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WISCONSIN STATE UNIVERSITY - LA CROSSE

AN ACCOUNT OF THE CONTROVERSY SURROUNDING THE DENIAL OF UNIVERSITY RECOGNITION TO THE CHAPTER OF THE STUDENTS FOR A DEMOCRATIC SOCIETY AT WISCONSIN STATE UNIVERSITY - LA CROSSE

Submitted to the Graduate School of Wisconsin State University at La Crosse in Partial Fulfillment of the Requirements for the Degree of Master of Science in Education (Student Personnel Services)

by

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ABSTRACT

In December of 1966, Samuel G. Gates, President of Wisconsin State University - La Crosse, denied university recognition to the Students for a Democratic Society (SDS). This action provoked a heated public controversy and a legal contest which culminated in a rather oblique judicial decision. In addition, considerable confusion existed as to the exact meaning of university policies concerning the effects of non-recognition. The text of this paper consists of an account of the various aspects of this controversy.

This essay was written primarily from documents pertaining to the events described therein. This material was supplemented by conversations with various university officials in regard to interpretation of university policies toward SDS. Every effort was made to provide an objective account of the SDS controversy based on the information gathered.

The findings of the study may be described as descriptions of the various positions and actions of the participants in the controversy. Because of the nature of the topic and the author's desire to provide a factual account of the events described, no attempt was made to draw inferences or conclusions concerning any aspect of the controversy.

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CHAPTER I

INTRODUCTION

When Samuel G. Gates, President of Wisconsin State University - La Crosse, announced his administrative veto of official recognition of the Students for a Democratic Society (SDS) as a campus organization on December 5, 1966, his action touched off a controversy that persisted for more than one and one-half years. Numerous individuals and groups publically expressed their opinions on the issues involved and the matter was finally settled by the courts in a rather oblique decision.

The President's decision attracted the support of the Young Republicans at the university, the La Crosse Tribune, several community organizations, the commentator on a local right-wing radio program, and a great number of La Crosse citizens. The veto drew fire from several student and student-government groups on the La Crosse campus and on other campuses, the Racquet (student newspaper at the university), two faculty organizations, the Milwaukee Journal, and some residents of La Crosse.

The controversy also progressed through official channels. Dr. Gates' veto was supported by the Faculty Senate of the university and enthusiastically endorsed by the Board of Regents. Of course, it was opposed by SDS which, with the assistance of the American Civil Liberties Union (ACLU), petitioned the state courts to reverse the actions of the university and its regents. After university policy was changed so that the charter denial resulted, not in a complete ban against SDS but,

in some less important limitations upon them, the court upheld the denial of recognition on the ground that no substantial rights of the plaintiffs had been impaired. Thus no final judicial judgement was made on the application of the law to the facts of the case.

The issues involved were extremely difficult to describe since facts and issues were interpreted slightly differently even by people in basic agreement. Added to this problem was the fact that some arguments and interpretations changed over time as the controversy progressed.

Nevertheless, the main points of contention involved perhaps can be summarized as follows. Those persons in favor of nonrecognition of SDS generally argued: 1) that statements, affiliations, and actions of SDS on other campuses indicated that the organization as a whole was lawless, unruly, and subversive; 2) that the facts about SDS elsewhere could be applied to the SDS chapter at La Crosse so as to suggest or indicate that there was a strong possibility of that local organization being lawless, unruly, and subversive; 3) that the facts about SDS elsewhere and the application of those facts to the SDS chapter at La Crosse were sufficient and justifiable grounds for denying recognition and approval and use of university facilities to SDS; and 4) that such denial of recognition, approval, and use of facilities would not constitute a violation of freedom of speech and assembly, equal protection of the laws, or academic freedom.

Proponents of university recognition for SDS argued: 1) that statements, affiliations, and actions of SDS on other campuses did not constitute sufficient evidence for concluding that the organization, as a whole was lawless, unruly, and subversive; 2) that even if SDS as a whole

was lawless, unruly, and subversive, the facts about the organization elsewhere could not be applied to the SDS chapter at La Crosse so as to indicate that there was a strong possibility of that local organization being lawless, unruly, and subversive; 3) that the facts about SDS elsewhere and their application to the SDS chapter at La Crosse were not sufficient and justifiable grounds for denying recognition and approval and use of university facilities to SDS, but were in fact being used to perpetrate an unjust and unwarrented prejudgement against SDS; and 4) that such denial of recognition, approval and use of university facilities did indeed constitute a violation of freedom of speech and assembly, equal protection of the laws, and academic freedom.

One additional factor of some significance to the controversy should be noted. That factor involves the meaning and implications of recognition and nonrecognition. First, did recognition imply university approval of the goals and activities of an organization? The answer was apparently affirmative at the time of the charter veto but negative by the time the case went to court. Secondly, did the denial of recognition mean that SDS would be banned from use of university facilities? Again the answer was definitely affirmative at the time of the veto, but only partially affirmative by the time of the court decision. These matters played a significant role in the outcome of the SDS controversy since they caused the court judgement to avoid directly dealing with the more central issues of the debate over recognition of SDS.

With that broad outline of the controversy in mind, it is perhaps fitting to consider the reasons for inquiring into the SDS controversy at La Crosse. The SDS incident was important for two basic reasons: 1) it

provoked a heated debate about issues of freedom; and 2) it involved numerous matters of importance in educational administration and student personnel work. Hopefully this account of the controversy will provide an objective and factual basis for the readers' individual considerations of the fundamental issues involved. No conclusions are drawn; the reader is free to form his own opinions concerning the controversy and the issues. The goal is not advocacy of a particular point of view, but objective reporting of the entire spectrum of opinion encompassed in the SDS controversy.

This goal was made difficult by three factors. The first limitation of the study involved the acquisition of all material pertinent to the topic. The original plan was to interview the more important individuals on both sides of the controversy. Because it became impossible to locate some of these people, this potential source of material was abandoned and the report had to be written almost exclusively from the original documents of the controversy. An effort was made to obtain all of these documents, but nevertheless some probably eluded the author's grasp.

The second limitation of the study was the vagueness and lack of clarity that characterized some of the material and some aspects of the controversy. Some examples of this problem have already been alluded to in relation to the discussion of the issues involved. Others, including confusion in regard to interpretation of university policies, will become apparent as the study progresses.

The final limitation of the study involves objectivity. A sincere attempt was made to factually and objectively report the controversy. Hopefully this goal was successfully accomplished, despite the difficulty of reporting a controversial subject to the satisfaction of everyone.

CHAPTER II

PERSPECTIVES: THE LARGER SETTING

To understand why SDS became an issue at La Crosse, it is necessary to possess some knowledge of its origins, its history up to the time of Dr. Gates' veto, and the reasons why it came to signify the essence of activism and controversiality in the 1960's. The student activism of that decade, in which the Students for a Democratic Society played so important a role, was born in the midst of the early years of the civil rights struggle. One writer for The New Republic has described the emergence of student activists on American campuses as follows:

> Their movement, like all 'ferment' on college campuses in the past half-decade, has to be understood in the context of the civil-rights movement. The struggle for minimal participation by American Negroes in American democracy 'peeled away the facade'...from the architecture of society, and those who were in the fight saw that there was more to discrimination than weak laws or racial prejudice.[1]

The founders of the Students for a Democratic Society were then for the most part veterans of years of civil rights agitation in the South. Out of their commitment to the fight for equal rights and justice for black citizens grew a conviction that the only real solution for the problems that plagued the nation was to be found in a basic redefinition of national directions, a fundamental re-ordering of national priorities, and a wholesale restructuring of American society.

With these goals in mind, fifty-nine people, including forty-three voting delegates, gathered in June of 1962 at the AFL-CIO Labor Center at Port Huron, Michigan. Many of those in attendance were members of the

Student League for Industrial Democracy (SLID) and its parent organization, the League for Industrial Democracy (LID). The SDS organization was to replace SLID as the student arm of the League for Industrial Democracy. The LID was an old left alliance of intellectuals and labor leaders founded some forty years earlier and dominated by the International Ladies Garment Workers Union.[2]

The efforts of the Port Huron conferees centered upon the establishment of the Students for a Democratic Society and upon the adoption of a policy statement entitled, naturally enough, the Port Huron Statement. This document, which had been drafted initially by Tom Hayden, was to become the intellectual foundation of SDS and of many other segments of the new left.[3]

Embodied in the Port Huron Statement was a clear and strong statement of the activists' views on American society. It outlined what they believed to be the racial, educational, social, economic, and moral failures of that society and the assumptions upon which these conditions rested. The document went on to describe the military - industrial - educational complex which, in the view of the young activists, controlled the direction of the nation. Finally, the Port Huron Statement called for a restructured society in which the individual could exercise greater influence in making the decisions which affected his life and the destiny of his country.

Whether one sees the Port Huron Statement as a few pages of radical mythology or as a true and disturbing picture of American reality, the document was certainly to serve, as Harold Taylor has suggested,

> ...as a rallying point for a new generation of activists to work together to achieve their aims. Its radicalism lay in

> three points. First, it rejected the ideology of anti-communism as a false and pernicious doctrine, false to the historical situation, and pernicious in its negative effects on the ideals both of liberal democracy and of democratic socialism. Second, it linked the universities to the economic and social system as instruments of their purposes. Third, it defined a role for students in the political system as a whole, raising them to a level of equality with all other concerned citizens whose lives were affected by national and international decisions over which they had no control.[4]

The statement represented then an outline of numerous American failures and a call to students to become involved in overcoming those failures. But while the document argued that fundamental change was in order, it was quite unclear and unspecific in regard to the form which that change should take. Nevertheless, one thing was clear: the framers of the Port Huron Statement strongly rejected "the contention of liberals that reform can be achieved through established parliamentary institutions."[5]

As a substitute for traditional American democracy, which SDS believed only disguised manipulation by the military - industrial - educational elite, the Port Huron Statement suggested a supposed more direct and effective "participatory democracy." This concept was vaguely defined but referred to "a decentralized system without real leaders in which every man would have an equal voice."[6]

The timidity and vagueness with which the drafters of the statement approached the question of alternatives to the traditional American system of government and societal control suggested a number of things. For instance, it implied a basic distrust of power in any form, an aversion to organization, a distaste for centralization, an antipathy to dogma, a hint of anarchism. For these reasons and others, critics of

the concept argued that the idea of participatory democracy was "a vague and utopian notion that could never provide a workable system of government for society on a mass scale."[7]

When challenged to provide concrete examples of viable alternatives to America's present system, SDSers alluded to "control by workers in cooperative factories, and to town meetings."[8] This response sounded naive and impractical to many since it hardly seemed applicable to a society of 200 million people. Even such a prominent SDS spokesman as National Vice-President Carl Davidson was moved to say that "in most places the basis for participatory democracy just doesn't exist."[9]

What then was the meaning and significance of the concept of participatory democracy? Was it a workable alternative to the traditional American system of government or a totally unrealistic radical pipe-dream? Perhaps the answer lay somewhere in between; perhaps it could be found in the notion that the concept of participatory democracy was an attempt to find a way in which government and society could be made more responsive and responsible, a way in which America could become truly democratic, a method by which the authors of the Port Huron Statement could achieve their perceived goal of being students in a democratic society rather than Students for a Democratic Society.

Obviously then, the concept of participatory democracy was a statement of an ideal. Perhaps it was an excessively unrealistic ideal. Nevertheless, it represented an attempt to make America live up to the spirit of its ideals, something which its advocates felt America had failed to do.

Having reviewed the basic document of the Students for a Democratic

Society, perhaps it would be well to consider some of the other facets and characteristics of SDS. An attempt should be made to understand the type of organization that SDS was in 1966 and some of its features and qualities which played a part in the controversy at La Crosse.

One important characteristic of SDS was its informality and looseness of organization. The comments of a few observers will suffice to illustrate this peculiar organizational trait.

Wilson C. McWilliams and Dennis Hale of Oberlin College's Department of Government in 1965 described SDS as exhibiting "a marked antipathy for bureacracy and a distaste for routine. The result, naturally, is an organization which is chaotic and incomprehensible. SDS's anti-elitism, which has caused it to doubt the advisability of having a President and Vice-President, has been the source of some amusement."[10]

The heterogeniety of SDS membership also illustrates the informality of its organization. In 1965, one commentator noted:

> The diversity within SDS is staggering. There are high school students, college students, college dropouts, beatniks, hipsters, graduate students, teaching assistants, and faculty in the organization. There are liberals, rebels, and revolutionaries; community organizers and university scholars; campus chapters and ghetto projects.[11]

The same reporter went on to describe the striking difference among SDS chapters.

> Those members on small, rural campuses in Kansas and Oklahoma are only vaguely liberal and probably unable to distinguish between a Spartacist and a narcissist. On these campuses the students are more concerned with liberalizing dress regulations than with burning up their draft cards. But on large urban campus...SDS members are super-militant, distrust liberals and are ready to do anything to protest the war in Vietnam.[12]

The organizational looseness and informality of SDS was further illustrated by the low degree of control excersized by the national organization over its local affiliates. James and Robert Foley, co-directors of the College Poll, described SDS as "primarily...a loosely held group of local organizations. The local chapters are of varying strength and impact, depending upon the skill and dedication of their leaders."[13]

The informality and lack of rigidity and homogeniety within SDS was summarized quite well in the report of the fact-finding commission established by Columbia University to investigate the disturbances on that campus in 1968. That report reads in part:

> The Society is ideologically diffuse. It runs the gamut from center-left to communist to anarchist. It encompasses exponents of the tactics of direct action as well as those who prefer to work through more conventional political channels. The national organization has a highly decentralized structure barely kept together by a small, constantly traveling, underpaid staff located in Chicago. The membership strongly distrusts bureaucratic structures; it insists that each local work out its own programs. The local chapters vary widely in composition, tone, and tactics...Most members of SDS approach issues with high moral convictions and emotional commitment. Their sense of kinship and common purpose is strong, but no grand theory holds SDS together and none can justifiably be read into it.[14]

If there was no rigid ideological framework or grand organizational theory or scheme to SDS, neither was there a cohesive program by which the organization sought to carry out its vaguely defined aims. This was primarily a result of the informality and looseness of organization noted above and reflected the lack of strict ideological definition so noticeable in the Port Huron Statement. As one author stated, "...the students had no program for putting the Port Huron concepts into practice.

In fact, the distrust of authority and dislike of manipulation were so strong and so pervasive that the idea of any program at all was suspect."[15]

The programs of local chapters varied greatly. What little overall programs that SDS possessed evolved over time. Nevertheless, those programs could be described as basically action - orientated. That oreintation manifested itself in impatience with the traditionally slow pace of change and progress and in SDS's choice of tactics, namely its "reliance on action -- confrontation and protest -- rather than ideology..."[16]

Within the broad outlines of activism and the action-orientation, SDS programs and activities rapidly changed and evolved over the period of the organization's existence. As noted above, SDS was founded by a group of civil rights activists. The experience of the founders were reflected in the early activities of SDS which centered on racial progress and community organizing. During the early '60s SDS operated community anti-poverty projects of considerable size in Cleveland, Newark, Hudson County, New Jersey, Chicago, Baltimore, Cairo, Illinois, Boston, Oakland, California, Chester, Pennsylvania, San Francisco, and New Haven.[17]

Gradually, however, this SDS emphasis upon problems of racial and economic equality became overshadowed by a deep concern about the war in Vietnam. Following SDS's sponsorship of the first large anti-Vietnam war rally in Washington in the spring of 1965, one magazine observed, "So SDS, heretofore identified with civil rights and poverty, now enters the peace fight."[18]

All of these concerns -- civil rights, poverty, the war in Vietnam --

eventually were combined in various ways with issues on the nation's campuses. As noted earlier, the authors of the Port Huron Statement had identified what they believed to be a military-industrial-educational complex which manipulated the nation. Therefore, many chapters of SDS sought to restructure the universities outside of the military-industrial complex, to increase the freedom and perogatives of students within the universities, and to make the universities more relevant to their concern about social and political issues.[19]

Furthermore, just as the issues, about which the preponderance of SDS attention focused, changed over the years, so also did the strategies employed. Of course, tactics always varied from chapter to chapter. But the overall picture of SDS tactics gradually moved in the direction of increasing militancy.

