far more important to the Administration than getting it right about how Notre Dame ought to respond to the moral crisis that confronted the country, the university and anguished its students.

The incident is trivialized in the administration's version of the events, and the chapter dedicated to it in Ted Hesburgh's memoir, as being harmless to the 10 students. In reality, tragically, two students never came back and a third came back but never graduated. Of those who graduated, not all were able to graduate on time. And at that time, having been suspended for political reasons impacted on our options upon graduation.

I have been asked whether the event changed my life, as if the events like this shape who we are. I rather think that it is one's life, and values and beliefs, that shape the event. You are there because you care, and you cannot act honestly

except out of your own values and beliefs, and so the event reflects, rather than determines, who you are. You may say, “I hope I get a chance to take a stand like that,” or you may say, “I hope *I don't* get a chance to take a stand like that.” But the fact is, the chances will always be there, all around you. Life is full of opportunities to affirm what you believe in, to act when you have the ability to respond to human suffering, to oppose evil and violence. But you have to be able to perceive the opportunities, and have the courage of remembering what you truly believe in, when the opportunities arises.

So it begins with what you believe in. For us it was in the Gospel, and the teachings of the Catholic Church, and our belief in Notre Dame as a Catholic university. We looked with utter horror at the war in Viet Nam, and some of the overt and covert activities of the United States abroad, and these could not be squared with Christian teachings. True, as my father later would point out in a letter to Fr. Hesburgh, these were not the Catholic teachings I had gotten at home. Somehow at home, our Catholic schools and parish managed to avoid discussion of any connection whatsoever between Catholic teachings and military or covert homicidal activity.

But here at Notre Dame we were discovering in basic theological texts, like Fr. John L. McKenzie’s “The Power and the Wisdom,” that the Church, and the Gospels, were talking to these issues, and that it was very clear what the Gospels were saying. And the war we were conducting, the things the U.S. were doing around the world, things that were mostly covert then, but were well known, were flatly inconsistent with these teachings.

Of course a lot of what we were about was simply opposing the U.S. government. But what the Dow-CIA demonstration really was about was Notre Dame, and its role as the leading Catholic university. In its relationship to the military, the war, the covert U.S. actions in Latin America and Southeast Asia,

Notre Dame was no different than any secular school. But it should have been, and we were unwilling to accept that, or the hypocrisy demonstrated by this fact.

The role of the Program for the Study of Nonviolence, and Fr. McCarthy, and Jim Douglass in all this cannot be understated. It was here mainly that students directly encountered Gospel Nonviolence. The power of this program was not in some theological stylings, or special personality of the teachers, but in the ineluctable clarity of the fact that the Gospel message rejects violence. The use of napalm as a weapon at all, but especially as weapon often directed to innocent civilians, could simply not be squared with Christian teachings. So it is today, where the slaughter of innocent children and civilians is simply accepted as part of the cost of the business of making the United States feel safe in the.

At the end of it all, although we lost, and some lost much more than others, one can say categorically that we had greater impact on the university by our opposition, and being unfairly sanctioned for violation of the rule, than any impact the rule itself had.

But we continue on with our lives and these values and beliefs and continue to challenge violence in the world around us, in different ways.

When I first got involved in defending Death Penalty cases I was struggling with trying to understand why so many Americans had a stake in using death as a punishment for crime. I called up Fr. McCarthy for guidance and we talked, and he pointed me in a direction that added a new dimension to my understanding of the violence we are concerned about, and more. In the Non-Violence Program we learned the importance of defining “violence,” and we learned to identify instances of violence. But what I never understood is why so many people depend on violence.

Rene Girard, in his book “The Scapegoat,” demonstrates that the process of

collective selection of a person or persons to be sacrificed for the larger good is a generative organizing principle in human culture, religion and institutions. Girard explains we are in constant fear violence and threats to what we have or desire, and resolve these fears in actions of collective violence against directed a single victim or group of victims, “scapegoats,” which causes our fears to subside, even though the danger and risk still remain. These sacrificial processes are ritualized, and lie at the root of early religions and culture, and other processes of collective punishment and homicide.

