

THE WHITE HOUSE

WASHINGTON

November 18, 1970

MEMORANDUM FOR

JOHN EHRLICHMAN

BOB FINCH

This morning Counsellor Bob informed me that a decision has been made to send a version of my draft reply to Scranton on to the President. I have accordingly brought it up to date and, hopefully, improved it somewhat.

I feel it important, if tedious, to insist that the President was onto this subject at the very outset of his Administration, long before anybody ever heard of Kent State.

I have added a useful quote from Howard Johnson of M. I. T. The President has met Johnson and was impressed by him.

My goals are threefold:

1. To respond to Scranton and get rid of the issue.
2. To assert a Nixon Doctrine about the Presidency.
3. To remind the Scrantons and the rest that the men with balls in this business -- the Johnsons and the Seaburys -- just aren't buying that curious form of narcissistic transfer whereby middle-aged Yalies agree that there is nothing on God's Greening Earth so beautiful as a young Yalie. Especially in those fleeting moments when the morning sun catches those long flowing locks illuminating, as if from some inner source, the subtle, raptured irregularity of prayer beads worn in quest of, yet somehow also in testament to, a fundamental unity with all things that live.

Daniel P. Moynihan

Attachment

(Moynihan, 18Nov70)

(DRAFT - PRESIDENTIAL RESPONSE TO THE SCRANTON
COMMISSION)

Dear Bill:

As you will of course recall, when you submitted the report of the Commission on Campus Unrest on September 26, I was about to leave for Europe, and explained I would not have time to study the document until I returned. I very much wanted the document released at that time, however, for it is as much or more addressed to the students, professors and academic administrators of the nation, and to the public generally, as to the Federal government. The new academic year was beginning, and there was every reason to hope that your report could set the tone for that year.

I have now had the opportunity to study the report. I should like to state formally at this time what I stated informally to you, your fellow Commissioners, and perhaps especially, the staff of the Commission. You have done an important service to your country, for which you have my sincere appreciation.

The principal portions of the report relate to the internal governance of colleges, and hence are properly the concern of college administrators, faculty members and students. In my

ninth week in office, on March 22, 1969, I laid down the policy of the Administration which is to avoid at whatever cost the direct involvement of government in the internal affairs of colleges and universities. Whatever the motive -- no matter how high sounding, no matter how genuinely compassionate and concerned -- such involvement would destroy precisely those qualities of free enquiry and self-directing community which it might ostensibly be designed to preserve. I stated the Administration's principles as follows:

First, a measure of perspective is in order with regard to the action of the previous Congress. The new regulations are moderate, and they are justified. It is one of the oldest of the practices of universities and colleges that privileges of various kinds are withdrawn from students judged to have violated the rules and regulations of their institution. Congress has done no more than to withdraw federal assistance from those students judged, not by university regulations, but by courts of law, to have violated criminal statutes. Almost by definition, given the present tactics of disruption, anyone so convicted may fairly be assumed to have been assaulting the processes of free inquiry which are the very life of learning. Any society that will not protect itself against such assault exhibits precious little respect for intellect, compared to which the issue of public order is very near to de minimis.

For there is a second issue, of far greater concern to me, and, as I believe, to the Congress, to the American people generally, and the faculties and students of American

colleges and universities especially. That is the preservation of the integrity, the independence, and the creativity of our institutions of higher learning.

Freedom -- intellectual freedom -- is in danger in America. The nature and content of that danger is as clear as any one thing could be. Violence -- physical violence, physical intimidation -- is seemingly on its way to becoming an accepted, or at all events a normal and not to be avoided element in the clash of opinion within university confines. Increasingly it is clear that this violence is directed to a clearly perceived and altogether too conceivable objective: not only to politicize the student bodies of our educational institutions, but to politicize the institutions as well. Anyone with the least understanding of the history of freedom will know that this has invariably meant not only political disaster to those nations that have submitted to such forces of obfuscation and repression, but cultural calamity as well. It is not too strong a statement to declare that this is the way civilizations begin to die.

The process is altogether too familiar to those who would survey the wreckage of history. Assault and counter assault, one extreme leading to the opposite extreme; the voices of reason and calm discredited. As Yeats foresaw: "Things fall apart; the centre cannot hold. . ." None of us has the right to suppose it cannot happen here.

The first thing to do at such moments is to reassert first principles. The federal government cannot, should not -- must not -- enforce such principles. That is fundamentally the task and the responsibility of the university community. But any may state what these principles are, for they are as widely understood as they are cherished.