This evolution toward more radical tactics is illustrated by the SDS attitude toward civil disobedience. The prevailing attitude toward this non-violent tactic was illustrated by the results of a 1966 referendum. In that referendum SDS members "voted down reliance on such methods by 56 per cent to 44 per cent. The Berkeley and Michigan chapters strongly backed civil disobedience, while the Harvard affiliate opposed it."[20]

Nevertheless, civil disobedience did eventually become a tactic of many SDS chapters. Many other chapters opposed its use and never participated in it. Still others moved beyond civil disobedience to violence and destruction as tactical weapons in their battle to change society. In other words, the choice of strategies, tactics, and activities was left entirely up to local affiliates, varied greatly among chapters, and changed in some chapters as time went on.

Perhaps the final characteristic of SDS that should be discussed here involved its wide-open membership policies. As noted above, a striking variety of ideologies was represented in SDS. This resulted from the fact that SDS laid down no political conditions for membership and devised no safeguards against infiltration by any group. This attitude caused a split between SDS and the League for Industrial Democracy which culminated in a complete break with the parent organization in 1966. Harold Taylor described the SDS attitude as follows:

> The students, in rejecting anticommunism as an appropriate response to the doctrines and programs of communism, had enough confidence in their ideal of participatory democracy and decentralization of leadership to make no political conditions for membership in their organization. Anyone who wished to infiltrate would have to do his work by pressing his ideas upon others, not by seizing control of the organization, since it had so little organization built into it that their was nothing much to seize.[21]

This matter was of some importance in the SDS controversy at La Crosse. Two issues raised by various persons involved in the local dispute were the matter of communists in SDS and the connection between SDS and the League for Industrial Democracy, a connection severed after SDS refused to bar communists from membership.

That concludes this brief description of SDS in the early '60s. SDS was controversial and, needless to say, the first indications that a dispute was in the making at La Crosse came as soon as a local chapter began to organize on the Wisconsin State University campus in that city.

CHAPTER III

PERSPECTIVES: THE LOCAL SETTING

Wisconsin State University at La Crosse was in 1966 a small, but growing and evolving, public higher educational institution. The university catalog, published in July of 1966, traced the school's history as follows:

> The institution which is now Wisconsin State University - La Crosse was established as a normal school in 1909. Throughout the first four decades of its history its purposes and its name reflected its primary objectives of preparing teachers for the public schools of Wisconsin and other states. In 1926 it was authorized for the first time to award baccalaureate degrees and the name of the institution was changed from 'normal school' to 'teachers college.' In 1951 the Wisconsin state legislature and the Board of Regents authorized the establishment of degree programs in 'liberal arts' and the name of the institution was changed to 'state college.' In 1964, following rapid increases in enrollment and expansion of programs, both graduate and undergraduate, the institutional name was changed to 'state university,'[22]

Of more direct relevance to the subject under discussion was the official university position regarding freedom of thought and expression. That position was outlined in the university catalog in these terms:

> The faculty and administration of Wisconsin State University - La Crosse believe that it is the task of the university to make people safe for ideas, not to make ideas safe for people. Beyond formal class lectures and discussion the university should provide opportunity for the presentation of diverse views in order to stimulate thought and discussion in the university community. It is also the responsibility of the university to strive, over a period of time, to attain a diversified presentation of ideas by persons who are engaged in the continuing dialogue. Thus the university seeks to increase student exposure to the ever-expanding world of ideas. In a democratic society we can do no less.[23]

With that brief description of the La Crosse campus in 1960 and the official university position on freedom of thought and expression, the discussion can turn to the formation of the La Crosse chapter of the Students for a Democratic Society. After a series of informal meetings, the local affiliate was officially founded at an organizational meeting held on February 24, 1960. At that meeting which was attended by approximately fifteen students, Patrick Holbrook, a senior political science major, was elected acting chairman. Most of the two-hour meeting was spent drafting a statement of purpose based upon the Port Huron statement. After the meeting Holbrook was asked about the plans of the fledgling organization but was unable at that time to describe the course which it would take. He did say, however, that, "One thing you can be sure of, we'll make our own decisions and programs. SDS chapters are totally autonomous." He was optimistic about the chances of receiving favorable administrative action in regard to university recognition. The chapter had received some aid from Jack Kitteridge of Madison, Wisconsin, who held the position of midwest coordinator for SDS. Kitteridge, by the way, had been denied use of a university auditorium on February 14 for a speech sponsored by the university Humanist Club. This incident was one of several occuring around that time involving controversial speakers on campus.[24]

The statement of purpose developed at the February 24 meeting read as follows:

Statement of Purpose

The [illegible] for a Democratic Society are students and [illegible] of the urgency of the times to move actively [illegible] toward breaking the crust of apathy on the [illegible] campus, to aid in overcoming the inner

alienation that characterizes much of the life of those engaged in the academic pursuit; and to act beyond the campus, in the larger community, in developing viable means whereby the democratic institutions (can) be fashioned to meet the needs of the people they serve. We express our unwillingness to settle for anything less than a full engagement in social and political reform which will serve, at the same time, as a source of social criticism and act as the initiator of new modes and molders of attitude and behavior. This task requires of us some basic principles which will be the guidepost of action and will serve in analyzing the concrete conditions of the social order. These principles involve a coneption of human beings, human relationships, and social systems. In affirming that all men must be regarded as infinitely precious and possessed of unfulfilled capacities for reason, freedom, and love; we reject (1) that he is a thing to be manipulated and that he is inherently incapable of directing his own affairs, and (2) the doctrine of human incompetence because it rests essentially on the modern fact that men have been incompetently manipulated into incompetence. An increased participation in decision-making will give men the skills to meet the complexities and responsibilities of modern life. Furthermore, we affirm our faith in the unrealized potential of man for self-cultivation, self-direction, self-understanding, and creativity. The goal of man and society should be human independence: a concern not with (an) image of popularity but with finding a meaning in life that is personally authentic; a quality of mind not compulsively driven by a sense of powerlessness, nor one which unthinkingly adopts status values, nor one which represses all threats to its habits, but one which has full spontaneous access to present and past experiences, one which with some ease unites the fragmented parts of personal history, one which openly faces problems which are troubling and unresolved, and one with an intuitive awareness of possibilities, and an active sense of curiosity, an ability and willingness to learn. With respect to human relationships we believe that a personal link between man and man is a most significant form of social relation and that, indeed, (it) is a necessary condition for human survival. The loneliness, estrangement, and isolation which characterize human relationships can be overcome only when this link is formed. We believe in generosity of a kind that expresses one's unique individual quality in relation to other men and to all human activity.

The social system we seek to establish is one in which power is rooted in love, reflectiveness, reason, and creativity, rather than inpossession, privilege or circumstance. The individual participation in this democratic form would be

> governed by two central aims: (1) 'that the individual share in those social decisions determining the quality and direction of his life; (2) that society be organized to encourage independence in men and provide the media for their common participation.' These aims apply to all major social institutions, political, economic, cultural, religious, educational, rehabilitative and others--with the 'integrity and dignity of man' as the essential focus.
>
> We affirm our belief that these are means whereby these institutions and this land, called America, can gain a sense of community with the impulse and inner momentum necessary for the age in which we live.
>
> We pledge ourselves to accomplishing these aims through the means of non-violence.[25]

Having begun the task of organizing the chapter and defining its goals, the membership (which was limited to about a half dozen individuals and remained at about that level throughout the short life of the chapter) began the task of applying for official university recognition for SDS. This proved to be an extended process. The technicalities are relatively unimportant since all parties involved in the controversy agreed that the chapter had adequately fulfilled the procedural requirements for university recognition.

Nevertheless, the chapter revised its constitution twice during 1966 apparently in an effort to satisfy administrative and Organizations Board requirements. The primary concern seemed to center around the question of the local chapter's affiliations with the national SDS organization and the League for Industrial Democracy.

In regard to affiliation, the original constitution of the local SDS chapter stated:

> Whereas we are a chapter of the National Organization of S.D.S. and adhere to the principles of the Port Huron Statement (1962), we reserve the right to act independently of any specific National Policy with which we as a group disagree.[26]

The first revision of the local constitution described the chapter's affiliations as follows:

> Whereas we are a chapter of the national S.D.S. and adhere to the principles of the Port Huron Statement, we reserve the right to act independently of any specific national policy with which we disagree. We specifically disavow any affiliation with the League for Industrial Democracy.[27]

The final draft of the constitution, which was approved by the Organizations Board but rejected by President Gates, contained only the following short statement concerning chapter affiliations: "We are a chapter of the national S.D.S."[28]

It is not clear why these specific revisions were made. However, the statements do seem consistent with each other and with outside evidence concerning SDS. They are noted here, not because of any procedural significance but, because the matter of local autonomy played a significant role in the arguments over the administration's justification for denying a charter to the SDS chapter at La Crosse.

While the quest for university recognition continued, the chapter became involved in various activities. For instance, it sponsored a small protest against U.S. involvement in the expanding war in Vietnam during the International Days of Protest (March 25 and 26, 1966). The newsletter of the National Coordinating Committee to End the War in Vietnam, which was the national organizer of the demonstrations, reported that "eleven people picketed in front of the Federal Building with signs including 'Escalate the peace effort,' 'We support our boys in Vietnam, bring them home now,' and 'Think, America, think.'"[29]

In conjunction with the picketing the local chapter of SDS issued a statement which read:

> American and Vietnamese casualties mount daily in Viet Nam; our government remains deaf to the rising wave of doubt in the minds of American people. Silence supports a policy contrary to the historic tradition of the American Revolution. Silence supports destruction upon the farms, villages and people of a small impoverished Asian nation. We have been shown no justification for the resumption of bombing in the North, the destruction of villages, crops and natural resources belonging to the Vietnamese people.
>
> We urge that immediate steps be taken, through the United Nations, if necessary, to negotiate with the National Liberation Front along with the existing government in Saigon. These negotiations, we feel, would serve to establish a more representative government and end the war.
>
> This demonstration is to express this discontent with the war. Although this demonstration is being sponsored by Students for a Democratic Society (SDS) in conjunction with the International Days of Protest, March 25-26, it includes members of other organizations as well as private citizens. It is expected that during the International Days of Protest demonstrations will be held in over 60 major cities in the United States as well as in 40 foreign countries.[30]

That small demonstration in front of the La Crosse Post Office was typical of the limited, small-scale activity of SDS during 1966. The attempt to gain university recognition continued throughout the year and the end seemed in sight when the Organizations Board finally approved the SDS request for a charter at its meeting on December 1, 1966.

At that meeting, the board discussed the SDS question at considerable length. Following the favorable recommendation of the board's constitution subcommittee, a motion was made that the board recommend to the President of the university that SDS be officially recognized as a campus organization. During the ensuing discussion one administrator on the board read an article on SDS from Time magazine. A report from the F.B.I. and several newspaper articles concerning SDS were also discussed. Opposing points of view were debated and finally a roll-call vote was

taken. The vote was five to two in favor with two abstentions and the chairman not voting. Four students and one faculty representative voted in favor of the motion while one student and one faculty member voted against it. Two faculty members and the chairman abstained.[31]

On the following day, the editor of the La Crosse Tribune responded to the Organizations Board recommendation by urging the President of the university to veto the charter of the Students for a Democratic Society. The editor's reasoning was expressed as follows:

> The local group's constitution has attempted to go two ways at once.
>
> At (Organizations Board) subcommittee insistence, it disavowed any connection with the League for Industrial Democracy with which the national SDS still has close ties.
>
> The League is a Peking-orientated group of the 'new left.' Nationally, SDS in the spring of 1965 ran the 'march on Washington' protesting U.S. policy in Viet Nam. J. Edgar Hoover has called it a 'Communist front organization.' At its national convention in Clear Lake, Iowa, two months ago one of the activists was Bettina Aptheker, an admitted Communist and active in the Berkeley furor.
>
> But while disavowing the league, the local SDS organizers stay with the SDS 'Port Huron' statement which calls for 'an alliance of students and faculty' who 'must wrest control of the educational process from the administrative bureaucracy.'
>
> This means that SDS would plan trouble, demonstrations, and sand in the gears of the university administration here, as it has on other campuses. Inviting this sort of thing is, as the British say, a bit thick...
>
> SDS should not be chartered here, on the basis of its history and past performance on other campuses.[32]

In the interest of clarifying the issues, one should note that the editor's basic premise that the local SDS chapter had "attempted to go two ways at once" is open to serious question. Since both the local chapter and the national SDS organization had already broken completely

away from the parent League for Industrial Democracy, there seems nothing especially contradictory in the chapter's maintaining a belief in the basic document of its own independent national organization.[33] The editor was obviously misinformed concerning the connection between SDS and LID at the time of the publication of the editorial.

A number of other misrepresentations of fact suggest themselves. The editor's contention that LID was a "Peking-orientated group of the 'new left'" is questionable since no evidence is apparent to suggest a Maoist-orientation on the part of LID and certainly that organization would be labled "old left" if anything. Furthermore, the fact that SDS ran a peace march hardly is acceptable evidence of subversion. It is also questionable what conclusions can be drawn from the fact that one communist attended the organization's national convention. The implications of the quotation from the Port Huron Statement concerning the educational process are also unclear. Finally, the blanket assumption that the local chapter of SDS would definitely be disruptive at the university seems incredible.

Events moved rapidly, however, in regard to the SDS chapter at La Crosse. Four days after the Organizations Board's approval of the SDS charter and three days after the La Crosse Tribune's editorial attack upon SDS, President Samuel Gates denied university recognition to SDS. His decision was based upon his own investigation and interpretation of the evidence available concerning SDS. That decision and the evidence upon which it was based constitute the topic of the following chapter.