I wish I had read this book in college, for two reasons. First, it was not published in English until 1986, and therefore I would have been quite a bit younger if I had read it in college. Second it has substantially enhanced my understanding of the problem of violence, and the problem of ending violence, and even my understanding of these events 40 years ago.

At the risk of over simplification, I will repeat how the South African theologian Robert Hamerton-Kelly describes this principle of generative anthropology in this narrative form:

Once upon a time there was a group of hominids that found itself unable to do anything in concert because of rivalry among them. Each one [was] inwardly compelled to imitate some other. As the imitation became more successful he found himself arrival of his model, and the more like the model he became the more violent became the rivalry. Cooperation was impossible until one day, [the momentous day human culture began, two] of them discovered that it was possible to agree on one thing, to agree to kill someone else. This was such a compelling possibility that the whole group imitated them, and so the first moment of human society happened as the fellowship of the lynch mob.¹

In every culture, and in every generation of humanity we have seen the scapegoat mechanism at work. Ritual human sacrifices of primitive societies, the killing of the *pharmakos* in Ancient Greece, the killing of Jews by Christians in

the Middle ages who accused the Jews of poisoning the wells (causing deaths that were really caused by the plague), the burning and hanging and torturing of witches and heretics, lynchings in the United States in the past two centuries, and the execution of arbitrarily or discriminatorily selected murderers: all these examples of collective violence serve the same underlying function of attempting to unify the community against an individual (or group), real or conjured up, which has been made the object of the community's fear of crisis and violence from within or without. The myth is that this human sacrifice will cure the crisis, stop the violence we fear so much.

These acts of collective violence are ritualized and justified in myth, culture and law to reinforce their legitimacy and the belief in their power to alleviate fear in the community. The belief in witches was fervent, and the persecution of witches was approved by sober community leaders. We find it hard today to take their beliefs seriously, but fail to critically examine the lore and myths that we use to justify equivalent practices in our own time.

Defining violence is critical, and having the faith to believe that violence is contrary to Christian teaching is also critical, and that is what we were about. But equally important is to understand why so many have a stake in the objectification and even annihilation of other human beings in violent ways. In understanding the scapegoating mechanism at work in every level of culture and human interaction, we understand that this is hard-wired into the human brain. We need our victims. This was the point of the famous Shirley Jackson short story, "The Lottery," that many have been assigned to read in high school.

The challenge to human society is to lose its dependence on scapegoating, on the "fellowship of the lynch mob." The message of the later Hebrew prophets, and Jesus Himself, was that retribution, blood for blood, was to be replaced by a new order, in which we love our enemies, and where how we treat the "least ones"

in our community is the true measure of our humanity. The revelation contained in the crucifixion of the most perfectly innocent of victim was the revelation that our justifications for violence are just mythical camouflage for collective violence, and the victim is only a scapegoat. Even for the correctly convicted killer, his or her execution—out of all potential lynchees— is wholly symbolic, as all ritual sacrifice is. Our redemption, indeed our survival, as a species is dependent upon discovering a new principle to replace collective violence as the unifying mechanism in society.

For us Christians the answer is clear and obvious. But why do so many of those who profess to be civilized, and even those who profess follow the teachings of Christ, feel they have such a stake in violence toward others, mostly in rituals of sacrifice?

In her poem entitled “The *Chicago Defender* sends a man to Little Rock,”² Gwendolyn Brooks recounts her thoughts as a reporter for the famous African-American newspaper on being sent there to expose the presumed ugliness of the White community which violently resisted the desegregation of the schools in 1957. The “mob” behind the violence, however, was made up of normal and good people, probably no better or more foolish than those in generations past who have been active or complicit in sacrifices, burnings, lynchings of our fellow human beings.

Gwendolyn Brooks

The *Chicago Defender* Sends a Man to Little Rock

Fall, 1957

In Little Rock the people bear
Babes, and comb and part their hair
And watch the want ads, put repair
To roof and latch. While wheat toast burns
A woman waters multiferns.

Time upholds or overturns
The many, tight, and small concerns.

In Little Rock the people sing
Sunday hymns like anything,
Through Sunday pomp and polishing.

And after testament and tunes,
Some soften Sunday afternoons
With lemon tea and Lorna Doones.