First, that universities and colleges are places of excellence in which men are judged by achievement and merit in defined areas. The independence and competence

of the faculty, the commitment, and equally the competence of the student body, are matters not to be compromised. The singular fact of American society -- the fact which very likely distinguishes us most markedly from any other nation on earth, is that in the untroubled pursuit of an application of this principle we have created the largest, most democratic, most open system of higher learning in history. None need fear the continued application of those principles; but all must dread their erosion. The second principle -- and I would argue, the only other -- is that violence or the threat of violence may never be permitted to influence the actions or judgments of the university community. Once it does the community, almost by definition, ceases to be a university.

It is for this reason that from time immemorial expulsion has been the primary instrument of university discipline. Those who would not abide the rules of the community of learning have simply been required to leave it, for any other form of coercion would cause that community to change its fundamental nature.

The difficulty of this moment, as of most times when fundamental principles are challenged, is that many of those posing the challenges, and even more of those supporting them, are responding to very basic problems. To reassert, in the face of student protest, the first principles of academic freedom, while ignoring the issues that are foremost in the minds of those students, is less than inglorious: it is slothful, and dishonest, an affront to those principles and in the end futile.

Students today point to many wrongs which must be made right:

- We have seen a depersonalization of the educational experience. Our institutions must reshape themselves lest this turns to total alienation.

- Student unrest does not exist in a vacuum but reflects a deep and growing social unrest affecting much of our world today. Self-righteous indignation by society will solve none of this. We must resolve the internal contradictions of our communities.
- There must be university reform including new experimentation in curricula such as ethnic studies, student involvement in the decision-making process and a new emphasis in faculty teaching.

I have directed the Department of Health, Education and Welfare to launch new initiatives toward easing tensions in our educational community.

This administration will always be receptive to suggestions for constructive reform. But the forces of separation and non-reason must be replaced by vigorous, persuasive and lawful efforts for constructive change.

That policy has not changed. It will not.

The question of the indirect influence of the Federal government on university and college affairs is a more subtle matter.

It is easy to believe that such influence does not exist, or to avoid recognizing it. But increasingly it is a form of dishonesty to do so.

The Federal government has enormous influence on the life of our campuses because it provides enormous sums to finance higher education. In your final chapter you call attention to this influence, and I fully accept your judgment. It is, I believe, almost precisely parallel with the position I stated in my Message

on Higher Education sent to the Congress in March 1970.

For three decades now the Federal Government has been hiring universities to do work it wanted done. In far the greatest measure, this work has been in the national interest, and the Nation is in the debt of those universities that have so brilliantly performed it. But the time has come for the Federal Government to help academic communities to pursue excellence and reform in fields of their own choosing as well, and by means of their own choice.

I take it your analysis would very much support the establishment of a National Foundation for Higher Education, which I have proposed for the purpose of moving away from narrowly defined categorical aid programs which, whatever their original intent, have increasingly come to be seen as restrictive and undesirable.

I especially welcome the Commission's support of the student aid provisions of the Higher Education Opportunity Act of 1970, which was proposed in my Message. If enacted, this proposal would profoundly change the access of low income students to higher education. It is a fundamental social reform that is long past due. Again, I refer to the March 1970 Message for the facts behind the bill and your endorsement of it.

No qualified student who wants to go to college should be barred by lack of money. That has long been a great

American goal; I propose that we achieve it now. Something is basically unequal about opportunity for higher education when a young person whose family earns more than \$15,000 a year is nine times more likely to attend college than a young person whose family earns less than \$3,000.

I have read, as many will read, Chapter Three on The Black Student Movement with close attention and the utmost interest. I wholeheartedly accept your proposal that there be greater Federal aid to colleges that have traditionally had a predominantly black student body. This Administration shares the Commission's concern over the financial situation of traditionally black colleges and universities. Because of our concern, in July 1970 the Department of Health, Education, and Welfare announced that it was re-directing \$30 million in additional funds to these institutions. This brought their share of Federal aid to higher education to more than 3%, although they enroll only 2.2% of the nation's college students. In addition, the student aid reforms included in the Administration's proposed Higher Education Opportunity Act would greatly improve the financial situation of many students attending these colleges and universities and would thereby assist the institutions as well. Furthermore, black colleges would be fully eligible to seek funds from the National Foundation for Higher

Education, also proposed as part of that legislation. Indeed, there is every reason to think that the Board of the National Foundation might single out the strengthening of black colleges as one of its top priorities.