CHAPTER IV

THE PRESIDENT'S VETO OF THE SDS CHARTER

President Samuel Gates' veto of the proposed charter for the Students for a Democratic Society was announced by his office on December 5, 1966. His decision was made after thoughtful and serious consideration of the evidence available to him. The decision was obviously not an easy one for him to make. Indeed, he described the entire matter as a dilemma "shaded with grey overtones rather than pure black and white."[34] Furthermore, in a letter to the President of the Board of Regents he described his feelings as follows:

> Admittedly, the issue is not black or white, and much of the reference material is fragmentary. I should like to say, however, that my decision to veto the charter of SDS on this campus was not designed to be capricious or arbitrary, but to be 'preventative.' I have concluded, on the basis of the evidence which has weighed heavily in my thinking, that chartering SDS on this campus is not in the best interest of the institution. After you have had an opportunity to review the materials, you may conclude otherwise.[35]

The evidence and reference materials of which Dr. Gates made note were listed in a letter which the President wrote to Leonard Haas, President of Wisconsin State University - Eau Claire.[36] The first item listed in that letter was a message from FBI Director J. Edgar Hoover dated October 1, 1966, the exact source of which is unclear. In this statement Hoover argued that the Communist Party of the United States had recently embarked upon an aggressive and ambitious campaign to overthrow the government through massive agitation. In the message's only reference to SDS, Hoover made the following statement:

> Working hand in hand with the Du Bois Clubs on the campuses are organizations such as the Students for a Democratic Society, a militant youth group which receives support from the Communist Party and in turn supports communist objectives and tactics. (Gus) Hall (General Secretary of the Communist Party of the United States) has characterized it, along with the Du Bois Clubs, as a group which the Communist Party has 'going for us.'[37]

Hoover also authored the second document upon which the President's decision was based. Once again Hoover described what he believed to be an insidious and clandestine conspiracy on the part of the Communist Party to subvert American society by manipulating its young people. Hoover wrote:

> There is in today's campus turbulence a new style in conspiracy -- conspiracy that is extremely subtle and devious and hence difficult to understand. It is a conspiracy reflected by questionable moods and attitudes, by unrestrained individualism, by nonconformism in dress and speech, even by obscene language, rather than by formal membership in specific organizations.
>
> Often called the New Left, this conspiracy has unloosed disrespect for the law, contempt for our institutions of free government, and disdain for spiritual and moral values.[38]

In the article's only reference to SDS, Hoover stated:

> At the core of the extremist elements of the New Left are doctrines of civil disobedience, disrespect for our constitutional processes, and a desire to revolt against our economic, political, and social system. One of the most active and vociferous groups in the New Left is the Students for a Democratic Society, many of whose members dress in beatnik style.[39]

The Washington Report of the American Security Council, a source with which the President was not familiar,[40] was the third source of evidence upon which the charter denial was based. That organization is an ultra-conservative group consisting mainly of retired military officers and right-wing industrialists, whose founder and long-time

leader focused his attention and that of his organization upon a campaign to engage the United States in a war with Albania.[41] The Washington Report article contained capsule summaries of the American Security Council view of several anti-war groups. The article describes SDS as follows:

> In alliance with other groups, SDS organized the 1965 anti-war march at the Capitol. SDS is the leader of the 'beat the draft' campaign and has suggested that young men pretend to be homosexuals, beatniks, conscientious objectors, or just plain physically unfit 4-F's to avoid serving in the Armed Forces.
>
> Headed by Clark Oglesby and Clark Kissenger, SDS was, until recently, financed by the League for Industrial Democracy, an old-line Socialist organization. Although LID withdrew support, it did not repudiate SDS, which now claims 3,000 members, including some 300 professors, on nearly 100 campuses. The national headquarters in Chicago and the New York offices double as command posts for local Committees to End the War in Vietnam. SDS is currently under investigation by the Justice Department.[42]

The fourth item in Dr. Gates' file of material on SDS came from Life magazine. It was a November, 1966, editorial which deplored an incident at Harvard University in which Secretary of Defense Robert McNamara was shouted down during a speech by a mob led by SDS activists. Incidents at Berkeley, Brown, Boston College, and CCNY were also mentioned but not in direct connection with SDS. The editor described the membership of SDS as "vaguely united in a pro-poor, anti-war, non-programmatic dream of 'participatory democracy.'"[43] He went on to say that:

> There are only three avenues to effective power or influence on public policy in this country. One is to persuade the already powerful by appeal to reason or conscience; the second is to persuade enough voters to give you power. At neither of these methods have the SDS types shown much skill. A third method is coercion by force or rebellion, the course some of them seem to be flirting with.[44]

The same incident at Harvard provided the subject for a Time magazine article which was the fifth piece of reference material upon which the administrative veto of university recognition for SDS was based. The article described how the SDS-led mob prevented McNamara from speaking inside an auditorium and then surrounded his car as he attempted to leave.[45]

The administration's case against SDS also rested on a letter from the U.S. Justice Department in reply to an inquiry from Dean of Student Affairs Robert H. Steuck. The letter traced the history of the League for Industrial Democracy, the Student League for Industrial Democracy, and the Students for a Democratic Society. The March 18, 1966, correspondence described the then current relationship between SDS and LID in these terms:

> ...the Student League for Industrial Democracy was reorganized in 1960 as the Students for a Democratic Society, and since 1962 has operated as an autonomous body though still the student department of the League for Industrial Democracy.[46]

The writer then described SDS's involvement in two anti-war protests:

> Students for a Democratic Society sponsored a demonstration march on Washington April 17, 1965, protesting United States policy in Vietnam and also actively participated in such protest demonstrations throughout various cities of the country on October 15 and 16, 1965. The First Amendment to the Constitution guarantees to everyone the right to express his views and opinions even though critical of our foreign policy. However, an investigation is presently being conducted to determine the extent of Communist activity in these demonstrations and whether any individual has violated any Federal law, such as by tearing up or burning draft cards or counseling others on specific ways and means to evade the selective service laws. In instances where sufficient evidence is developed establishing a violation of Federal law, appropriate action will be taken.[47]

The text of a statement by J. Edgar Hoover to a subcommittee of the Committee on the Judiciary of the U.S. Senate also played a role in the President's veto decision. The document consisted of a report on the 1966 national convention of the Communist Party of the United States. While Hoover never mentioned SDS in the statement, he did make numerous references to the party's attempts to infiltrate and guide new left organizations. Hoover's position was outlined quite well in this excerpt:

> The convention made a special attempt, especially through its youth program, to establish the party as the catalyst of the so-called 'new left' in this country, hoping to form coalitions with all elements of that movement.
>
> The party has been watching with uninhibited glee the rise of so-called 'new left' organizations and groups, which have culminated in 'peace marches,' protest demonstrations against American policy in Vietnam, and turmoil on college and university campuses. The party press has carried articles on the 'new left,' saying the party should guide, exploit, and if possible, corral this youthful sentiment -- which so largely is directed against the 'status quo' and the 'establishment' and has even encouraged civil disobedience.[48]

In addition to these government statements and magazine articles, the administration also reviewed a number of official SDS documents. First among these was the Port Huron Statement, especially the section entitled "The University and Social Change." In this section of the statement, the argument was made that the universities constituted the most logical and hopeful base from which the new left could launch their campaign to engender drastic social change in America. The statement included this comment: "Social relevance, the accessibility to knowledge, and internal openness -- these together make the university a potential base and agency in a movement of social change."[49]

The authors went on to suggest that the new left transform the universities to suit their needs and then move beyond the campuses to the communities of America, convincing the masses to join them in demanding thorough-going social reforms. The statement concluded with these paragraphs:

> To turn these possibilities into realities will involve national efforts at university reform by an alliance of students and faculty. They must wrest control of the educational process from the administrative bureaucracy. They must make fraternal and functional contact with allies in labor, civil rights, and other liberal forces outside the campus. They must import major public issues into the curriculum -- research and teaching on problems of war and peace is an outstanding example. They must make debate and controversy, not dull pedantic cant, the common style for educational life. They must consciously build a base for their assault upon the loci of power.
>
> As students for a democratic society, we are committed to stimulating this kind of social movement, this kind of vision and program in campus and community across the country. If we appear to seek the unattainable, as it has been said, then let it be known that we do so to avoid the unimaginable.[50]

Dr. Gates made particular note of the statement that students and faculty "must wrest control of the educational process from the administrative bureaucracy." This statement apparently had a somewhat significant impact upon the veto decision.[51]

Another SDS document upon which the President's decision relied was a working paper prepared by Carl Davidson, national vice-president of SDS, for the national SDS convention held at Clear Lake, Iowa in August of 1966. Gates labled the essay, entitled "Toward a Syndicalist Movement or University Reform Revisited," a "blueprint to wreck an institution."[52]

Davidson began by explaining his view of the relationship between the university and society as a whole:

> We have named the existing system in this country 'corporate liberalism.' And, if we bother to look, its penetration into the campus community is awesome. Its elite is trained in our Colleges of Business Administration. Its defenders are trained in our Law Schools. Its apologists can be found in the Political Science Departments. The Colleges of Social Sciences produce its manipulators. For propagandists, it relies on the Schools of Journalism. It insures its own future growth in the Colleges of Education. If some of us don't quite fit in, we are brainwashed in the Divisions of Counseling. And we all know only too well what goes on in the classrooms of the Military Science Buildings.[53]

The author went on to explain the methods which the educational system supposedly employs in order to produce these establishment types:

> They were shaped and formed on an assembly line that starts with children entering junior high school and ends with junior bureaucrats in commencement robes. And the rules and regulations of in loco parents are essential tools along that entire assembly line. Without them, it would be difficult to produce the kind of men that can create, sustain, tolerate, and ignore situations like Watts, Mississippi, and Vietnam.[54]

Davidson thus created a theoretical framework establishing a significant connection between the procedures of the educational system and socially significant issues. He then went on to outline a number of errors which he believed university reform movements had committed in the past. Among them he listed the formation of single issue groups, organizating around empty issues, fear of being radical, working through existing channels, waiting for faculty support, concern with legal questions, isolation from potentially amenable segments of the student body, forming free universities, and working within student government.[55]

Having rejected the traditional avenues toward university reform, Davidson proposed an alternative based upon the principles of participatory democracy. He suggested the formation of student syndicalist

movements operating independently of all other segments of the university community to promote student control of the educational process.

Davidson saw two possible structural forms for the student syndicalist movements. The first was the Campus Freedom Democratic Party (CFDP) which supposedly would take over the already existing student government, present a list of demands to the university administration, and, if the demands were not met, abolish student government, begin mass demonstrations, occupy administration buildings, boycott classes, and promote strikes by teaching assistants.

The alternative structural form for the student syndicalist movements, the Free Student Union (FSU) would work outside of student government, exposing the powerlessness of those bodies and developing mass support among students. Eventually the FSU would make its demands upon the university and, if refused, declare a general strike.

Davidson went on to stress the importance of adopting the abolition of the grade system as the primary issue around which the syndicalist movements would organize. He also emphasized the importance of making participatory democracy the basis of syndicalist ideology, i.e., always demanding that students should make the rules and regulations of the university.

Two very different versions of the national constitution of SDS also reckoned in the President's decision to deny university recognition to SDS. The first was the national constitution as amended through June of 1965. The second was the constitution as amended at the Clear Lake convention in the fall of 1966.

The President was concerned, first of all, with the relationship between the national SDS organization and the League for Industrial Democracy. The 1965 constitution contained the following direct references to LID:

> Students for a Democratic Society shall be affiliated with the League for Industrial Democracy, Inc., a tax-exempt educational foundation concerned with the extension of democracy into all areas of social, political, and economic life.[56]

> The S.D.S. shall be autonomously constituted, though its policy and functioning shall be within the broad aims and principles of the L.I.D.[57]

This constitution made several other references to LID having to do with: "review" of the SDS policy, program, and administrative procedures by LID; procedures for the resolution of differences by means of "consultation" between SDS and LID; the designation of four members of SDS as members of the board of directors of LID; and laison between SDS and LID for the purpose of "consultation" on matters of organization, policy, administration, finance, and ideology.[58]

These references caused the President to make the following statement in a letter to the President of Wisconsin State University - Eau Claire:

> I was strongly influenced by this statement of the official national constitution...You will note the relationship of the SDS and the continual references to the League for Industrial Democracy. You will also note the degree to which the SDS organization is to be directed by the parent organization, which I feel certainly raises serious questions about the degree of autonomy of any local unit.[59]

In sharp contrast to the 1965 constitution, the Clear Lake (1966) constitution made no mention of LID at all. This reflected the culmination of the four-year dispute between the two groups. Curiously, the university administration apparently utilized only the out-of-date 1965 constitution in formulating its case against SDS.

The second major concern of the administration in regard to the national constitution involved the relationship between local chapters and the national SDS organization. The constitutions appeared identical in this regard. The relevant portion of the constitution read as follows:

> Chapters are expected to operate within the broad terms of policy set by the National Convention and the National Council. Points of conflict should be referred to the National Council and a procedure established to make the issue public to the organization. In matters judged to be detrimental to the interests of the organization, the National Council shall have the power to cease whatever activity that has been brought into question. The matter shall be finally resolved by the National Council in meeting or referendum.[60]

The final SDS document upon which the administration based its decision against SDS was the local constitution of the SDS chapter at La Crosse. Again the most pertinent concern was the relationship between the local chapter and the national SDS organization. That matter was discussed in the preceding chapter.

That completes the survey of the reference material upon which the administrative decision to deny university recognition to SDS was based. In summary, the material consisted of the following external material: a message from J. Edgar Hoover; an article in PTA Magazine by Hoover; a statement to a Senate Judiciary Committee subcommittee by Hoover; a letter from the U.S. Department of Justice; an article from Time magazine; an article from the Washington Report; and an editorial from Life magazine. In addition, the President reviewed these SDS documents: the Port Huron Statement; an essay by Carl Davidson, national vice-president of SDS; two versions of the SDS national constitution; and the local constitutions of the SDS chapter at La Crosse.

Based upon those materials, the President vetoed the Organizations Board's recommendation that the university officially recognize SDS as a campus organization. In order to explain his position, the President issued the following statement:

> "Four faculty members and five students seeking charter recognition for Students for Democratic Society formally petitioned the La Crosse State University joint faculty-student Organizations Board for approval and sanction. The Organizations Board, consisting of five students and five faculty members reviews, charters, and recommends approval of each organization to the President. After careful study extending over a nine-month period, the ten member Organizations Board Thursday voted 5 to 2 with two faculty members and the chairman abstaining to grant SDS a charter. Actually four students and one faculty member voted to approve, and one student and one faculty member voted to deny, two faculty members did not vote either for or against. The Dean of Student Affairs served as chairman. The Organizations Board is a "blue-ribbon" committee composed of persons of unquestionable personal and professional integrity. I am confident that the five members of the Board voting to approve the SDS charter were motivated primarily by the desire to guarantee freedom of speech and freedom of dissent, and the freedom to examine all ideas regardless of origin. In the examination of my own conscience, principles, and obligations as President of the University however, I am persuaded that denial of a charter to SDS will not jeopardize academic freedom on this campus; or the freedom to discuss; or the freedom to listen.
>
> "In my opinion, charter denial will not violate the basic tenets adopted and expressed by the faculty in 1963 which cites as one of the major objectives of the University the goal to "make people safe for ideas, not to make ideas safe for people." To the contrary, however, I am convinced that the granting of a charter to SDS will signify University approbation and approval of the organization, its purposes, and the means normally employed by SDS to attain its ends.
>
> "It is most difficult for me to conceive of this University giving its official approval and encouragement to an organization which nationally has made a mockery of law and of orderly change. We here at La Crosse State University are committed to freedom! We are committed to

freedom -- not license! We are committed to freedom with responsibility. And we are committed to freedom within the rules. The analysis of SDS activities on other campuses and in other communities; the analysis of SDS statements of purpose in its earlier constitution; the analysis of documentary materials released by the Federal Bureau of Investigation reveals extremism not moderation, anarchy not freedom within the rules, and capriciousness rather than responsibility. The FBI has documented many instances where SDS members have flaunted the law in their efforts to attain their own objectives.

"Some within the academic community will argue that "we are not responsible for SDS members on other campuses; that denial on this basis constitutes guilt by association." This argument would have more validity if the local chapters presented better evidence of disassociation with the National Chapter, and more evidence of independent action. I contend that SDS action on other campuses; the national SDS organizational effort to re-write its national constitution to meet procedural and technical requirements of the university and of the academic community creates in my opinion sufficient doubt in the minds of prudent men to warrant charter denial at LSU.