I forecast
And I believe
Come Christmas Little Rock will cleave
To Christmas tree and trifle, weave,
From laugh and tinsel, texture fast.

In Little Rock is baseball; Barcarolle.
That hotness in July . . . the uniformed figures raw
and implacable
And not intellectual,
Batting the hotness or clawing the suffering dust.
The Open Air Concert, on the special twilight green . . .
When Beethoven is brutal or whispers to lady-like air.
Blanket-sitters are solemn, as Johann troubles to lean
To tell them what to mean . . .

There is love, too, in Little Rock. Soft women softly
Opening themselves in kindness,
Or, pitying one's blindness,
Awaiting one's pleasure
In azure
Glory with anguished rose at the root . . .
To wash away old semi-discomfitures.
They re-teach purple and unsullen blue.
The wispy soils go. And uncertain
Half-havings have they clarified to sures.

In Little Rock they know
Not answering the telephone is a way of rejecting life,
That it is our business to be bothered, is our business

To cherish bores or boredom, be polite
To lies and love and many-faceted fuzziness.

I scratch my head, massage the hate-I-had.
I blink across my prim and pencilled pad.
The saga I was sent for is not down.
Because there is a puzzle in this town.
The biggest News I do not dare
Telegraph to the Editor's chair:
"They are like people everywhere."

The angry Editor would reply
In hundred harrings of Why.

And true, they are hurling spittle, rock,
Garbage and fruit in Little Rock.
And I saw coiling storm a-writhe
On bright madonnas. And a scythe
Of men harassing brownish girls.
(The bows and barrettes in the curls
And braids declined away from joy.)

I saw a bleeding brownish boy. . . .

The lariat lynch-wish I deplored.

The loveliest lynchee was our Lord.

In the capacity, in the need, of normal people for violence, in their need for scapegoats, Brooks saw reflected the lynch mobs of the past, but also the banality of evil. And she saw the connection between the innocent victims of today, and that perfect victim past.

The significance of the Notre Dame Ten lies in part about the fact that we were scapegoats. And it is not important so much as who we were, as it is why we had to be sacrificed, and for what. And that was to preserve the University from the moral scrutiny which it could not stand, and gratify the desires of the public to

which Notre Dame speaks, to strike at antiwar activists. You read then, and today, in the words of University administrators, an absolute incapacity to acknowledge that that Notre Dame's moral position was even at issue. So the challenge remains for all of us.

One of the several great writers among us then was Richard Moran, editor of the Scholastic magazine. Speaking to these events, in the final issue of the Scholastic in 1970, he wrote, in part:

I am reminded of a passage from Trotsky, once related by one of my teachers. Trotsky describes history as a troop train moving through the countryside. The train is packed with soldiers. One particular soldier stands at a small window of the train and gazes at the miles of barren wasteland. Finally the train passes through a town and the soldier sees a girl standing not far from the track. He winks at the girl and she winks in response--but then she is gone.

For Trotsky, the train represents the irresistible force and direction of the mass movement of history. The soldier is a meaningless integer. His love and his passion mean nothing amidst the ruthless force of history.

But if we look at this metaphor, not from the perspective of the train, but from the inside of the soldier's soul, we see that the wink means everything. And if we imagine the train as our deteriorating yet relentlessly brutal society and the Christian university as the soldier on that train and perhaps even Christ as the girl at the side of the road, we can understand the importance of the wink, the importance of a generous and gratuitous gift of understanding and love. If we are to fulfill the possibility of this wink, we must first be courageous enough to unfix our eyes from the course of the train, to put aside our blind, uncritical love of our country, its history and its power.

And if we then choose to wink, within that wink must reside a willful acceptance of the responsibilities of love. For while the soul of a university demands that we look outside the train, the flesh and bones that distinguish a Christian university demand, first, that our gaze be permeated with passion--a passion seeking eternal happiness--and, second, that it be generously committed to its vision.

* * *

For if we continue to make claims to Christianity and continue to ignore the demands that these claims make upon us, we are no better than the soldier who stares hard-faced and unblinking at the girl whose tenderness lays siege to his soul.