I very much share your opposition to legislation that would terminate Federal aid to institutions where disruption or violence occurs. The Administration has actively opposed such legislation in the past, and will continue to do so in the future. Nothing would deliver greater power into the hands of the nihilists than a Federal policy of severely punishing any institution of higher education which the nihilists choose to disrupt. To the contrary, our policy should be to prevent the actions of a few from affecting the lives of the many.

I believe it is not necessary, or even proper, for me to comment at any great length with respect to other portions of the report dealing with internal affairs of the academic community. I applaud, as will the nation, your categorical rejection of violence -- whatever its origin, whatever its form, whatever its justification. The nihilist terrorism of which the report speaks with passion and insight reached the height of murderous unreason and

contempt for life in the bombing of the Mathematics
Research Center at the University of Wisconsin in August.
It is unavailing to speculate whether there will be more such
incidents or fewer. Certainly the overwhelming reaction of
the academic community to this and similar events has been
one of revulsion and rejection. But there have been those
among both students and faculty who have been willing to defend
such acts, always with a pious aside about it being unfortunate
that innocent persons have been killed. Here, as elsewhere,
the terrorists arrogate to themselves the right to judge who is
guilty, who is innocent, and in the process subvert the first
principle of due process and equal justice. Some interpret the
apparent development of underground terrorist organizations
as a sign of the failure of the extremists to win any mass following
in the higher education community. Certainly there are historical
precedents that would suggest this. Certainly also, there has
been an apparent diminishment of campus disorder and violence
so far this academic year. However, none of us dares assume
that terrorism is behind us. It will doubtless recur, and we
must face it with as much unity as we can muster. For its part,

whatever government can ^{legally} do to punish those involved, and to prevent others from becoming involved, will be done.

The Commission's report makes a number of recommendations concerning youth employment which I am asking Secretaries Hodgson and Richardson to review. As you are of course aware, these are not new proposals, and there are difficulties associated with each of them. But they certainly warrant reconsideration.

I find myself in general agreement with the recommendations that the National Guard receive additional training in controlling civil disturbances and be issued special equipment for use in such situations. On November 6, Secretary Laird announced that he was requesting an additional \$20 million to help accomplish these objectives, and would thereby be able to increase the quantity of training and equipment available to the members of the National Guard.

I have asked Secretary Laird also to give careful attention to the possibility of carrying out the proposals with respect to the Reserve Officers' Training Corps which the Commission has set forth.

Your special reports on the events at Kent State and Jackson State are particularly useful in their effective and informative depiction of the facts associated with those tragic occurrences. These two events grieved the nation, and called for a detailed fact-finding report. The Commission has provided such a report, and, although it cannot erase our sorrow at the loss of these young lives, we are all in your debt.

I have many times stated my conviction that violence has no place on our campuses, and my belief that college administrators, students and faculty members should join with state and local authorities in creating an atmosphere in which it will not occur. I think we all now realize, in the aftermath of these tragic events, that everyone must exert restraint and self-discipline, for everyone has a stake in preventing more bloodshed, and in enabling both our universities and our law-enforcement agencies to get on with their proper work.

Allow me, finally, to acknowledge those portions of your final chapter which are especially addressed to the institution of the Presidency.

In your final chapter you proposed that the "moral authority" of the Presidency be used "to convince all Americans of the need to confront candidly the serious and continuing problems of the nation." For its part the Administration has sought to confront those problems. In September I sent to the Congress a Message entitled "A Call for Cooperation" in which I outlined a very considerable range of reform proposals which I have proposed be enacted. I know of your own vigorous support of many of these measures, perhaps especially the Family Assistance Program. This measure, which has been justly, as I would think, described as the most important item of domestic legislation proposed in two generations would establish a floor under the income of every American family with children. This measure would do more to end poverty than perhaps any other single item of legislation in American history.

If I may be allowed, it is possible to gain the impression that rather too many persons who have been calling attention to their own righteousness by demanding a change in the national priorities have been distressingly silent and evasive when confronted with the issue of supporting this historic measure which would do

just that. Much the same painful point would have to be made about the Administration's proposal to put an end to the draft by the establishment of an all-volunteer armed force. For a decade now it has been evident that the existing Selective Service system in effect confers a class privilege on the children of the well off. They go to college. The children of the working people go to the Army, and of late this has meant going to war as well. Nothing would seem more equitable or urgent than to put an end to this system. Yet I have been disappointed by the relative silence with which this proposal has been greeted in those circles which now benefit from this privilege. In candor, it would have to be said that despite abundant testimony that the Selective Service system is the source of much campus unrest, the Commission's report treats with the matter hardly at all.