"I should like to observe that the organizational efforts of SDS on our campus have followed normal procedures required by the Organizations Board of all student organizations. I have received the Organization Board's recommendation for approval. As President of Wisconsin State University at La Crosse I have given the arguments presented in favor of approval careful and deliberate consideration, and I have concluded that charter recognition of SDS is not in the best interests of the institution. Consequently I am formally denying the charter.

My administrative veto is subject to faculty and ultimately Regent review."[61]

The apparent intention of the university at that time was that the result of the denial of recognition would be that SDS would be prohibited from using university facilities to carry on its activities.[62] This intention was reflected in the following statement by Dr. Gates: "I should like to reemphasize...that I see a great difference between providing free speech to persons of alien ideologies and making a home and sanctuary for them."[63] As will become apparent in the discussion of the legal contest

which ended the controversy, the effects of nonrecognition changed somewhat as the debate progressed. Furthermore, university policies in regard to these effects became confused when differing interpretations of policies were made by various university officials. Nevertheless, the public reaction to the veto was apparently based upon the belief, consistent with the original administrative intention, that SDS was being banned from campus.

CHAPTER V

PUBLIC REACTION TO THE VETO

Reaction to the President's veto and statement came swiftly and emanated from a variety of sources. Opposition arose almost immediately from a group of liberal and moderate students who organized an ad hoc committee known as the Free Organizations Movement (FOM) for the purpose of obtaining a reversal of the decision.

FOM was formed on December 8, 1966, at a meeting in the United Campus Ministry building attended by more than a hundred students and faculty members. After electing an executive committee consisting of James Birnbaum, Jerome Gold, James Smart, and Edward Hartig, those in attendance proceeded to discuss the administrative decision and various ways of reacting to it. After considerable and sometimes angry discussion of tactics, FOM chose to compose and circulate a petition asking Dr. Gates to approve university recognition for SDS. The petition asserted that Gates' action violated the constitutionally guaranteed freedoms of speech and assembly and argued that SDS should be allowed all the rights and privileges of university recognition. It specifically stated that the petitioners did not necessarily endorse SDS, its goals, or its activities. When presented to Dr. Gates, the petition bore the signatures of 765 students and faculty members.[64] There were indications that the number of petitioners would have been greater had it not been for unwarrented apprehension and trepidation on the part of many students. As Kristie Gates, daughter of the President, indicated at a student government meeting

> Be it resolved that the CCC formally and respectfully protest to President Samuel G. Gates concerning his veto of the application of the SDS for recognition as a legitimate campus organization and ask for a retraction of the veto. Be it further resolved that such protest make explicit that the basis of opposition to this veto is its violation of the right to free assembly and expression, and in no way sanctions the actions of SDS chapters at other educational institutions.[68]

Since a quorum was no longer present, no official vote was taken at that time. An unofficial tally did show that a majority of those present favored the protest motion.[69] Eventually CCC did take an official position in favor of university recognition of SDS.[70] As noted above, no referendum was conducted despite the CCC motion in favor of polling the student body.

The Racquet, the university's student newspaper, responded to the veto with editorial fire. Editor Nick Moran blasted the administration on several occasions. On December 8, 1966, he charged that the President's decision was discriminatory in the sense that the Young Americans for Freedom, a conservative, right-wing student group, had been recognized by the university.[71]

In a February 3, 1967, editorial, Moran described the administration action as,

> ...a sentence by a judge with no trial ever given. The decision by President Gates condemned an organization that had followed the laws governing the formation of organizations on this campus. They had not broken any laws of the university or of the community. How were they honestly guilty of anything against this university?
>
> The President said that their actions on 'other campuses' contributed to his decision. This statement is in contradiction to good educational practice, that a person should never read 'out of context.' This is exactly what has been done. But a bigger question is involved, the manner in which the SDS was denied, what we believe their right to be on this campus.[72]

Moran went on to link the charter denial to the issue of greater participation by students and faculty in the governing of the university. The editor characterized both the veto decision and the decision-making process as unconstitutional.[73]

As the legal battle over the veto dragged on, editor Moran's patience grew thin. In March, 1967, he complained editorially about Attorney General Bronson LaFollette's dilatoriness in formally advising the Director of the State University System on the legality of the charter denial. Furthermore, he found LaFollette's decision vague and ambiguous.[74]

However, in April when the American Civil Liberties Union (ACLU) announced its decision to take the matter to court, Moran's spirits were lifted. Obviously confident that the courts would reverse the President's decision, Moran wrote:

> ...it is a relief to know that...the American Civil Liberties Union will take advantage of its right to test the constitutionality of the action of the president and the board in court.
>
> It is also a relief to know the courts will act only on the democratic principle involved instead of the right-wing or left-wing views so many opinions have been based on.
>
> The decision in court won't be a victory for the liberals or the conservatives, but proof that democracy does exist -- that the Constitution is the foundation of our government amid the bureaucracy, personal aspirations, and political influences.[75]

Student reaction, in the form of opposition, also came from the United Council of Wisconsin State University Student Governments. In response to a proposed system-wide ban against recognition of SDS, the executive board of the United Council adopted unanimously the following statement:

> The United Council of Student Governments of Wisconsin State Universities, representing the students of the entire state university system, cannot condone the takeover of any university by a vocal minority. Similarily, terror, violence, lawlessness, and anarchy do not belong on any campus of the Wisconsin State Universities.
>
> The right of free speech and assembly is guaranteed to all individuals in the Constitution of the United States of America and may only be revoked when the abuse of that right infringes upon another individual's rights.
>
> Therefore, the United Council will defend an organization's right to be present and registered on any campus in compliance with the policies and procedures provided for registration on the individual campuses. Registration does not mean or imply approval, but merely grants the privileges and requires the responsibilities commensurate with registration.[70]

The United Council's executive board apparently took no more formal action in regard to SDS. Nevertheless, its concern about the ban against SDS continued and that subject provided the major topic of discussion at the Board's October 4, 1968, meeting. That discussion included brief descriptions of the SDS situation at eight of the nine state universities. These descriptions were summarized in the minutes of the meeting as follows:

> The first topic of discussion was SDS. Stevens Point distributed copies of the resolution that their Student Senate had proposed.
>
> The discussion then moved into what type of situation existed on each campus concerning SDS:
>
> Whitewater - It is a small group of perhaps 17 people. They put out a handbook. They applied for recognition from the Faculty Senate, and got it. Then the University President delayed until the La Crosse Court case was decided. Then SDS was refused recognition. Until the Presidents action SDS was "unofficially recognized as a temporary organization."
> Stout - SDS is not recognized as such. There is some underground movement - student interest.
> River Falls - Non-recognized. Disbanded.

Superior - No organization in the last three years. Rumors of possibility of starting an SDS. President of the University is concerned.
Eau Claire - They have a large group which consists of two factions: One faction is favorable and the other derogatory. The one faction has about 150 members. This faction is active and puts out publications.
Stevens Point - SDS began academic year 1967-68. They intended to become recognized and went through the proper channels. Student Senate recognized them unanimously February 15, 1968. SDS puts out an underground newspaper called THE COUNTERPOINT. They organize teaching on the Student Conduct Code. An exciting group of students who have proved to be less controversial than other organizations on campus.
La Crosse - SDS charter denied two years ago. These students have channeled themselves in other activities such as: Free university, and sponsoring of speakers and debates. Possibility of attempts for a new charter.
Oshkosh - Denied recognition in September of 1968. Still active but minimal.[77]

The student governments at the Eau Claire and Stevens Point campuses of the Wisconsin State University system also opposed the President's action and the proposed ban against recognition of SDS on state university campuses.[78]

At least one student organization supported the actions of President Gates in denying university recognition to SDS. In endorsing the President's decision, the Young Republicans at La Crosse declared that "...establishing an organization on campus is not to be considered a right, but a privilege that must be earned...the SDS has not shown themselves worthy of this privilege."[79]

Faculty reaction to the veto was mixed. In a statement to the Faculty Senate, the Wisconsin State University - La Crosse chapter of the American Association of University Professors (AAUP) opposed the administrative veto on two counts:

> ...the apparent infringement and limitation of freedom of thought and expression brought about by that action, and the apparent interpretation by the President that recognition of a student organization necessarily entails specific approval and encouragement of the ideas of that student organization.[80]

In support of their first contention, the professors cited the section of the university catalog dealing with "Freedom of Thought and Expression" (quoted in Chapter III) and charged that the administration's action contradicted that statement.

AAUP further charged that the President's action violated the "Statement on the Academic Freedom of Students" which had been adopted by the National Council of the AAUP. That statement supported the right of students to join and form associations and recommended among other things that:

> Affiliation with an extramural organization should not of itself affect recognition of a student organization...
>
> Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly or privately. They should also be free to support causes by any orderly means which do not disrupt the regular and essential operation of the institution.[81]

The AAUP also challenged President Gates' contention that university recognition implied university approval of an organization's purposes and activities. The AAUP statement argued:

> Within the university setting the sources of ideas, of learning, and of truth are indeed diverse. And in no case should the presence, use, functioning, and recognition of these sources necessarily imply approval and encouragement of the specific ideas, ideals, attitudes, values, beliefs, purposes, goals, means, actions, and ends attributable to the sources of learning.
>
> Specifically, it is clear that the possession of books, periodicals, and other learning materials by a library or an audio-visual center does not carry with it either approval or disapproval of all the ideas contained therein.

> It also should be clear that the employment of faculty members does not entail the University's approval or disapproval of either their private opinions or their presentation of the truth as they see it in teaching students.
>
> Further, 'the appearance of any particular speaker on the campus does not imply either approval or disapproval by the administration or the faculty of what that speaker may say' (page 43 of University catalog).
>
> Similarly, the recognition of a student organization by the University should not necessarily entail approval and encouragement of the ideas attributable to that group.
>
> An examination of the list of groups currently recognized on campus would show how illogical and self-contradictory it is to assume that recognition involves approval and encouragement. In politics and religion, to mention two controversial areas, the University recognizes groups whose aims and goals are diametrically opposed. Can it be that the University specifically approves and encourages all of these various ideas and purposes?[82]

The AAUP concluded its argument by recommending that the Faculty Senate of the university adopt resolutions stating that university recognition of a student organization did not necessarily entail approval of the ideas of that organization and recommending that the charter of SDS be approved.

One other faculty group took a public stand contrary to the administration's position on the SDS issue, more specifically in opposition to a system-wide ban against recognition of SDS which had been initiated by the Board of Regents and interpreted by the Director of the State University System. In a resolution passed in November of 1968, the Association of Wisconsin State University Faculties (AWSUF) stated:

> Whereas university students are entitled in full to the fundamental right of speech and association; and
>
> Whereas Resolution 3161 of the Board of Regents of Wisconsin State Universities, adopted June 21, 1968, and its subsequent interpretation by Director of Wisconsin State Universities Eugene R. McPhee, dated July 18, 1968,

> together constitute an infringement upon the rights of students; and
>
> Whereas the Director's interpretation of Resolution 3161 specifically discriminates against some recognized and approved student organizations for ideological reasons; and
>
> Whereas the Director's interpretation constitutes prejudgement and so is a denial of the principle, central to English and American law, that persons or groups are assumed innocent of any action until proved guilty,...
>
> Therefore the AWSUF protests and condemns the adoption of Resolution 3161 by the Board of Regents of Wisconsin State Universities and the interpretation given that resolution by Director of Wisconsin State universities Eugene R. McPhee; we urge and expect the Board of Regents to rescind Resolution 3161 and its Director's interpretation thereof...[83]

Despite the AWSUF resolution, the system-wide policy of non-recognition for SDS continued. The policy, which had been adopted shortly after the court decision which ended the controversy at La Crosse, presumably did not encourage university administrators to interpret non-recognition as entailing denial of more than the limited privileges which the regents' attorneys eventually argued were the only privileges denied as a result of Dr. Gates' veto.

The veto and its original interpretation as a complete ban against SDS was supported by the editor of the La Crosse Tribune. He made the following comments in an editorial published on December 8, 1966:

> The biggest jolt that members of the local Students for a Democratic Society (SDS) chapter have got out of President Gates' sensible action Monday, no doubt, is that hardly anyone either on or off the campus feels they were hard done by. (It was obvious Tuesday that most students had more important things on their minds, including mid-term exams).
>
> Members of SDS here have not, of course, lost any 'rights.' They have the same freedom of speech and right of dissent they had before. No one is forcing them into a conformist mold, telling them to vote Republican, or go to church or join Rotary.

> What they do not have...is the status as a group that recognition would give them. That is a privilege, not a right, and one that SDS on the record hasn't earned...
>
> No young person is forced to attend La Crosse State, the University at Madison, or Berkeley. Anyone who can't bear the ground rules or the courses, we believe, should be advised to go elsewhere or, just possibly, consider taking a job.
>
> There are plenty of other places the state can put its tax dollars if some students don't want to stay in college.[84]

The editor's observation that hardly anyone opposed the administration action was apparently based upon an article which had appeared in the Tribune on the day following the announcement of the veto. In that article, a Tribune reporter wrote, "There was no evidence Tuesday morning that students at La Crosse State University were unduly excited because President Samuel G. Gates had denied a campus charter to the Students for a Democratic Society. The student union was calm and students appeared in most cases to be concentrating upon their studies."[85] This report both amused and angered some FOM supporters who wondered just what opponents of the veto would have to do in order to make the Tribune aware of their dissatisfaction with the administration's decision.

The Tribune also editorially supported President Gates' action on February 8, 1967. That editorial contained these observations:

> ...diversity of views or controversial speakers was not the question here; it was actions and statements by SDS groups or members elsewhere, which might reasonably be expected here if SDS attracted more than the three members currently claimed.
>
> These include implied or open support of North Vietnamese Communists; encouragement to the U.S. students to seek draft havens in Canada; distributions of pamphlets on how to feign draft exemption.
>
> These are not exactly fun and games, but something dangerously close to treason.[86]

At least one other state newspaper reacted editorially to the denial of recognition to SDS. In April of 1967, the Milwaukee Journal berated the Board of Regents for two actions:

> In two separate actions last week, the board of regents of the nine state universities exhibited an amazing disregard for the freedom and fair play that traditionally have characterized higher education in Wisconsin.
>
> The board postponed action on recommended promotions for two Whitewater State university English professors because they signed an anti-Vietnam war advertisement in the school's paper. Such intimidation is inexcusable, particularly when it comes from a body that should have utmost respect for the right of dissent.
>
> The board compounded its action by prejudging students at La Crosse State university who had requested permission to establish a charter of the Students for a Democratic Society (SDS), a left wing organization. By reaffirming a decision to refuse a charter, the board, in effect, ruled against the possibility that students at La Crosse might be exposed to a controversial organization. SDS, among other things, opposes further escalation of the war in Vietnam and works during summer months on Negro voter registration in the south. Only one regent, Mrs. Mary Williams of Stevens Point, cast a dissenting vote.
>
> A few years back the nine state colleges took it upon themselves to assume the name universities. The regents obviously felt they had earned the distinction. Unfortunately the regents seem not to have learned that "university" is more--much more--than just a 10 letter word beginning with "U."[87]

The controversy ignited by the veto also manifested itself in the "Letters to the Editor" columns of several newspapers. At least two dozen individuals took advantage of this avenue of communication to express their views of the SDS situation on the La Crosse campus. Among those supporting President Gates in his action was Gary J. Addis of La Crosse. He wrote "an open letter to SDS" which was published in the La Crosse Tribune and read as follows:

Your stated ideal is a community which decided for itself the rules and regulations that will govern it. You fail to realize that this is also the basic ideal of a democratic society such as the one we live in. The end result of this ideal is achieved by voting, not by raucous disorderly objections to everything.