And so the issue for us is first one of faith – having the beliefs in what the Gospel teaches, and the courage to act. But also it is that most elusive of virtues – hope. The hope that, our collective dedication to those beliefs, to that “wink,” will gradually bend the tracks on which the train rides, tilting its arc, the arc of destiny, toward the God of Love.



Notre Dame Ten: Fortieth Anniversary Remembrance to Re-member

November 18, 1969–November 18, 2009

Presentation by (Rev.) Emmanuel Charles McCarthy

Jay Gould, one of the infamous robber barons of the late nineteenth and early twentieth centuries, once remarked: “I can hire half the working class to kill the other half.” And he did.

The key word here is “hire.” The central reality to which that word points is money—money to be made by the working class for killing people that those with money and power want killed. Money doled out for homicide, or anything else, becomes for so many Christians the determining factor in how they will use their one life’s time; how they will think and speak; what they will do, and what they will morally support. Money, Jay Gould rightly believed, could be made the *de facto* god of the working class—a god its members would serve, and serve to the point of downgrading every other possible value, as well as every possible understanding of God, that interfered with acquiring it.

One of the great temptations that Catholic Christians— indeed all human beings—confront is the temptation to refuse to see what is readily available to be seen, but which they do not want to see for “some reason.” That “some reason” in an extraordinary number of instances, large and small, is that money will be lost or lost-out-on, if they see what they know is there. Why? Because, they also know, whether they consciously acknowledge it or not, that it will cost them dearly if they were to choose based on what is actually there to be seen. Such people therefore “don’t see,” and they build a profitable world, seemingly in good conscience, around their self-imposed blind spots. And so it is for Jay Gould’s working class people, whom he hires to kill other working class people. They do not see—that is, they refuse to see—that those they are murdering are exactly like their own moms and dads, aunts and uncles, sisters, brothers and close friends. All they permit themselves to see is the view of these other human beings that Jay Gould pays them to see, which blindness makes it possible for them to kill their fellow, ordinary, working class people without physically, spiritually and morally perceiving the abomination in which they are engaging.

All the advertisements run this week by the Notre Dame Ten in the campus daily newspaper, the *Notre Dame Observer*, inviting people to this evening, have included what is probably the most famous photograph from the Vietnam War: the photo of a little girl running down a dirt road, screeching in pain—her clothes having been burned off and her skin burned raw by napalm that has just been dropped on her. The photograph instantly became famous around the world because it forced those who refused to see, but who in their souls knew what was taking place in Vietnam, to come face to face with the consequences of their own self-imposed lack of awareness. The little girl in the picture represents hundreds of thousands of innocent children and

adults in Vietnam who had been thrown into an agony beyond description by a highly profitable, industrialized U.S. military operation that can only be accurately described as sociopathic. Another Notre Dame Ten advertisement for this evening includes, along with the screaming Vietnamese child, a picture of a baby in Iraq suffering through the grotesque consequences of the depleted uranium campaign of destruction being waged against the born, and yet-unborn, people of Iraq. This picture of a tormented little one represents reality for hundreds of thousands of children in Iraq today and an untold number of children in Iraq tomorrow.

In one of our *Observer* advertisements, we show a picture of, and quote a napalm-dropping U.S. pilot who, during the War on Vietnam, said this in a *LIFE* magazine interview:

We sure are pleased with those backroom boys at Dow. The original product wasn't so hot – if the gooks were quick they could scrape it off. So the boys started adding polystyrene – now it sticks like shit to a blanket. But then if the gooks jumped under water it stopped burning, so they started adding Willie Peter (WP – white phosphorous) so's to make it burn better. It even burns under water now, and just one drop is enough. It'll keep on burning right down to the bone so they die anyway from phosphorus poisoning.

Who are these “backroom boys?” They are the very same people Dow came to Notre Dame to recruit, 40 years ago today. They are the half of the working class Jay Gould said he could hire to kill the other half. They may have had a B.S., an M.S., or a Ph.D. in science, and they may have been among the “best and the brightest,” cognitively speaking, of the human population of the planet but, *de facto*, they were just paid killers murdering people like themselves and their loved ones, in order to make a buck.