These are details. The fundamental thrust of your assertions remains. I should like to respond to it, first making clear my conviction that the moral authority of the Presidency derives essentially from the degree to which the office is conducted with a rigorous concern for objective truth, to the degree such truth can ever be ascertained, and with an informed and concerned respect for the opinions of all persons who make up the American

democracy. This is no simple responsibility. It is perhaps the most difficult any society has ever contrived. It has taken its toll on all the men who have held this office. Presidents are not priests. They are not supermen. They are neither all wise, nor all powerful. They are mortal beings who put their trousers on one leg at a time. The President's task is to understand and to lead, but as there are limits to the powers which a democracy entrusts to government, so also are there limits to which such powers can be effective. I would not have it otherwise. Some will disagree with this view. I like to think that Jefferson would not.

The task of the Presidency is to seek the truth and to respect the opinions of the electorate. Thus, for example, I would have to say that an effort "to convince all Americans of the need to confront candidly the serious and continuing problems of the nation," is a matter far more complex than might at first seem the case. That complexity begins with the fact that there are widely divergent views within our society as to just what our problems are. The views implicit in the Commission's report range from observations that would doubtless be accepted by a great portion of the nation to conclusions that may be shared by only a small minority. This does not make any of them wrong, or right. Nor should the Commission have refrained from expressing them. (To the contrary: I said on the occasion of receiving the report that I was sure it would be controversial and felt that to be a necessary condition of any creative event.) A Commission can, in a sense, ignore diversity of opinion in favor of its own views. A President cannot.

Similarly, while I fully understand and agree with those persons who hold that much campus unrest is associated with immediate political issues in the nation at large, I would call

attention to evidence that far more general, and perhaps enduring, issues are involved. (Which, to be sure, the Commission acknowledges.) Thus Professor Paul Seabury of Berkeley, a political scientist of impeccable scholarly credentials, recently wrote:

Before Cambodia . . . the campuses of many American universities were in an unprecedented stage of uproar and violence -- the Chicago Seven issue probably "justified" much more physical trashing than anything which took place after Cambodia. Before Cambodia, the New Left demand had been to "shut the place down." Afterwards . . . the demand was to keep it open -- this time as a viable base for political action.

Seabury goes on to note a development that all might be alert to:

The tranquility of a whole-politicized university may be more unattractive than the chaos of one only partly so. Many American campuses this spring had an air of sinister serenity as the academic year straggled to a close.

I do not mean to concentrate attention on the so-called Left. Their counterparts on the Right are every bit as much a danger and a reality. There has indeed grown up, in the words of Clark Kerr, an "unholy alliance against Democracy." That is something a President may never forget.

Nor may he forget that the experiences now so common on

many American campuses are to be encountered in almost identical form in other democratic nations in which none or almost none of the immediate political issues so often cited as the basis for campus unrest here in America exist. Professor Seabury warns us against the provincialism of thinking only of our local experience. "What many Americans still fail to realize," he writes, "is that the modern university is at a crisis point in nearly all non-authoritarian and non-totalitarian societies." Indeed migration of scholars have already begun that are fearsomely reminiscent of the 1930's. But at that time the great intellectuals of Europe driven into exile could find refuge on American campuses. I would hope this will always be the case. But I am not confident of that, and neither are they. This is a matter no President may forget.

Nor can a university president. In his annual report for the Academic Year 1969-1970 Howard W. Johnson of the Massachusetts Institute of Technology put the matter with a blunt honesty that bears repeating.

Last year was not a good year for higher education in the United States. We saw a rise of anti-rationality and anti-intellectualism both within universities and

outside them; we saw an increased and much publicized incidence of violence as a substitute for reason in seeking change, a decline of public trust in the universities, a growing tendency to engender political overtones in the universities, and a serious shortfall of financial support for education and for research. These are signs of danger for the universities. They are not the nourishers of learning and truth nor are they the harbingers of productive change.

Dr. Johnson has announced he will step down as President of M. I. T. So has the President of Harvard up the Charles River from M. I. T., and the president of Boston University across from it. So has the Chancellor of the University of California at Berkeley at the other end of the continent. So have scores of good men and women across the land. Higher education has been shaken. It is not now what it once was. Yet I think we can all agree that the task of the nation, no less than that of the higher education community, is to regain its strength, its confidence, and to retain its independence. There is no higher priority in the concerns of the national government.

The work of the Commission has significantly expanded our understanding of what has been happening and what must be done. Quite beyond our individual agreements and differences,

I write to thank you and your fellow Commission members and your hard-working staff for the report, and to assure you that it is now receiving and will continue to receive the closest attention within the Administration. I trust and hope that this will also be true in the nation at large.

Sincerely,

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