You want to decide what's best for you concerning rules and regulations, and you want the major issues of our world today decided by your majority vote. Do 10 people jump off a bridge because six of the 10 say "jump"?

You want the right to do as you please, independent of others; what would be the situation in the world today if everybody thought and acted this way.

You state you don't know if there are Communists in your organization and you don't care either way. Yet you wish a voice in the policies of an avowedly free nation! This is a typical apathetic attitude that led to the downfall of other previously free nations.

You want to decide major issues, such as the war in Viet Nam. Why should you, a handful of misguided individuals, have this right? Our views are represented in policy making by the people we elect. If you disagree with these views you have recourse to vote against them, not pull asinine publicity stunts which the SDS seems to be notorious for.

Speaking as a fellow student, a bit of advice to present and prospective members of the SDS: Take a good look at what this group has associated itself with, not what they lay claim to.

Adopt a few of the old-fashioned ideas of patriotism into your philosophy. Leave the educating to the educators, the governing to those we elect. Make your views known, but through proper channels.[88]

In a letter to the editor of the La Crosse Tribune another La Crosse resident, M. Louise Drumm, expressed her feelings on the subject this way:

Just to say that I greatly admire your stand against the establishment of SDS at La Crosse State University.

I think it is high time every responsible citizen becomes better informed of the destructive elements that are dedicated and determined to destroy our American way of life.[89]

A Minneapolis, Minnesota, woman also expressed support for the veto in a letter to the Tribune:

> As a recent visitor in La Crosse, I noticed the Students for a Democratic Society (SDS) caused some concern in the community.
>
> We here in Minneapolis are only too familiar with SDS on the University of Minnesota campus. As usual, when these left-wing radical groups are recognized for what they are and treated accordingly, they scream "foul." They claim "academic freedom" and "freedom of speech" are their license for operation on tax-supported college campuses.
>
> Why is this organization so anxious to appear on college campuses, yet so tight-lipped before grand juries, committees of Congress, and in our courts of law? Why do glib-tongued SDS members suddenly lose their voices when placed under oath?
>
> The answers are clear to those familiar with SDS's background. Their repeated sponsoring and support of Communist speakers and programs is undeniable. By their own admission, they are "radicals of the left" and "don't really care if there are Communists" in their organization.
>
> President Gates made a wise decision in denying SDS a charter on the La Crosse campus. For those who refuse to see its wisdom, perhaps time will prove its merits.[90]

W.A. Kirkpatrick, a La Crosse resident, was also included among those endorsing the charter and encouraging public support for the administration's stand. In a letter published in the La Crosse Tribune on December 23, 1966, he stated:

> With the recent decision of President Gates to refuse a charter to the Students for Democratic Society, the banners of free speech and academic freedom have again been flung high. Having in mind the nature of SDS and the other groups so loudly protesting this action, I am struck by the incongruity of their position.
>
> First, it is incongruous that a group such as the SDS speak with such concern of their right to freedom of speech, when they have evidenced such a disregard for this right when others are concerned.
>
> This group and others of the "new left" are very concerned over any curtailment of freedom of speech; yet at

campuses and meetings across the country, their disruptive tactics impinge most severely on the rights of others' freedom of speech. The recent speeches of Senator Kennedy and Secretary of State McNamara which were disrupted by irresponsible tactics of these groups are but two examples of this disregard.

In addition to freedom of speech, these groups are quick to point to President Gates' action as a violation of academic freedom. This is to make a mockery of the term. Discussions of political beliefs running from the far right to the far left on the political spectrum may legitimately come within academic freedom. However, espousal of the doctrines of communism has no place in the community, academic or otherwise, and should not be allowed under the aegis of academic freedom.

The recent action of President Gates and the chancellor of the University of California in refusing to bow to the ludicrous demands of the far left is to be commended. It deserves the full support of the university faculty and the community.[91]

Of course, not all persons who wrote letters to newspapers agreed with the President. One writer assumed that the veto resulted from conservative community pressure:

In his recent refusal to charter SDS, Dr. Samuel Gates seems to have succumbed to community pressures at the expense of the students' right to examine all ideas regardless of origin.

This action raises a pertinent question: Should community standards prohibit the organization and chartering of political groups whose views do not reflect those of the community? I, a student at La Crosse State University, think not. It seems to me that the operation of the University should be completely free of outside pressures and the students be allowed to examine all viewpoints... regardless of how radical they may seem.

President Gates based his denial on the assumption that by granting a charter the administration would be "giving its official approval and encouragement to an organization which nationally has made a mockery of law and of orderly change." If this be the case, does the University approve of and encourage Young Americans for Freedom, a campus political organization allegedly of the extreme right?

While neither a sympathizer of the SDS or the YAF, I nevertheless feel that the University should "make people safe for ideas" and not "ideas safe for people."[92]

Another letter to the La Crosse Tribune from a student at the university refuted a Tribune editorial:

> The editorial "A Forgotten Truth" (Dec. 8) was a little too much for me to swallow. Unfortunately, I believe that the opinions in this editorial are the general opinions of the citizens of La Crosse. If this is true, the "All America City" doesn't deserve to have a university within its limits.
>
> It was stated that "hardly anyone either on or off campus feels they (SDS) were hard done by. It was obvious Tuesday that most students had more important things on their minds, including mid-term exams." The SDS issue was mentioned in three of my classes, and in one we discussed it for most of the period--the students are concerned! As far as the mid-term exams go, we took them four or five weeks ago.
>
> Many of the objectors, including myself, could care much less about the SDS itself; it is the principle involved. A group has lost freedom of speech and assembly as a recognized body on campus. This non-recognition will discourage many of the good -- and there are some good ones -- students from joining the SDS which otherwise would have, and at the same time will encourage to a greater extent the students that are chronic dissenters and nonconformists to join.
>
> What is the purpose of a university? Its purpose is to provide an atmosphere for students to learn all that they are able to about anything and everything that they want to learn about. It is a place where they can express themselves in any way they desire. It is where "people are made safe for ideas, not where ideas are made safe for people," as stated in the university catalog which Dr. Gates had better either read or have changed. The purpose of the university is not solely to satisfy taxpayers; and if Dr. Gates chooses to satisfy the taxpayers rather than the students and faculty, he will run into many difficulties.
>
> It is wonderful that people around the community propose ideas on the improvement of education and tell what they think is wrong with it. But the decisions are to be made by educators, not taxpayers.
>
> Please don't label me as a Communist or use one of your other fancy labels on me. I'm just an average student at the university who is quite disgusted with what has been done and said in the last few days.[93]

A December 30, 1966, letter to the Tribune made the following observations in regard to SDS and dissent in general:

> I feel that several things need saying regarding the SDS controversy. First let me state that I have no connection with SDS or LCU.
>
> Now let me clarify several points:
>
> 1. The students who heckled Sen. Ted Kennedy at Madison were reported by the Milwaukee Journal to be members of a group called "The Committee to End the War in Vietnam," not SDS.
>
> 2. The pickets on the Berkeley campus were members of the Free Speech Movement, not SDS. This is not to say that SDS would not involve themselves in this sort of action, it is simply to set the record straight.
>
> SDS has been called an organization of the "new left." This is not illegal or subversive; the new left is well within the American political tradition.
>
> Milwaukee elected Socialist mayors for years, Hoan and Zeidler to name two, and won many awards for good government. Norman Thomas ran for president many times on the Socialist ticket. A Socialist candidate appeared on the November Wisconsin gubernatorial ballot.
>
> Michael Harrington, whose book "The Other America" is credited with starting the "war on poverty," has been a member of the Socialist Party since 1953.
>
> I would not expect President Gates to welcome SDS with open arms any more than I would expect a company president to welcome labor union organizers; I would likewise not expect him to forbid them registration. I believe this is pre-judgement and intolerance of dissent which is unbecoming to a school wishing to be thought of as a university.
>
> One of SDS's basic precepts is that the "power structure" will tolerate no ideas which clash with the status quo. President Gates, with his bush-league decision, has certainly shown this to be the case at LCU.[94]

A former student at Wisconsin State University - La Crosse communicated his views to the editor of the university's student newspaper in these terms:

> My wife and I, now residing in Honolulu, Hawaii, have belatedly received news of President Samuel Gates' refusal to admit the Students For A Democratic Society to campus organization status. We deeply regret this action.
>
> As Humanists we envisage a time when men of all religions, races, nationalities, and ideological persuasions will be able to discuss with and learn from each other without rancor or incrimination. Actions which suppress or tend to make inaccessible dissenting points of view, such as the action taken by President Gates against S.D.S., make mockery of the concept of a free university, or for that matter of a free country.
>
> Freedom of lawful dissent is the most important single criterion of an open society. Even the most totalitarion of political systems grant the individual the freedom of consent, that is agreeing with the prevailing power structure; it is freedom of dissent which makes man free. We sincerely hope that President Gates will reconsider his previous position and will permit S.D.S. to become a contributing participant in the academic community.[95]

A letter to the editor of the La Crosse Tribune presented the views of one La Crosse faculty member in regard to the SDS controversy:

> In my opinion, President Gates' denial of a charter to the LCU chapter of SDS (Students for a Democratic Society) improperly restricts freedom of assembly and hence of speech, violates the principle of equal protection of the laws, and undermines that generous tolerance of dissident ideas, purposes, and actions which a school must encourage if it hopes to be a university in anything more than name.[96]

Twelve other faculty members expressed their disagreement with the administrative veto in a letter to the Milwaukee Journal:

> We, the undersigned faculty members of Wisconsin State University, La Crosse, announce our disagreement with the personal evaluation upon which the president of this university has based his rejection of the application for a charter by the Students for a Democratic Society.
>
> We think that any student group which has met the prescribed regulations for recognition set up by this university ought to be given the right to exist and function as an organization on this campus. We think that to disallow any such group before it has had the chance to function as an organization on this campus is to violate the principles of freedom of speech, assembly and due process.

> Finally, we believe that this action by the president is detrimental to that intellectual integrity which the students and faculty must have in order to become educated.[97]

Community reaction was not limited to newspaper editorials and letters to the editor. At least four local organizations backed the President's action. The board of directors of the Greater La Crosse Chamber of Commerce, the American Legion, and Barracks 1650 of the World War I Veterans passed resolutions supporting his decision[98] and the Knights of Columbus sent a letter to President Gates which read in part:

> Your denial of a charter has in no way affected the rights and freedoms of students. No one is required to attend La Crosse State University; it is his privilege to go elsewhere. La Crosse State and the City of La Crosse would profit if such misguided individuals would go elsewhere.
>
> It is our belief that to avoid incidents such as took place at the University of California and other universities action as you have taken is necessary.[99]

One additional source of community reaction to the SDS situation took the form of a series of radio broadcasts by Mr. Edward T. Bardwell, a vocal spokesman for the far-right of the political spectrum. Bardwell had long been warning the citizens of La Crosse about communist infiltration of almost all segments of American society including the PTA, mental health programs, the clergy, the educational system, the Congress, the civil rights and peace movements, and the Students for a Democratic Society.

He had taken notice of the formation of a chapter of SDS at La Crosse and in his December 3, 1966, broadcast over WKTY Radio in La Crosse he made the following comments in reference to the reason for which certain faculty members were encouraging the formation of that chapter:

> It's obvious it's not to sell Old Glory and the red, white, and blue. I don't want to hear the hue and cry of

> academic freedom and all the other paranoid cliches from the great voices of the hallowed halls of education for I've heard them all before. I'm not interested in the verbiage. We shall know you by your deeds, not your subversive verbal deceit.
>
> None of you parents would allow a campus group to form which was dedicated to the finer points of murder, rape, or drug addiction; yet you sit around and blithefully ignore the activities of the Students for a Democratic Society which is rapidly becoming a significant segment in the largest criminal conspiracy in the history of mankind, world communism.
>
> Now hear this! It's 12:40 and all's well and we intend to keep it that way! You fuzzy heads on the campus who have pushed the SDS, you illusionists who believe you can trust the criminals of the conspiracy, you've insisted on attempting to subvert! Watch out! The battle lines are drawn! Patriotism in this country is on the move again and you and your kind just don't fit the picture.
>
> Fellow Americans, make your protests heard. Don't sit by idlely while the agents of philosophies contrary to the interests of our great country attempt to destroy our very way of life. Wake up, America![100]

As a result of the denial of recognition to SDS, Bardwell's apprehension over the existence of SDS on the La Crosse campus turned to optimism that the university and community might yet be saved. Nevertheless, he was not entirely sure that the communists had been totally routed from behind the proverbial bush. In his December 10, 1966, broadcast, the patriot congratulated President Gates for his action, but complained bitterly that faculty members who either supported SDS or advocated its recognition were not removed from the faculty. In a passage worthy of a road builder, Bardwell wondered,

> Why with the overwhelming majority of outstanding faculty personnel on this campus, do we allow the fringe area few to plant the seeds of social and political revolt? Why do we allow this radical left-wing alley to overshadow our main street of decent patriotic faculty and students?[101]

As an alternative location for the organization of SDS in La Crosse, Bardwell offered the following suggestion:

> It appears that in order to express the Students for a Democratic Society objectives, Mr. O'Keefe (a faculty advisor to SDS) needs a forum to air his views on their radical stances. I would suggest that the city of La Crosse in their urban renewal plans set aside an area called 'Red Square' where this breed of cats can have their own sandbox.[102]

Despite his bitterness toward pro-SDS faculty members, Bardwell apparently retained some small degree of hope for the student members of SDS. He asserted that, "...it's quite obvious that the five members of the Students for a Democratic Society are to one degree or another under a form of hypnosis for your (Mr. O'Keefe's) own ultimate personal purposes."[103]

On December 17, 1966, Bardwell appealed to the faculty to purge supporters of SDS from their ranks and asked his fellow citizens to join him in combating the communists that he felt were lurking all about:

> How gullible do the bearded boys of the campus think we are? It's sad that certain purveyors of higher education cannot add the proverbial two and two and get four. Those of us who aren't a part of the academic community appear to have the ability to see through the red smokescreen. Why can't they? Or maybe they don't want to. The 99 and 99/100ths percent of the faculty should act to rid our academic environment of the 1/100th. These people are great on their participatory democracy, majority rule, and etc.
>
> Well, the majority rule is opposed to your left-wing radical position and if you believe what you preach and that could be subjected to debate, you will respect the majority and fold up your tents and move to greener pastures if there's one left. Fellow Americans, don't sit back idlely! These forces are at work day in and day out to subvert our great nation! Take the bull by the horns! Speak up loud and clear! Get that old flag-waving, hand-over-the-heart, singing patriotism on the upswing! Let's rid ourselves of these cancers! Wake up, America![104]

Bardwell's invective continued during his January 21, 1967, radio program with this reptilian analogy:

> Today let us examine the development of a snake. If it looks like a snake, crawls on its belly like a snake, and rattles like a snake, it must be a snake. The Students for a Democratic Society in its activities and programs set the base for an objective determination of its purposes and its ultimate goals...
>
> ...One begins to get a glimpse of the peculiar similarities the Students for a Democratic Society snake has to another international red reptile!
>
> What Master Saxton (Michael Saxton, chairman of the La Crosse chapter of SDS) and his faculty henchmen fail to discuss is that our great country is not a democracy but a republic! A democracy leads only to mob rule, mob rule to demonstrations, demonstrations to violence, and violence to anarchy, and anarchy to dictatorship, which is the ultimate goal of the communist interantional criminal conspiracy![105]

All these items, the editorials from the La Crosse Tribune and Milwaukee Journal, the letters to the editors of various newspapers, the resolutions of support from community organizations, and the radio broadcasts of Edward T. Bardwell are indications of various reactions to the veto and the heat of the debate within the community. Nevertheless, they can't be said to be a necessarily accurate gauge of the community reaction as a whole. On the other hand, no one disputed the President when he stated, "I have been extremely pleased by what I consider the overwhelming community support of my action."[106]

In addition to these community reactions to the veto, there were, of course, the reactions of the faculty organizations (AAUP and AWSUF) and the reactions of various students groups (FCM, CCC, United Council, the Eau Claire and Stevens Point student governments, the Y-GOP, and the Racquet).