The murder of people in modern war, indeed the mass murder of people in modern war, is all but invisible. It involves and requires a long chain of men and women doing their part by individually obeying orders and collectively acquiescing to a social order that will ultimately result in the large-scale destruction of innocent human beings. The conscience of each person in this assembly-line, bureaucratic, killing operation has been formed by people and institutions which tell him or her that he or she is morally responsible *only* for doing a meticulous job in the little piece of the process he or she is being paid to take care of, and that the end result of what they are doing need not morally concern them.

A grateful nation gave a sigh of relief when General Tommy Franks said, in answer to a question about the number of Iraqi military and civilians who had been killed by the American military: “We don't do body counts.” U.S. citizens were equally grateful when President George W. Bush placed a militarily-enforced embargo on photographs of American working class men

and women returning home maimed or in caskets. It's "out of sight, out of mind"—and therefore out of the range of any serious moral problem that a Catholic Christian or any human being has to confront.

But even if one refuses to see the misery he or she is bringing into people's lives, that does not mean he or she is not doing so. Today, a dad or mom can sit in a climate-controlled, comfortable office in Langley, Virginia, or the deserts of Nevada and use joysticks to guide lethally armed drones into entire populations 10,000 miles away. With that day's work of high-tech, "invisible" murder under his or her belt, he or she can then go out and coach his or her son's or daughter's Little League team that night. The man or woman at the drone's control lever, like the chemist at Dow, is just another one of the working class "boys in the back room" whom Jay Gould, or one of his legitimate successors, hires to kill working class people for "some reason." And, a most terrible part of all this is that he or she will do this killing believing himself or herself to be a solid Christian, an authentic follower of Jesus.

Herein lies the horrid evil of which Notre Dame is willing to be a part, of which the U.S. Catholic hierarchy is willing to be a part, and of which most U.S. Christian Churches are willing to be a part: The nurturing of a moral conscience that permits its people, who are a substantial part of each of these institutions, to become the "boys and girls in the back rooms" for the Jay Goulds of the world—and nurturing them to believe that this is living in conformity with the Way taught by Jesus. *Corruptio optima pessima est* are the only words to describe the depth of such infidelity, such a loss of direction and such rejection of the grace of Baptismal vocation.

And herein lies the spiritual essence of the November 18, 1969 Dow-CIA protest at Notre Dame, and of this event, 40 years later to the day: *Corruptio optima pessima est*—"The corruption of the best is the worst." What is taking place at Notre Dame, and among the U.S. Catholic hierarchy, vis-à-vis their chosen subservience to U.S. military and corporate powers and their money—a subservience that demands nurturing those in their spiritual care into "a habitus of blindness to the evil of governmental and corporate murder"—is nothing other than *corruption optima pessima est* – in spades!

I will conclude with this short video, which exposes that corruption and simultaneously communicates to Notre Dame, to the Catholic bishops of the U.S., indeed to all Christian Churches, what they are nurturing and what they should be nurturing in the souls and spirits of those placed in their care by Jesus—as well as what they should **not** be nurturing people into doing or supporting in any way. In 1969, the administration of Notre Dame never answered—not one word—any of the reasons the ten students presented in their formal defense of their choice to interfere with Dow and the CIA recruiting that day. The administration refused to openly confront or dialogue communally on the searing Christian moral issue of the place of a Catholic university in a designed and maintained perpetual-war economy. As of November 18, 2009, it has still refused even to see what is patently before it and what it is participating in. And so, for the last forty years, it has partially employed its great Christian/Catholic spiritual and academic

capacities to channel a ceaseless flow of “backroom boys and girls” and “frontline boys and girls” out for hire in order to kill and maim other infinitely loved sons and daughters of the *Father of all*, and to be killed and maimed. And, to do it all under the pretense that one is following Jesus and His Way. Why such a mad use of a Catholic university? Because when Jay Gould for “some reason” calls, the administrators at Notre Dame cannot resist the temptation he places before them, and they therefore degrade, ignore or dismiss every Gospel value and presentation of God and God’s will as revealed by Jesus that would interfere with serving what the robber baron has to offer. If this is not *corruptio optima pessima est*, nothing is.

<http://www.video4viet.com/watchvideo.html?id=Xjz2gCnhr-I&title=Kim+Phuc+Nzone+Feature>

(Rev.) Emmanuel Charles McCarthy, JD

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