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Department of Justice

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ADDRESS BY

ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

to the

Annual Meeting Of The

AMERICAN COUNCIL ON EDUCATION

Mayflower Hotel, Thursday, October 7, 1965, 8 p.m.

President Friday, President Logan, ladies and gentlemen:

I

Tonight I would like to discuss with you a concern which we have very much in common -- that of demonstrations.

That there is a relationship between civil rights demonstrations, which are often my concern, and student demonstrations, with which you sometimes have to cope, is obvious.

Both are conceived as a form of protest. To a degree, the same techniques are used. Indeed, in some instances, the same young people have carried the heat of civil rights passions from a summer in the South onto the campus in the fall.

But too often this heat, generated by decades of injustice and oppression against the Negro, has dissipated into a mere fever when it has reached the campus. The similarities are only surface and there is a world of difference.

For a century the Constitution has guaranteed the Negro American the formal legal rights of citizenship and full participation in our society. For a century these Constitutional guarantees have, until recently, been without real meaning for most Negroes.

I think that future generations will look back upon these times with little understanding and less sympathy and will wonder why it took so long. And I confess that I wonder myself.

Initially the vindication of Negro rights was in the courts. Participation in other areas of our political life was, in many parts of the country, simply not available to the disenfranchised. And so it was by the slow, tedious, and expensive process of litigation that legal barriers, clearly unconstitutional, were all too gradually broken down.

The technique of substituting mass protest and demonstration for court process is relatively recent. With it has come a rather fuzzy and somewhat inarticulate doctrine of civil disobedience. I say "Inarticulate" because it seems to me that every theoretical justification for civil disobedience carries its exponent too far.

By and large, the Nation has viewed the protest movement in terms of the underlying moral issue rather than in terms of legal niceties. And I think that this has been the right and sound response. The "fires of frustration and discord", in President Kennedy's phrase, were burning in every city where legal and political remedies for just grievances were simply not available. The people sought redress in the streets in demonstrations, parades and protests.

That these demonstrations have been peaceful, orderly and dignified is a tribute to Negro leadership and to the faith Negroes have had that countless injustices could and would be remedied by the process of political change. That these demonstrations occurred also offers a lesson.

The value of a demonstration can be gauged in part by what it seeks to demonstrate. The civil rights demonstrations in the South have in fact demonstrated a profound truth -- a truth which could be evidenced in perhaps no other way: the unrest and dissatisfaction of the Southern Negro.

Such a statement may sound palpably obvious -- until it is compared with the soothing assurances which had so often been voiced by Southern white leaders -- that the Southern Negro in fact accepted the caste structure of the region not only with complaisance, but with gratitude.

As these protests showed, the Negro was not only not complaisant, but held such passion for full citizenship that he was and is willing to risk intimidation of the worst sort in his effort to achieve it.

We may accept or approve of disobedience in a different form of government, where there are no effective public forums for change and redress. It was such protest that gave this nation birth. It was such protest that was imported here from Gandhi's India -- where it was the sole means of expression for Indians at a time when they did not have self-government.

But when, as in most parts of this democracy -- for most people on most issues -- the power to wreak change lies in the hands of the voter, we would anticipate rather different conduct. Put plainly, we may seek redress and change through political processes but we are expected, while we are seeking, to obey the law.

The built-in outlet for grievances in our society is political: the squeakier the wheel, the faster the response, normally, of appropriate elected officials. And yet in the South, there was no response to Negro needs by local officials, for there has been no Negro vote to help elect or defeat them. The Negro not only has been the bottom layer in an economic and social caste system; he has been systematically excluded from any expressive, participating membership in the political structure.

The civil rights demonstrations of the South have thus furnished us a second lesson: that the Southern Negro has had no alternative method of expressing grievances; that his citizenship in a democracy has been largely irrelevant to him because he could not exercise the rights of citizenship.

I hardly need review the devices used to discourage Negroes from trying to vote; or the church burnings and bombings designed to discourage him from trying to assemble. The futility of seeking public expression for the Negro can be epitomized by a single, insignificant incident. A Negro boy walked down the street of his Southern town and was arrested. Why? Because his tee-shirt bore the legend "Freedom Now." On what charge? Parading without a permit.

The nation largely accepted, understood, and sympathized with Negro demonstrations in the South, I think, because we recognized both that the Negro was oppressed, and that he was so completely oppressed he had no other way to seek his freedom.

With the enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 -- with President Johnson's unyielding commitment to civil rights -- the avenues to political participation are now being opened for the Negro in the South. It is our firmest resolve to make that opportunity meaningful by the next election.

What such opportunity for political expression will mean to the future course and purpose of protest demonstrations will require extensive soul-searching and responsible analysis. For as Bayard Rustin has shrewdly observed, the relationship of the protest to the ends to be achieved will be more tenuous in the future than it has been in the past.

II

When I said at the outset that I regard civil rights demonstrations and student demonstrations as only superficially similar, I did not mean to suggest a blanket impatience with or disapproval of student dissent.

Let me make it plain that I believe the social commitment of many students, as sometimes evidenced by protest demonstrations, to be not only protected by the Constitution but also fortunate. Their concern with the ills of society can do much to remedy those ills -- if it is in fact a commitment and not merely a fleeting excitement.

But some student demonstrations do raise questions that cannot lightly go unanswered by those who would protest.

The first question is not whether they should demonstrate but <u>what</u> it is they seek to demonstrate.

Often, their aim has been the defense of individualism in a society of mass and machine. The validity of their cause is beyond question. There is perhaps no more telling evidence of how widespread is our concern than the speed with which our vocabulary of modern individualism has become cliche.