But these reactions were all external, outside of the real decision-making processes. The controversy also went on in the Faculty Senate, the Board of Regents, the Attorney General's office, the American Civil Liberties Union, and the courts. It is to these places that the discussion can now turn in an effort to trace the legal battle which followed the President's decision to veto the charter of SDS.

CHAPTER VI

LEGAL REACTION TO THE VETO

The reaction of SDS and its members on the La Crosse campus began with a letter to the editor of the La Crosse Tribune from Michael Saxton, chairman of SDS, and Dennis O'Keefe, a political science instructor, advisor to SDS, and chief spokesman for that group. Taking the form of a rebuttal to the Tribune editorial urging President Gates to veto the SDS charter, the letter read as follows:

> The Tribune has once again displayed its narrow-minded attitude by arguing against the establishment of an SDS chapter at La Crosse State University.
>
> The Tribune seems to have no conception of the meaning of the free dissemination of ideas, the right of people to organize into groups to accomplish common goals and the right of people to decide the rules and regulations under which they live. The Tribune has unabashedly assumed the role of self-appointed, paternalistic censor over campus affairs.
>
> Evidently, The Tribune is afraid to have groups with which it disagrees on social, economic and political issues enter campus debate and influence student opinion. By urging President Gates to refuse SDS recognition as a campus organization, the Tribune, as part of the self-satisfied, complacent, smug and self-righteous establishment, is using the time-tested, totalitarian tactic of prohibiting an idealistic, radical group from having a forum to air its views.
>
> SDS believes in participatory democracy which has become a radical idea in mid-20th century America. It believes that people who live in a community should decide for themselves the rules and regulations that will govern them. It makes no apologies about its desire to have the students and faculty decide what is best for themselves concerning library hours, dormitory rules, cafeteria food prices, ROTC on campus, class standing for Selective Service purposes, grounds for suspension from school or even larger issues, such as the war in Viet Nam.

> SDS has no screening procedure to ensure that its members are acceptable to The La Crosse Tribune or to J. Edgar Hoover. We do not know if there are Communists in our organization. We don't really care.
>
> We decide policy issues by majority vote. We judge a person by what he contributes to our understanding of democracy and the dignity of man. Aside from this criterion, we have no brief for labels or smear allegations based on guilt by association.[107]

Another member of SDS, Joan Dauphin, also responded to the Tribune's attacks on SDS and the President's veto. She wrote:

> As a member of SDS, I feel that an injustice was done in your December 2 editorial...
>
> ...The editorial stated that the national SDS has close ties with the League for Industrial Democracy. This is untrue. SDS has no connection with the League...
>
> ...I have no idea what was meant by saying, 'SDS would plan trouble, demonstrations and sand in the gears of the University administration here as it has on other campuses.' Where is there specific proof that SDS has caused 'trouble' on other campuses? And what is meant by trouble? Is an orderly school a place where all thought patterns are the same?
>
> It is unconstitutional to deprive Students for a Democratic Society the right to freedom of speech. I feel it is unfair of President Gates to overrule the decision of the impartial Organization Committee.[108]

The most complete statement of the SDS position, however, took the form of a radio broadcast by Dennis O'Keefe on December 10, 1966. O'Keefe's broadcast was prompted by the accusations of Edward T. Bardwell and he was granted free time by radio station WKTY to answer those charges. O'Keefe asserted that Bardwell's attack in reality constituted,

> ...an attack upon the First Amendment of the United States Constitution which guarantees to all Americans, including faculty and students, the right of assembly. This right, along with the right of free speech, is inherent in the history of the American people. It is not subject to compromise. It cannot be negotiated away. It cannot be denied through town pressure. It is not subject to popular referendum. It is a fundamental right of a free people and cannot be denied.[109]

O'Keefe went on to explain the principles of participatory democracy and outlined their application to the university community:

> The primary focus of SDS is on the campus where it seeks to determine the rules and regulations affecting academic life, including library hours, dormitory rules, curricula, and cost and quality of food in the cafeteria. These policies should not be determined by the administration. They should be determined by the constituents of the university since they are affected by them. Campus policies should not be dictated by administrators who promulgate rules to suit their own convenience and in the process show a condescending, paternalistic attitude toward the student body. Neither should campus policy be determined or influenced by local elements in the city of La Crosse...The constituents of the campus, who are in the best position to determine university policy, should be the only people affecting such policy.[110]

Participatory democracy should also be applied to other segments of American society, to people in other areas of the world, and to American foreign policy, said O'Keefe:

> The right of people to govern themselves should be extended to other spheres of American life including labor unions, white collar workers, the poor, and the Negroes in the South.
>
> Outside the United States, this right should be exercised by the people of the small underdeveloped countries of the world in determining their own destinies. They should not be told by the United States what form of government they should have. They should not be coerced, suppressed, and bombarded into submission by this country to satisfy the paranoid whims of American generals and hypocritical politicians. This is the basis for SDS criticism of United States foreign policy in Vietnam.[111]

O'Keefe's attention then returned to the question of freedom to dissent. Charging that some critics of SDS had taken "their opposition to the point where they would even take away the right of SDS to organize and express its views,"[112] he traced the history of dissent in America:

> This attitude makes a mockery of the respected right of dissent which has existed throughout American history. The writers of the Declaration of Independence exercised the ultimate dissent by declaring their independence from

> England. Others in this tradition include Henry David Thoreau, who refused to pay his taxes to support the Mexican War and was jailed as a result; the abolitionists, who believed in the dignity and freedom of every man whether black or white; the populists, who criticized the banking and railroad establishment; and finally the Negro and white civil rights demonstrators in the present times who are able by taking part in sit-ins throughout the South to show how unconscionable were the restrictions and indignities which the Negro suffered. SDS continues in this tradition and makes no apology for the unpopularity of its position.[113]

At the conclusion of the broadcast, O'Keefe outlined the SDS position on the action of President Gates in denying university recognition to SDS. He described the action as unconstitutional, discriminatory, and unfair:

> The action...was a clear violation of the First Amendment right of freedom of assembly. His action was discriminatory as well. It was discriminatory because there are other political groups that are recognized on campus and these have the right to hold meetings, discuss policy, and take stands on controversial issues. SDS should also have this right and should not be discriminated against because it happens to be of the new left. Finally, the decision... is unfair because it assumes that recognition by a university implies approval of an organization's ideals, goals, and objectives. This is false. University recognition means only that the organization has complied with the procedural rules governing the recognition of groups on campus. SDS has done this. It should not be denied its right to a charter.[114]

SDS, of course, was not the only organization that opposed the charter denial and it soon became obvious that the matter would be subject to litigation. Dr. Gates' decision was, as his statement of December 3rd indicated, open to review by the Faculty Senate. It was somewhat unclear why the President chose to submit the decision to faculty review. Whether the Faculty Senate could actually rescind his action was also open to some question.

Nevertheless, that body did consider the SDS issue beginning at a meeting on December 13, 1966, when President Gates explained the reasons

for his decision to veto recognition of SDS. Considerable discussion ensued but no decision was reached.[115]

The Faculty Senate continued to delay action of the matter for a number of months. On January 5, 1967, it voted to postpone action until February 9th.[116] Nevertheless, it was not until April 13, 1967, that the Senate finally voted on the charter denial. In the meantime, the Board of Regents already had voted to support the President's action.[117]

At that April 13th meeting, the Faculty Senate passed by a vote of 13 to 10 the following resolution which had been submitted by Dr. Emerson Wulling on behalf of the American Association of University Professors:

> ...the Senate affirms that a satisfactory University policy for student organizations is the position that recognition of a student organization does not necessarily entail specific approval and encouragement of the ideas of that organization.[118]

In a second vote, dealing specifically with the denial of recognition to SDS, the Senate defeated by a vote of 7 to 14 a motion which recommended that the charter of SDS be granted.[119]

That would have concluded the Faculty Senate's role in the controversy had it not been for a resolution made by Chairman Dr. William Felch at the Senate's April 20, 1967 meeting. Felch's proposal read as follows:

> ...the Senate of Wisconsin State University - La Crosse recommends that the Board of Regents prepare and present to the Attorney General the facts and reasoning which are considered to be the justifiable ground for denying recognition to the SDS, with the request that the Attorney General state an opinion on the application of the law to these facts.[120]

Apparently Felch hoped by the motion to avoid litigation in the courts which seemed almost inevitable at the time. Attorney General LaFollete had already released an opinion on the legal issues of the case but had

declined to rule on the application of the law to the facts upon which the veto was based.[121] Felch hoped that LaFollete would be able to make a legal determination involving the application of the law to the facts of the case if he possessed the documents which caused the veto decision to be made. Furthermore, Felch was somewhat confident that such a legal opinion by the Attorney General would be respected by both sides, thus ending the controversy. When asked what he expected LaFollete's legal opinion would be, Dr. Felch replied that he thought it would be favorable to SDS.[122] Nevertheless, the Faculty Senate rejected Felch's motion by a vote of 8 to 14 with one abstention.[123] That vote concluded the Senate's consideration of the veto of the charter for SDS.

The Attorney General's opinion, which had been already issued, resulted from a request by Eugene McPhee, Director of the Wisconsin State Universities, that LaFollete determine "whether a university president has the power to deny a 'charter' to a particular student organization."[124] After explaining that he understood the term "charter" to mean recognition and that the sole benefit of recognition would be the use of university facilities, LaFollete outlined the appropriate state statutes and Board of Regents resolutions pursuant to them, and concluded that, "The president has not only the right but the duty to exercise his discretion in allowing the use of school facilities."[125]

All this still left unanswered the question of whether Dr. Cates had properly and constitutionally exercised that discretion. LaFollete then went on to make the following observations concerning the application of constitutional law to matters such as the SDS case:

> If the decision has been made to allow some student organizations "charter" privileges, these privileges must be

> afforded to all such organizations on an equal basis. Failure to treat all equally would be a denial of equal protection of the laws guaranteed under the 14th Amendment to the U.S. Constitution. Moreover, to deny such privileges on the ground that an organization or its members have expressed unpopular views or associated with unpopular causes might also be a denial of the right of free speech and association guaranteed by the 1st Amendment to the U.S. Constitution and Article I, secs. 3 and 4 of the Wisconsin Constitution.
>
> A university president may, in the exercise of his discretionary authority, grant a charter to some student organizations and deny one to others. His decisions in this respect, however, must be based upon distinctions which are real and not fancied. He may not act arbitrarily, capriciously or unreasonably. In addition he may not exercise his authority to unnecessarily limit freedom of speech or association. When an action by a state official discriminates between different organizations the burden is on that official to establish that there is a reasonable basis for such discrimination. When a state official limits free speech the burden is on that official to establish the necessity for that burden.[126]

A lengthy quotation from Dr. Gates' statement of December 5, 1966, in which the reasoning for his charter denial was presented, followed. LaFollete concluded his opinion with these statements:

> Reasoning similar to the above quotation was rejected by the California court in the case of Danskin v. San Diego Unified School Dist. (1946) 94 AIR 2d 1288. The court held that once the state had elected to make state buildings available for public meetings a particular group could not be denied the use of the buildings no matter how loathsome their beliefs were to the majority of the citizens. However, in this case the court was not concerned with a student organization.
>
> There are numerous California and New York cases annotated in 94 ALR 2d 1274 which take the same position as the court in the Danskin case. However, none of these cases were involved with the question of a student organization.
>
> In the case of Earl Webb et al. v. State University of New York, 125 F. Supp. 910, the court held that a state may outlaw particular social organizations if it deems it necessary to its supervision and control of the educational institutions.

> In order to answer your questions as to whether any constitutional rights were wrongfully denied it is necessary to make a determination as to what facts motivated the denial. The only record or facts presented in this matter is the statement of the president to the faculty issued on December 5, 1966, a portion of which was previously quoted. This statement contains mainly conclusions and does not establish the facts necessary to sustain this action by the president. Whether such facts can be established cannot be determined from the information before us.
>
> Therefore, it is my opinion, the Board of Regents with their superintending powers should make inquiry to determine what facts were relied upon in denying the charter and apply the law, as stated in this opinion, to those facts in reaching their conclusion as to whether the president's action should be sustained or overruled.[127]

LaFollete apparently never received the information concerning the facts surrounding the decision which would have been necessary in order for him to make a full determination of the legality of the President's action. His decision, limited in scope as it was, left the next move up to the Board of Regents. Reacting swiftly to the Attorney General's opinion, the Regents adopted a motion on March 10, 1967, by a nine to one vote affirming and sustaining the President's denial of a charter to SDS.[128] The Board reaffirmed that decision on April 14, 1967.[129]

Only one regent consistently objected to the Board's endorsement of Cates' action and that of administrators on other campuses in regard to recognition of SDS. Mrs. Mary Williams, a Regent from Stevens Point, branded the actions censorship of ideas and explained her position this way:

> It is my belief that if we cannot shield them (the students) from the majority society, including the militant new left or hate-mongering old right after they leave here, we must not shield them before they leave.[130]

Mrs. Williams' viewpoint was echoed in the statements and actions of the American Civil Liberties Union. In a December, 1966, letter to Gates, the Wisconsin division of the ACLU argued that his,

> ...personal beliefs regarding the value judgements of La Crosse State University students in this case are totally irrelevant to the question of their right to legally organize on the La Crosse campus...
>
> ...the denial to students of the opportunity of organizing and meeting...after they have met all legal requirements suggests an arbitrary supression of their right of assembly and free expression contrary to both the letter and spirit of the United States and Wisconsin constitutions.[131]

Upon reviewing the documents which weighed heavily in Dr. Gates thinking (and which were reviewed in chapter four of this paper), William Rice, the chairman of the Wisconsin Civil Liberties Union advised Director Eugene McPhee concerning his interpretation of the President's evidence concerning SDS:

> If my understanding is correct, I can only conclude that President Gates and the Board (of Regents) acted without evidence concerning the local group and found it 'guilty by association'--very remote association. If this is the process of law practiced by your Board, the Wisconsin Civil Liberties Union believes that administrators are falling very short of complying with the due process of law, which the Fourteenth Amendment requires the states and their officers to observe, and that the action of the President and Regents constitutes such violation of the 'equal protection of the laws' that it gives the aggrieved applicants ground to seek its correction by courts.
>
> I venture to suggest through you to President Gates and the Regents that the constitution requires that a 'charter' be granted on the same terms to this local student group as to other local student groups, unless facts relating to its actual or likely conduct are proved to the Regents of a character that differentiate it adversely from other groups that hold 'charters.'[132]

Rice continued by threatening legal action against the Board and against McPhee by the ACLU on behalf of the members of SDS. Subsequently, such a court suit was filed in Judge William C. Sachtjen's Circuit Court in Madison.[133] A decision by the court was delayed for a considerable length of time and the case was thrown out of court temporarily when it

was determined that the suit had been filed after the expiration date of the time limit set by state law for initiating such actions. That decision was subsequently reversed by the court.[134]

The case of the petitioners (SDS and its membership) against the respondents (the Board of Regents and Eugene McPhee) was outlined in a petition for review filed with the court in November of 1967. In that petition for review, the petitions alledged among other things that:

> 4. By the adoption of Resolution #2868 respondent affirmed and sustained the denial by President Samuel G. Gates of recognition of petitioners as a student organization.
>
> 5. This action of respondent aggrieves petitioners in that they were thereby excluded from the use of facilities and the enjoyment of benefits which they had while their application was under consideration and which they would have indefinitely had if their application had been granted.
>
> 6. These facilities and benefits include, among others, use without cost of rooms in university buildings for meetings and opportunity for publicity at places and through channels restricted to recognized organizations and advantages of reputation among students, faculty, and the people of La Crosse that enhance the influence of the group.
>
> 7. Respondents adoption of resolution #2868 contravenes the constitutional rights of petitioners, hampering their right of assembly, their right to hear public speakers whom they invite to speak, their right to receive from the Board treatment equal to that of other students engaged in like group activities (in constitutional language, equal protection of the laws), and their right to an opportunity to meet publicly any charges against them or their organization that might influence adversely their standing with the public (in constitutional language, deprivation of liberty without due process of law).[135]

At the end of the petition, the court was asked to grant judgement requiring the Board to repeal Resolution #2868 and order Dr. Gates to recognize SDS as a university organization.

