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ON THE LEGAL INVOLVEMENT OF THE COMMUNITY COLLEGE PRESIDENT

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During the most recent academic year, the year of 1968-69, we have heard and read of the so-called "revolution on the college campus." Perhaps, in the last two years we have heard of more campus strife, more campus disorders and disruptions than in the history of higher education in our nation.

First, at the University of California at Berkley we saw student and faculty rebellion bring the downfall of one of the most brilliant men in the field of higher education in our time, Dr. Clark Kerr.

We have seen the campus of the once proud Columbia University become almost shambles because of disturbances and rebellion among some members of the faculty and student body. Again, we saw the resignation of an outstanding educator as president of a monce great university.

A recitation of all the colleges and universities where disruptions have occurred would seem, at first blush, to be endless - Cornell, Brown, Harvard and so on.

And lets look for a moment at the college campuses here in our own State. A couple of years ago we saw the administration building seized at Fayetteville State College, and with trouble there again this year, we saw another college president relinquish the almost unbearable and burdensome responsibility.

At Duke we have seen campus disruptions on several occasions and again the loss of an outstanding president. At North Carolina State University—trouble. At the University of North Carolina at Chapel Hill, a building taken and tables overturned. At East Carolina University protest marches and disruptions in the cafeteria lines.

At A & T State University this spring we saw militants firing from campus dormitories at officers, civilians and national guardsmen.

Now, along with these and other disruptions, we have had during the last two years in this country more than two hundred Federal Court decisions regarding rights and responsibilities of students attending institutions of higher learning, as well as those attending public schools.

Review by the Courts of actions taken by college administrators in fields which have traditionally been left to them seems to have become common place. We read brief excerpts in the news media to the effect that where the action of some educational institutions have not met the requirements of the First, Fourth and Fourteenth Amendments to the United States Constitution, such actions have been reversed and sanctions set aside.

To the busy college administrator attempting, as best he could, to carry out the basic mission of the college to impart learning and to advance the boundaries of knowledge, the various reports of disruptions and court decisions have no doubt lead him to believe that there is a spontaneous revolt against all higher education by the students and some faculty members. While at the same time he has probably picked up enough through the news coverage of some very few cases to lead him to the conclusion that the courts have hampered the colleges in such a way that only chaos can result.

While such interpretations may be easily drawn by one who has not had the time to make a dispassionate diagnosis of the disruptions and of the court decisions—nothing, in my opinion, could be further from the truth.

There has been no real revolt by the great masses of the students or faculty against the established institutions of higher education nor has there been any real meddling or interfering by the Courts with the rights of the college administrators to control and regulate the conduct and behavior of the members of the college community which impedes or threatens the achievement of educational goals.

Let me hasten to say, that such statements coming from one like myself, who is considered a conservative, or a strict constructionist of our laws and one who believes in strict law enforcement may be shocking to some of you.

Before passing judgment, however, consider with me the fact that there are more than 2500 institutions of higher learning in America and that if a list were compiled of those institutions that experienced disorders and disruptions last year, you would find not more than five per cent.

And on those campuses, I am sure that in most cases you would find that the trouble came about among a few activists whose purpose is not change, but turmoil. You would find that while, in some cases there were legitimate grievances, that in such cases they were exploited by those few who would destroy.

And for the Federal Court decisions, you will find that in almost every case the Courts have simply held that all that is required of a college administrator is that his actions be reasonable and fair in view of the facts and circumstances of the particular case. The Courts have been quick to point out that college administrators are not bound by technical guidelines usually expected in criminal proceedings in the courts of our land. I will refer more specifically to some of these cases later in this paper.

Now, Gentlemen, what I have been trying to say is that while our educational process has been under mounting pressures during recent years, I do not believe that it is on the verge of collapse; and second, that you, the college administrator, have the power to maintain such discipline as will effectuate the purposes of the institution.

But if you are to effectively exercise your authority and responsibility, I think that you must understand some of the causes which have brought such disruptions upon your colleagues and exactly the limitations on your authority in the event such a holocaust should befall you.

So Gentlemen, we should now begin to ask the questions, "Why do we have student disruptions on our college campuses? What are the causes"? These questions may be simply asked, yet their answers are most perplexing and complex.

Until now, the activist organization—Students for a Democratic Society—which has brought about, directly or indirectly, the great majority of the turmoil on college campuses has had little strength in the community colleges now functioning throughout the nation.

In part that is because these two-year colleges do not have dormitories and, therefore, offer less opportunity for propaganda. But more influential is their educational philosophy, which in general is a vocational extension of high school training.

Because of the many headlines in our daily newspapers which report on those students who violently and by brute force demand an overthrow of our present educational institutions, many people feel that there is a majority of college students who participate in campus disruptions. I am prepared to argue from intelligence reports from the SBI, the Armed Forces and other reliable sources, that at the most only five per cent of our college students are such participants.

May I add that five per cent is a very liberal estimate in that the figure 2% is more often quoted. I can go as far to say that even at the colleges and universities hardest hit by student unrest, not over five per cent of the student body actively participate or support such disruptive activities.

The intent and actions of the militants on the senior college campuses is to destroy the present establishment. And nothing, in my opinion, will stop or deter their actions except strict and prompt enforcement of all rules and regulations by those in authority.

I am willing to submit that we can keep the other 95 per cent of students from joining the ranks of the anarchists if we face up to the prior inadequacies in some of our academic institutions. I suggest that student involvement in campus curricular and extra-curricular activities should be the rule and not the exception. Their views and opinions should be solicited and not passively awaited.

Various faculty and administrative committees should have student representation, thus offering the students' views of needed constructive changes. Students in these advisory capacities should be listened to so that the soundings of student concern are heard at the conference and policy making tables and not from behind barricaded doors.

Receptions by the administrators for distinguished guest speakers should be open to the students—or student leaders—depending upon the type of reception. The student leaders should be a part of the speakers programs and should participate on the podium along with the distinguished guests and chief administrators.

In short, I'm saying that students should be accepted as an integral part of the college community on all levels because if there were no students, there would be no need for college instructors and administrators. Also, I must say that without good college administrators, a college career for students would not be beneficial or of any educational value in meeting the demands of our society.

Many times students are able to offer very wise innovative and imaginative ideas or suggestions on making the college a more meaningful part of society. Their voices should be heard and listened to when their proposals are of a constructive nature. Yet, it should be realized by both students and administrators that there is a vast difference between more student involvement and student control of the college.

By statute and law, college officials must run the college and control the campus life so that the educational atmosphere is top priority. By doing this the students will receive a quality education and a return on the hard-earned money of both parents and students.

Thus, I suggest that a blending of student involvement at all levels of college life and the acknowledgement and acceptance by college administrators of their role as the final decision makers will help to ease student tensions and campus disruptions.

In conclusion as to this point, may I say that college life is a synopsis of life in general, in that man is an interdependent being. Both students and the college administrators are interdependent and this is as it should be. This interdependence can and should be used not as a source of friction, but as a partnership to the benefit of all concerned.