Society is at the mercy of a "technocratic juggernaut." Industrialization has polluted the spiritual climate with "depersonalization, urbanization, and centralization." The individual, increasingly, is "psychologically dispossessed," "alienated," and "anonymized."

However trite the description, each of these are valid concerns. What strikes me is the extent to which student rebels treat them all synonymously -- for that is the same extent to which they obscure and perhaps even exaggerate the very real specific underlying concerns.

By railing so hard against the deadening effect of the mass generality, they dissipate the insight and energy which ought better be devoted to opposing the corrupting specifics.

Just how diffuse the generality has become may be gauged from the credo of the Free Speech Movement in Berkeley:

"We must now begin the demand of the right to know; to know the realities of the present world-in-revolution, and to have an opportunity to think clearly in an extended manner about the world." It is ours to demand meaning; we must insist upon meaning!"

I would suggest that the beginning of meaning is not to synonymize all our concerns about the problems of modernity and technology, but the contrary -- to isolate and analyze to determine what is in fact deadening and what is not.

Should we not, for example, sort out the impact of size and technology on the university? For there are clear benefits for students to reap from the larger school. The larger the academic community, the more opportunity there is for the very diversity we prize.

If there are six professors of history whose views a student may reject, the more likely, in a large institution, that there will be twelve others with whom he feels comfortable. If there is a Greek letter emphasis in student social life, the more likely, in a large institution, that the individual will be able to find a circle of independents who prize scholarship, or beards, or music.

Further, in a mechanical sense, what, after all, is inherently objectionable about having a computer collate grades, or class schedules, or tuition bills -- if the result is faster and surer than that of a clerk on a high stool with a quill pen?

What is the injury to soul or spirit if 500 rather than 50 other students are exposed to Hegel at the same time? Fact and truth do not exist in finite amounts, like a pot of mashed potatoes in the dining hall, to be pro-rated according to the number of students. Economies of scale need not mean parsimonies of spirit.

By rebelling with such prodigality against so diffuse a target, the target is missed. Indeed, too often all a demonstration may prove is that students have become polished in the techniques of demonstration. As. A. H. Raskin observed in a notable discussion of the Berkeley disorders last year, student "activists obviously have developed a vested interest in finding things to fight about."

This is not to say that the submergence of the individual is not a valid mark. This is not to say that students should submit to the herd. It is to say that students, like all of us troubled by the fact of dilution of the individual's role -- need to sharpen and clarify their aims.

It is not record-keeping by punch card that we should fear, but the absence of animate attention to what is on them.

It is not an elephantine lecture class that depersonalizes education, but a shortage of able section instructors with whom to discuss the lectures.

It is not identical automobiles or toasters that we should guard against, but the passivity that can permit mass-produced forms to mold our higher tastes.

But even if student targets could be so narrowed, it remains fair to ask whether demonstrations are either an appropriate or even an effective weapon.

The comparison -- indeed the contrast -- with the civil rights movement is instructive. However valid these campus concerns may be, do they even approach the duration, the directness, and the depth of the injustices inflicted on the Southern Negro?

On the contrary. It should not be supposed that because students use many of the same techniques as Negroes in the South that their dissatisfactions are as profound. However deeply felt, such vaguely expressed grievances are so pallid by comparison with those of the Negro that to demonstrate over them can be to dilute and debase the moral significance of demonstrations for civil rights.

Put simply, the freedom to eat, to vote, to learn -- indeed to live -- justifies far more than the freedom to exclaim four-letter words.

Diffusion of goals is one peril the student dissenter must acknowledge, but there is also a second peril -- that a demonstration becomes an instrument not of persuasion but of coercion.

The distinction between persuasion and coercion can perhaps best be stated once more in terms of the Negro revolution:

The goal of the Negro must be to seek to change an entire political system. The goal of the student is to seek to influence a specific decision

or policy. The Negro, without access to any of the democratic forms of expression, has had little choice but to demonstrate. The student, whether he objects to conformity or to government policy in Viet Nam, has a range of alternatives.

It is not as though students are foreclosed from effective communication with faculty or administration. It is not as though students are denied expression through campus organizations or newspapers. Or, if they are, it is not as though they were denied recourse to their parents or the community at large.

Their dissent -- no matter how bitter or extreme -- is welcome. It may contribute to their goal of influencing decisions. But at the point that it becomes coercive -- when students lie down on the tracks to block a troop train -- protest changes from essential ingredient to something alien to the liberal tradition. Efforts to coerce are wrong in principle and ineffective in practice.

III

Whatever else may be said, the pressures for expression and for individuality are -- and should be -- greater in the university than perhaps anywhere else in society. The underpinnings of this rebelliousness surely grow from what we would teach our youth.

Where else could students have developed so passionate a regard for individual dignity but in your classrooms? How else could they have found inspiration if not for their attentiveness to your lessons in Socrates, learning that he spoke for individual worth and freedom; of your teaching of Immanuel Kant who said, "Treat other human beings as subjects, not as objects"; or of Martin Buber who taught that we should regard our fellow man as "thou", not as "it".

Such lessons reach to the core of liberal education. Small wonder that they are seized on by students, anxious as ever to search out the naked emperors of our society.

It is perhaps inevitable that, so impelled, the rebelliousness of young people may go out of focus. The question for you thus may not be how to quell demonstrations but rather how to communicate to students the need to set their faces against truly deadening conformity; how to resist the pressure of that inert hand most meaningfully; how to demonstrate, in short, both the individuality and the respect for law that underlie our society.