The attorney's for the regents responded to the charges of the petitioners by stating that the university was going to deny only limited

privileges to SDC.[136] This response was the result of a change in the interpretation of university policy toward SDS, a change which altered the attitude toward SDS of the office of Dean of Student Affairs Robert H. Steuck.[137]

This change was communicated to the regents' attorneys in a letter from Dr. Steuck, dated March 11, 1968.[138] Thereupon, the attorney's for the regents and the lawyers representing SDS and the ACLU agreed upon the nature and substance of the limitations that would henceforth be applied to SDS unless SDS became officially recognized by the university. This agreement took the form of a legal stipulation to the court which was signed March 19, 1968, and which read in part:

> SDS La Crosse, because it has not gained recognition from respondent, does not have the same advantages of use of some university facilities as do recognized student organizations. While the Indian Handbook furnished to students states that student organizations desiring to function on the campus must be recognized and approved by the Organizations Board, (page 53); in practice the restrictions on SDC La Crosse, being unrecognized, are that it may not use the name of the University in connection with publicity and other activities, put up a plaque in a building (as a bulletin board), use a mailbox that is provided for student organizations, publish its meetings in the calendar of major student activities published once a year by the university, receive grants for support of activities from student activities fee funds (which grants are discretionary even in the case of recognized organizations) or utilize the auditing and banking services provided by the university primarily to groups obtaining such grants. Also in making reservation of rooms or outdoor space for its meetings, its application is subordinated to concurrent applications of recognized student organizations.
>
> ...SDS La Crosse, while barred by non-recognition from some of the advantages of a recognized student organization as above stated, is not proscribed nor forbidden to exist or to meet or to carry on activities on the campus.[139]

It should be noted that the main point of this stipulation was that SDC was not being banned from campus afterall, but only being subjected to

the limitations regarding use of facilities and services described therein. Furthermore, it should be noted that this interpretation of policy was the interpretation of the office of the Dean of Student Affairs, apparently was not approved by the Organizations Board which normally determined such policies, and was never included in the Indian Handbook either before or after the SDS controversy. Finally, the interpretation of policy outlined by Dr. Steuck, agreed to by the President, communicated to one degree or another to the various student affairs offices or units, and included in the legal stipulation to the court, while it was the policy of the Student Affairs office, was not the policy of the Director of Student Activities, Dr. Robert Mullally. Permission to schedule use of university facilities was granted by the Student Activities Office and that office operated under a policy of refusing to permit SDS to use any university facilities whatsoever. Dr. Mullally based his interpretation of the university's policies on the guidelines of the Organizations Board, more so than upon the policy interpretation of the Student Affairs Office.[140]

One other aspect of the university rules regarding use of university facilities by SDS should be understood. Dr. Steuck and the Student Affairs Office interpreted a section of the Indian Handbook dealing with use of Student Union facilities to mean that students, faculty members, and recognized student organizations could reserve facilities in the Student Union building in their own name and then turn the facilities over to SDS for that organization's use.[141] At least for a time, this was apparently also the policy of the office of the Director of the Student Union, Mr. Donald Strand.[142]

Nevertheless, the actual scheduling for use of Student Union facilities was done through the office of the Student Union Program Director,

Mrs. Judy Pinkston, in conjunction with Dr. Mullally and the Student Activities Office. Mrs. Pinkston's office apparently operated under the same procedures as did Dr. Mullally's office, namely that use of all Student Union and other university facilities would be denied to SDS.[143]

Obviously, there existed at least two inconsistent and contradictory policy interpretations toward use of university facilities by SDS. This situation apparently resulted from the absence of clear-cut bases for interpretation of policies, less than adequately explained administrative communications, and lack of clearly stated policies in regard to scheduling procedures. Note should also be made of the possibility of even more variations in the interpretation of policy in this matter.[144]

Nevertheless, the court, unaware of the confusion of policies among the various offices at the university, ruled on the basis of Dr. Steuck's policy interpretation as outlined in the attorneys' stipulation. In its decision the court took careful note of the stipulation and then cited a section of the state statutes which forbade the judge to act unless substantial and important rights of the petitioners had been violated. The court applied this section of the law to the policy interpretation contained in the stipulation and concluded:

> The respondents contend that no substantial rights of the appellants in this case have been prejudiced, and with this the court agrees. The stipulation alluded to above discloses that the adverse consequences of failure to obtain recognition are quite limited and quite inconsequential and, in the court's opinion do not prejudice substantial rights of the appellants.[145]

Furthermore, continued the court,

> In the instant case, no individual right or freedom is denied to any person by the respondents' action. The petitioner group is not suppressed nor forbidden to exist, and it is not forbidden to meet or to carry on its activities in any way. Nonrecognition does deny certain

> privileges to the petitioner, but this is the consequence of the exercise of the lawful authority vested by the legislature in the respondent to govern and control the University and to make rules, regulations and by-laws for that purpose.[146]

This being the case, the court concluded,

> The Board's action in the instant case leaves the substantial rights and privileges of the petitioners unimpaired, and this court has no authority to act in such a situation, and the petition will accordingly be dismissed.[147]

With the litigation in the matter concluded, the situation on the La Crosse campus remained confused as to just what the effects of non-recognition were in the case of SDS. Obviously, as the state laws, cited in Attorney General Bronson LaFollette's opinion, stated, the university had the right to entirely ban an organization from using its facilities if it proved in court that the basis for the ban was legally sound. In the case of SDS, the university had not chosen to attempt to do that, but instead, had elected to argue that it was not really prohibiting SDS from using university facilities. Nevertheless, conflicting policies on the use of facilities by SDS reamined in effect. However, by the time of the court decision, the local chapter of SDS was virtually defunct and use of facilities, therefore, was not a matter of practical concern to it.[148]

The Board of Regents responded to the court decision by passing a resolution which was interpreted by Director Eugene McPhee as a ban against recognition of SDS on any of the state university campuses. That resolution, passed on June 21, 1968, read as follows:

> Resolution 3161. Resolved, that the following statement be adopted as the policy of the board:
>
> A wholesome atmosphere for living and learning must prevail on our campuses for the educational process to be successfully accomplished. Free intellectual inquiry

> requires order, discipline and responsibility and can take place only in a situation which is devoid of violence, threat of violence, or deliberate disruption of University activities.
>
> It is therefore the stated policy of the Board of Regents of The Wisconsin State University System to refuse to approve, recognize or encourage any diruptive, subversive or anarchistic organization or activity, whether national or local in origin, having such violence or disruption as an objective or likely consequence.
>
> The authority to implement and administer this policy is delegated to the Presidents. The Presidents may seek and welcome assistance, suggestions and recommendations from faculty, administrative staff or students. The obligation for final decision at the University, however, rests with the President, who in turn is responsible to the Board of Regents.[149]

Just how this policy was administered on the various campuses is unclear. On the La Crosse campus it was interpreted by Dr. Mullally and the Student Activities Office as a total ban against use of facilities by SDS.[150] However, apparently the policies of the Student Affairs Office remained the same, at least for a time, as those stated in the stipulation to the court.[151]

Thus ended the strange and confusing legal battle concerning the President's veto of university recognition of the Students for a Democratic Society. But while the controversy was over, confusion remained concerning its real outcome.

FOOTNOTES

[1]Andrew Kopkind, "Of, By, and For the Poor," The New Republic, June 19, 1965, p. 15.

[2]Jack Newfield, "Idealism and Action," The Nation, November 8, 1965, pp. 330-331.

[3]Ibid., p. 331.

[4]Harold Taylor, Students Without Teachers (New York: McGraw-Hill Book Company, 1969), p. 39.

[5]Richard Blumenthal, "SDS: Protest is Not Enough," The Nation, May 22, 1967, p. 657.

[6]Ibid., p. 657.

[7]Ibid., p. 660.

[8]Ibid., p. 660.

[9]Ibid., p. 660.

[10]Wilson C. McWilliams and Dennis Hale, "The Vietnam Protest," Commonweal, December 17, 1965, p. 335.

[11]Newfield, "Idealism and Action," p. 332.

[12]Ibid., p. 332.

[13]James A. Foley and Robert K. Foley, The College Scene (New York: Cowles Book Company, Inc., 1969), p. 52.

[14]Fact-Finding Commission Appointed to Investigate the Disturbances at Columbia University in April and May, 1968, The Cox Commission Report: Crisis at Columbia. (New York: Vintage Books, 1968), p. 55.

[15]Kopkind, "Of, By, and For the Poor," p. 16.

[16]Blumenthal, "SDS: Protest is Not Enough," p. 657.

[17]Kopkind, "Of, By, and For the Poor," p. 19.

[18]"The Reporter's Notes," The Reporter, May 6, 1965, p. 9.

[19]Stephen Weissman and Doug Tuthill, Freedom and the University (Chicago: Students for a Democratic Society, 1966), p. 7.

[20]Seymour Martin Lipset and Philip G. Altbach, "Student Politics and Higher Education in the United States," in Student Politics, ed. by Seymour Martin Lipset (New York: Basic Books, Inc., 1967), p. 205.

[21]Taylor, Students Without Teachers, p. 40. See also Lipset and Altbach, "Student Politics and Higher Education in the United States," p. 229.

[22]Wisconsin State University - La Crosse, General Catalog (La Crosse, Wisconsin: Wisconsin State University - La Crosse, 1966), p. 23.

[23]Ibid., p. 43.

[24]"SDS Chapter Begun on Campus of LCU," La Crosse Tribune, February 25, 1966.

[25]Students for a Democratic Society, La Crosse Chapter, Statement of Purpose, February 24, 1966.

[26]Students for a Democratic Society, La Crosse Chapter, Constitution, March, 1966.

[27]Students for a Democratic Society, La Crosse Chapter, Constitution, undated, 1966.

[28]Students for a Democratic Society, La Crosse Chapter, Constitution, undated, 1966.

[29]The National Coordinating Committee to End the War in Vietnam, Peace and Freedom News, March 27, 1966, p. 8.

[30]Students for a Democratic Society, La Crosse Chapter, Statement of Purpose (for the International Days of Protest demonstration in La Crosse), March 25, 1966.

[31]Organizations Board of Wisconsin State University - La Crosse, Minutes of Meeting, December 1, 1966.

[32]Editorial, La Crosse Tribune, December 2, 1966, p. 6.

[33]Hopkind, "Of, By and For the Poor," p. 18; Newfield, "Idealism and Action," p. 331; Lipset and Altbach, "Student Politics and Higher Education in the United States," p. 205; and Students for a Democratic Society, National Constitution as amended through the 1966 national convention at Clear Lake, Iowa, p. 2.

[34]Samuel Gates, letter to Leonard Haas, March 23, 1967.

[35]Samuel Gates, letter to Eugene W. Murphy, January 10, 1967.

[36]Gates to Hass, March 23, 1967.

[37]J. Edgar Hoover, untitled statement, source unknown but listed in a letter from Samuel Gates to Leonard Hass (March 23, 1967) as one document upon which the President's veto was based, October 1, 1966.

[38]J. Edgar Hoover, "Turbulence on the Campus," The PTA Magazine, February, 1966, p. 1.

[39]Ibid., p. 3.

[40]Gates to Hass, March 23, 1967.

[41]Daniel Bell, The Radical Right (Garden City, New York: Doubleday and Company, Inc., 1963), p. 29.

[42]"Roster of Revolutionaries," The Washington Report, November 22, 1965, pp. 6-7.

[43]"Campus Protest Yes, Violence No." (editorial), Life, November 18, 1968.

[44]Ibid.

[45]"Aberrations at Harvard," Time, November 18, 1966.

[46]J. Walter Yeagley, Assistant United States Attorney General, letter to Robert H. Steuck, March 18, 1966.

[47]Ibid.

[48]J. Edgar Hoover, Statement to the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary of the United States Senate, 89th Congress, 2nd Session) 1966, p. 8.

[49]Students for a Democratic Society, The Port Huron Statement, 1962, p. 61.

[50]Ibid., pp. 62-63.

[51]Gates to Hass, March 23, 1967.

[52]Ibid.

[53]Carl Davidson, "Toward a Student Syndicalist Movement or University Reform Revisited," (a working paper prepared for the national convention of the Students for a Democratic Society at Clear Lake, Iowa, August, 1966), p. 1.

[54]Ibid., p. 2.

[55]Ibid., pp. 3-4.

[56]Students for a Democratic Society, National Constitution as amended through June, 1965, p. 1.

[57]Ibid., p. 3.

[58]Ibid., p. 4.

[59]Gates to Hass, March 23, 1967.

[60]SDS, National Constitution as amended through June, 1965, p. 2, and SDS, National Constitution as amended through the 1966 national convention at Clear Lake, Iowa, p. 2.

[61]Samuel G. Gates, Statement to the Faculty Senate of Wisconsin State University at La Crosse regarding administrative action on Organizations Board's recommendation to approve Students for a Democratic Society on the La Crosse State University campus, December 5, 1966.

[62]Robert H. Steuck, private conversation at Wisconsin State University - La Crosse, July 17, 1970.

[63]Gates to Hass, March 23, 1967.

[64]"Reconsider SDS Ruling, Gates Asked," La Crosse Tribune, December 14, 1966, p. 37.

[65]Campus Controls Council (CCC) of Wisconsin State University at La Crosse, Minutes of Meeting, December 8, 1966.

[66]Petition presented to Samuel G. Gates in support of his action in denying university recognition to SDS, December, 1966.

[67]CCC, Minutes of Meeting, December 8, 1966.

[68]Ibid.

[69]Ibid.

[70]James C. Smart, "An Executive Report to the Campus Controls Council, 1966-67," p. 3.

[71]Editorial, Racquet, December 8, 1966, p. 2.

[72]Editorial, Racquet, February 3, 1967, p. 2.

[73]Ibid., p. 2.

[74]Editorial, Racquet, March 17, 1967, p. 2.

[75]Editorial, Racquet, April 21, 1967, p. 2.

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[77]Presidents' Council of the United Council of Wisconsin State University Student Governments, Minutes of Meeting, October 4, 1968.

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[80]American Association of University Professors (AAUP), Wisconsin State University - La Crosse chapter, message to the Faculty Senate of Wisconsin State University - La Crosse concerning the denial of university recognition to SDS, undated, 1967.

[81]AAUP, "Statement on the Academic Freedom of Students," 1965, quoted in AAUP, La Crosse chapter, message to the Faculty Senate on SDS, p. 3.

[82]AAUP, La Crosse chapter, message to the Faculty Senate on SDS, pp. 3-4.

[83]Association of Wisconsin State University Faculties, Resolution 20, Fall Delegate Assembly, November 16, 1968.

[84]Editorial, La Crosse Tribune, December 8, 1966, p. 8.

[85]"Denial of SDS Charter Fails to Stir LCU," La Crosse Tribune, December 6, 1966, p. 2.

[86]Editorial, La Crosse Tribune, February 8, 1967.

[87]Editorial, Milwaukee Journal, April 18, 1967.

[88]Gary J. Addis, letter to the editor, La Crosse Tribune, December 9, 1966, p. 6.

[89]M. Louise Drumm, letter to the editor, La Crosse Tribune, December 13, 1966, p. 8.

[90]Mrs. Ralph W. Jacobs, letter to the editor, La Crosse Tribune, December 19, 1966, p. 10.

[91]W.A. Kirkpatrick, letter to the editor, La Crosse Tribune, December 23, 1966, p. 6.

[92]Philip H. Mead, letter to the editor, La Crosse Tribune, December 7, 1966, p. 12.

[93]Michael A. Soderquist, letter to the editor, La Crosse Tribune, December 20, 1966, p. 6.

[94]David Johnson, letter to the editor, La Crosse Tribune, December 30, 1966, p. 6.

[95]David G. Mollet, letter to the editor, Racquet, February 3, 1967, p. 2.

[96]Roger L. Parsons, letter to the editor, La Crosse Tribune, April 17, 1967.

[97]Merrill H. Barnebey, et al., letter to the editor, Milwaukee Journal, May 5, 1967.

[98]"Chamber Backs Gates' Veto," La Crosse Tribune, December 22, 1966, p. 2, and "Faculty Senate to Consider Charter Denial," La Crosse Tribune, December 13, 1966, p. 1.

[99]"KC Council Supports Denial of SDS Charter," La Crosse Tribune, December 22, 1966, p. 27.

[100]Edward T. Bardwell, "A Citizen Comments," a radio program broadcast over WKTY Radio in La Crosse, Wisconsin, on December 3, 1966.

[101]Edward T. Bardwell, "A Citizen Comments," a radio program broadcast over WKTY Radio in La Crosse, Wisconsin, on December 10, 1966.

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[105]Edward T. Bardwell, "A Citizen Comments," a radio program broadcast over WKTY Radio in La Crosse, Wisconsin, on December 17, 1966.

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[107]Michael Saxton and Dennis O'Keefe, letter to the editor of the La Crosse Tribune, December 5, 1966.

[108]Joan Dauphin, letter to the editor of the La Crosse Tribune, December 12, 1966, p. 8.

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[110]Ibid.

[111]Ibid.

[112]Ibid.

[113]Ibid.

[114]Ibid.

[115]"Faculty Senate to Consider Charter Denial," La Crosse Tribune, December 13, 1966, p. 1.

[116]Faculty Senate of Wisconsin State University - La Crosse, Minutes of Meeting, January 5, 1967.

[117]Board of Regents of State Colleges of Wisconsin, Minutes of Meeting, March 10, 1967.

[118]Faculty Senate of Wisconsin State University - La Crosse, Minutes of Meeting, April 13, 1967, and "Faculty Senate Defeats Motion Granting SDS a Charter," Racquet, April 21, 1967, p. 1.

[119]Faculty Senate, Minutes of Meeting, April 13, 1967.

[120]Faculty Senate of Wisconsin State University - La Crosse, Minutes of Meeting, April 20, 1967.

[121]Bronson C. LaFollette, Attorney General of the State of Wisconsin, letter to Eugene R. McPhee, March 6, 1967.

[122]"Faculty Senate Defeats Motion Granting SDS a Charter," Racquet, April 21, 1967, p. 1.

[123]Faculty Senate, Minutes of Meeting, April 20, 1967.

[124]LaFollette to McPhee, March 6, 1967.

[125]Ibid.

[126]Ibid.

[127]Ibid.

[128]Board of Regents, Minutes of Meeting, March 10, 1967.

[129]Board of Regents of State Colleges of Wisconsin, Minutes of Meeting, April 14, 1967.

[130]Mrs. Mary Williams, quoted in the Milwaukee Sentinel, May 11, 1968, p. 5.

[131]American Civil Liberties Union (ACLU), Wisconsin Division, quoted in La Crosse Tribune, December 12, 1966, p. 13.

[132]William Rice, letter to Eugene R. McPhee, quoted in "WCLU to Back Legal Redress; SDS Seeks Recognition," Racquet, April 21, 1967, p. 2.

[133]"Suit Filed Against Board of Regents," Racquet, September 25, 1967, p. 1.

[134]Saxton v. Board of Regents, Circuit Court of the State of Wisconsin for Dane County, Case No. 123-165, Petition for Review, November 16, 1967.

[135]Ibid.

[136]Saxton v. Board of Regents, Circuit Court of the State of Wisconsin for Dane County, Case No. 123-165, stipulation of facts on the part of counsel for both petitioners respondents, March 19, 1968.

[137]Dr. Robert H. Steuck, private conversation, La Crosse, Wisconsin, July 17, 1970.

[138]Dr. Robert H. Steuck, letter to Emmert L. Wingert, counsel for the Board of Regents, March 11, 1968.

[139]Saxton v. Board of Regents, stipulation of facts on the part of counsel for both petitioners and respondents, March 19, 1968.

[140]Dr. Robert R. Mullally, private conversation, La Crosse, Wisconsin, July 20, 1970.

[141]Dr. Robert H. Steuck, private conversation, La Crosse, Wisconsin, July 17, 1970.

[142]Mr. Donald Strand, private conversation, La Crosse, Wisconsin, July 17, 1970.

[143]Mrs. Judy Pinkston, private conversation, La Crosse, Wisconsin, July 20, 1970.

[144]Dr. Norene Smith, private conversation, La Crosse, Wisconsin, July 21, 1970.

[145]Saxton v. Board of Regents, Circuit Court of the State of Wisconsin for Dane County, Case No. 123-165, Memorandum Decision, May 21, 1968.

[146]Ibid.

[147]Ibid.

[148]Dr. Robert R. Mullally, Mrs. Judy Pinkston, Mr. Donald Strand, and Dr. Robert H. Steuck, private conversations, La Crosse, Wisconsin, July 17 and July 20, 1970.

[149]Board of Regents of State Universities of Wisconsin, Minutes of Meeting, June 21, 1968.

[150]Dr. Robert R. Mullally, private conversation, La Crosse, Wisconsin, July 20, 1970.

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2. "Board of Regents Backs Gates' SDS Decision; Support May Begin Court Action," March 17, 1967, p. 1.
3. "ACLU Supports SDS," April 14, 1967, p. 1.
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6. "Ask Attorney General's Opinion on SDS," April 28, 1967, p. 2.
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1. Michael Saxton and Dennis O'Keefe, December 5, 1966.

2. Philip H. Mead, December 7, 1966, p. 12.

3. Gary J. Addis, December 9, 1966, p. 6.

4. Joan Dauphin, December 12, 1966, p. 8.

5. Lloyd Marlow, December 12, 1966, p. 8.

6. M. Louise Drumm, December 13, 1966, p. 8.

7. Mrs. Betty J. Clarkin, December 16, 1966, p. 8.

8. Mrs. Ralph W. Jacobs, December 19, 1966, p. 10.

9. Michael A. Sederquist, December 20, 1966, p. 6.

10. W.A. Kirkpatrick, December 23, 1966, p. 6.

11. David Johnson, December 30, 1966, p. 6.

12. Roger L. Parsons, April 17, 1967.

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1. David G. Mollet, February 3, 1967, p. 2.

2. John D. Stewart, March 17, 1967, p. 2.

CORRESPONDENCE

1. J. Walter Yeagley, Assistant Attorney General of the United States, to Robert H. Steuck, Dean of Student Affairs of Wisconsin State University - La Crosse, letter, March 18, 1966.

2. Samuel G. Gates, President of Wisconsin State University - La Crosse, to the Faculty Senate of Wisconsin State University - La Crosse, statement regarding administrative action on Organizations Board's recommendations to approve Students for a Democratic Society on the La Crosse State University campus, December 5, 1966.

3. Eugene R. McPhee, Director of Wisconsin State Universities, to Bronson C. LaFollette, Attorney General of the State of Wisconsin, letter, January 4, 1967.

4. Lynn Ann Neubauer, President of the University Senate at Wisconsin State University - Eau Claire, to the Chairman of the Organizations Board at Wisconsin State University - La Crosse, letter, January 5, 1967.

5. Samuel G. Gates to Eugene W. Murphy, President of the Board of Regents of Wisconsin State Colleges, letter, January 10, 1967.

6. Bronson C. LaFollette to Eugene R. McPhee, letter, March 6, 1967.

7. American Association of University Professors, Wisconsin State University - La Crosse Chapter, to the Faculty Senate of Wisconsin State University - La Crosse, message regarding the denial of university recognition to SDS, undated, 1967.

8. Samuel G. Gates to Leonard Hass, President of Wisconsin State University - Eau Claire, letter, March 23, 1967.

9. William Rice, Chairman of the Wisconsin Division of the American Civil Liberties Union, to Eugene R. McPhee, letter, undated, 1967.

10. Samuel G. Gates to E.L. Wingert, Attorney for the Board of Regents of Wisconsin State Universities, letter, August 10, 1967.

11. E.L. Wingert to Eugene R. McPhee, letter, November 16, 1967.

12. Dr. Robert H. Steuck to E.L. Wingert, letter, December 8, 1967.

13. Dr. Robert H. Steuck to E.L. Wingert, letter, March 11, 1968.

14. Dr. Robert H. Steuck to Samuel G. Gates and all building directors and the Student Activities Director of Wisconsin State University - La Crosse, letter, March 18, 1968.

15. E.L. Wingert to Robert H. Steuck, letter, March 21, 1968.

16. Robert H. Steuck to Robert R. Polk, Assistant Director of Wisconsin State Universities, letter, July 8, 1968.

NOTE: This listing of correspondence is by no means comprehensive. Nevertheless, it includes the most significant correspondence regarding the SDS controversy. Enclosures of some importance accompanied many of these letters. These letters and enclosures may be found in the files of the Student Affairs and Student Activities Offices at Wisconsin State University - La Crosse and in the files of the various correspondents.

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   c. April 14, 1967.
   d. May 19, 1967.
   e. September 29, 1967.
   f. October 24, 1967.
   g. February 23, 1968.
   h. March 23, 1968.
   i. June 21, 1968.
   j. July 26, 1968.
   k. October 25, 1968.

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   a. Minutes of Meeting, December 8, 1966.
   b. James C. Smart, "An Executive Report to the Campus Controls Council, 1966-1967."

5. Circuit Court of the State of Wisconsin for Dane County, Saxton v. Board of Regents, Case No. 123-165,
   a. Memorandum Decision, October 31, 1967.
   b. Petition for Review, November 15, 1967.
   c. Stipulation of facts on the part of counsel for both petitioners and respondents, March 19, 1968.
   d. Memorandum Decision, May 21, 1968.
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   b. April 13, 1967.
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   d. Local Constitution, La Crosse Chapter, March, 1966.
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   f. Local Constitution, La Crosse Chapter, undated, 1966.
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   h. Statement of Purpose, La Crosse Chapter, prepared for the International Days of Protest demonstration in La Crosse, March 25, 1966.

10. Student Government of Wisconsin State University - Eau Claire, Resolution submitted to the United Council of Wisconsin State University Student Governments concerning denial of university recognition to SDS at La Crosse and Eau Claire, undated.

11. Student Senate of Wisconsin State University - Stevens Point, Resolution concerning Board of Regents Resolution 3161, undated, 1968.

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   a. Presidents' Council, "Philosophy of United Council: Registration of Organizations," Statement adopted on May 11, 1968.

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13. U.S., Congress, Senate, Committee on the Judiciary, Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws, Statement by J. Edgar Hoover, 89th Congress, 2nd Session, 1966.

NOTE: While many of these items may be available from various sources, the following listing of sources may be helpful: Campus Controls Council files, Wisconsin State University - La Crosse (Items #1, 4, 7, 10, 11, 12); Area Research Center, Murphy Library, Wisconsin State University - La Crosse (Items #2, 3, 6); Student Affairs Office files, Wisconsin State University - La Crosse (Items #5, 9a, 9b, 9c, 9f, 13); Student Activities Office, Wisconsin State University - La Crosse (Items #8, 9d, 9j); Mr. Richard Morehouse, La Crosse, Wisconsin (Items #9g, 9h).

MISCELLANEOUS SOURCES

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   c. December 17, 1966.
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2. Dennis J. O'Keefe, Radio Broadcast over WKTY Radio in La Crosse, Wisconsin, December 10, 1966.

3. J. Edgar Hoover, an untitled statement, source unknown but listed in a letter from Samuel G. Gates to Leonard Hass (March 23, 1967) as one document upon which the President's veto was based, October 1, 1966.

4. Stephen Weissman and Doug Tuthill, "Freedom and the University," a pamphlet distributed by the Students for a Democratic Society, Chicago, Illinois, 1966.

5. "Peace and Freedom News," Newsletter of the National Coordinating Committee to End the War in Vietnam, #21, March 27, 1966.

6. Petition presented to Samuel G. Gates by students at Wisconsin State University - La Crosse commending him for his action in denying university recognition to SDS, December, 1966.

7. Dr. Robert R. Mullally, Director of Student Activities, Wisconsin State University - La Crosse, private conversation, La Crosse, Wisconsin, July 20, 1970.

8. Mrs. Judy Pinkston, Program Director, Student Centers, Wisconsin State University - La Crosse, private conversation, La Crosse, Wisconsin, July 20, 1970.

9. Dr. Norene Smith, Associate Dean of Student Affairs, Wisconsin State University - La Crosse, private conversation, La Crosse, Wisconsin, July 21, 1970.

10. Mr. Donald Strand, former Director of the Student Union, Wisconsin State University - La Crosse, private conversation, La Crosse, Wisconsin, July 17, 1970.

11. Dr. Robert H. Steuck, former Dean of Student Affairs, Wisconsin State University - La Crosse, private conversation, La Crosse, Wisconsin, July 17, 1970.

NOTE: Items #1 and 2 were tape recorded by Mr. Patrick Whalen of La Crosse, Wisconsin, and transcribed by the author of this paper; item #3 may be found in the files of the Student Affairs Office at Wisconsin State University - La Crosse; item #4 is available from the files of the Campus Controls Council at Wisconsin State University - La Crosse; item #5 was obtained from Mr. Richard Morehouse of La Crosse, Wisconsin; item #6 may be found in the files of the Office of the President of Wisconsin State University - La Crosse.