



Department of Justice

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STATEMENT
OF
ATTORNEY GENERAL JOHN N. MITCHELL

before the
SPECIAL SUBCOMMITTEE ON EDUCATION
of the
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

concerning

CAMPUS DISORDERS

May 20, 1969

INTRODUCTION

Madam Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before this Subcommittee to state my views on a matter of grave concern to all of us -- violence on the campus.

At the outset, let me state that I shall confine my remarks to those aspects of the problem which fall within the ambit of my responsibilities and authority as Attorney General. I leave to others, including Secretary Finch, who has already appeared before this Subcommittee, those facets of the problem which relate to education itself and Federal financial assistance to the colleges and universities and to the students who attend them.

Also at the outset, I want to make clear that the problem to which we are addressing ourselves is one which involves a small fraction of our school population and an equally small fraction of our schools, but is, nevertheless, a most serious problem requiring attention at the highest levels of school administration, state and local government, and Federal government.

Most of our students at our colleges and universities across the country are of serious purpose in their quest for truth and knowledge. This great majority recognizes the bounds of permissible dissent and that violence and

disruption are not the appropriate means to effect necessary or desirable reforms.

On the other hand, we have those relatively few violence-prone militants who seek only to destroy or who are misguided into believing that terror can lead to improvement.

Permit me to give you some of the factual background of campus disorders, which has come to the attention of the Justice Department, to illustrate what I consider to be the proper role of the Department, and to call to your attention existing federal criminal laws which are available to deal with various aspects of this grave problem.

THE PROBLEM

As I indicated in my recent Law Day speech, we have already had disturbances on more than 250 college campuses. These incidents have resulted in more than 3000 arrests and in property damage exceeding \$2 million. The incidence of disorders has continued to increase in frequency and in the extent of violence. For example, in California alone:

At San Francisco State College a bomb permanently blinded one student, and a second bomb was discovered before it exploded.

At Pomona College in Claremont, a secretary was blinded in one eye and lost two fingers when a bomb exploded as she was removing it from a college mailbox.

At the University of California in Santa Barbara, a custodian at the Faculty Club died from burns when he picked up a package containing a bomb.

At Berkeley, in the last eight months, there have been four instances of two bombings, and \$1.1 million in property damage.

In short, the wave of student disorders has brought personal injury, death, and millions of dollars of property damage. And it has disrupted the education of many earnest students. Further, the evidence indicates that this upswing in disorders is attributable, in some part at least, to planned and concerted action by certain small groups. One of these is the Students for a Democratic Society (SDS). I would like to highlight for the Subcommittee some of the activities of this militant student group.

THE MILITANT STUDENT MOVEMENT --
ORGANIZATION, OPERATION, AND GOALS

The militant student movement currently instigating and leading many campus disorders across the country involves several groups, consisting largely of students, many of them post-graduate students varying in age from 21 to 30 years, and a number of chronic demonstrators who join their ranks although they are no longer in college.

By and large these groups have no constructive objective; their sole aim is to disrupt. Their leaders brag about being revolutionaries and anarchists. They state their purpose to be to close the schools. They openly and brazenly profess a desire to destroy the establishment.

Most prominent in major campus disorders today is the Students for a Democratic Society, although many disorders have occurred in which its members have not been present and a good many disorders have been instigated by other groups such as the Black Student Union. Often, however, in such cases, members of the SDS soon join in and eventually assume a leading role in the demonstration, press statements, and negotiations.

The influence of the SDS cannot always be measured by the small number of its members that engage in any particular campus violence. On occasion SDS with less than 50 members has been able to capitalize on the issues and climate on the campus and obtain large numbers of allies who compound its disruptive influence.

The student allies of SDS are frequently law abiding students who many times have honest and indeed justifiable criticism about university administration and policies.

I recognize that the students of today are an "involved generation" who wish to tell us -- as strongly as possible -- that they are dissatisfied with many aspects of American life. I firmly believe that students on university campuses should enjoy the fullest and most vigorous debate guaranteed by the First Amendment. Indeed, it may even be advisable for some universities to permit even more dissent than the minimum guaranteed by the Constitution.

But I must draw the line at those actions which seriously disrupt a university and which involve a substantial denial of rights for those students who wish to pursue scholarship and civility.

The Students for a Democratic Society, despite a loose organizational structure, appears, through its local chapters, to carry out a national SDS policy keyed to widespread unrest among large segments of the otherwise peaceful student community. This organizational and operational relationship of the SDS leadership and some 250 local constituent chapters can best be illustrated by looking at the proposals and resolutions of the national leaders and the volume and frequency of the incidents following these national meetings.

For example, one of the resolutions approved at the SDS National Council meeting at Boulder, Colorado, in October 1968, entitled "Boulder and Boulder", called for the organization of a national strike of high school and college students on November 4 and 5, 1968, and the mobilization of large militant SDS regional demonstrations in major cities to protest the elections. Typical of the planned responses to this resolution were the strikes at the University of Michigan on November 4, at the University of Denver on November 5, and the demonstration at the Lincoln Memorial here in Washington on November 5.

One of the highlights of the SDS National Council meeting at the University of Michigan in December 1968 was a panel discussion on the need for a nationwide coordinated attack on military activities on campuses -- ROTC units and military research grants. Significant is the fact that in the four months prior to that meeting our records reflect only six violent actions directed at ROTC installations on campuses. For the four and a half months since, we record 22 such incidents.

The most recent SDS National Council meeting was held at Austin, Texas, in late March of this year. Since that meeting the tempo of campus disorders has substantially increased. Examples are:

(1) Harvard, April 9: Students, led by the SDS, forcibly ejected officials from an administration building.

(2) American University, April 23: A group of members of the SDS occupied the administration building.

(3) George Washington University, April 24: Members of the SDS occupied the Institute for Sino-Soviet studies.

(4) University of Washington, April 24: The SDS participated in a demonstration which succeeded in halting the operation of the Student Placement Center.

(5) Columbia University, April 30: Members of the SDS took over two university buildings.

(6) Stanford University, May 1: SDS members occupied an administration building.

(7) Northeastern University, May 13: Some 40 students led by the SDS took over a meeting room and lounge.

As distressing as the SDS campus activities are, and although not the subject of specific inquiry by this Subcommittee, I do want to note in passing the projected expansion of violent SDS activities into the labor field, our high schools, and even our armed forces.

While the foregoing examples of the involvement of SDS in campus disorders are ominous, it would be an

oversimplification to blame all of the trouble on campuses today on the SDS. While the SDS often furnishes the aggressive leadership to exploit campus problems, there are many frictions and difficulties which would probably cause unrest even without the SDS. It is important for school authorities to recognize these frictions and difficulties and to maintain communication with the students concerning them. It is equally important, however, for school authorities and student bodies to recognize the basic intransigence of the militants and to understand the goals which these militants are pursuing. School authorities must take prompt and effective action to resist disruption by the militants.

ROLE OF THE DEPARTMENT OF JUSTICE

We must not lose sight of the fact that dealing with student unrest is, in the first instance, the responsibility of our college and university officials. When police authority is needed to restore law and order, the courts or the local police should be utilized immediately. The Federal Government does, however, have an important role and interest in the matter.

The fact that the student disorders are nationwide, that they disrupt Federally funded programs and that Federal criminal statutes may be violated gives the Federal government a substantial interest in the problem. A facet of this interest falls within the area of my responsibilities as Attorney General.

As I see it, the role of the Department of Justice is threefold -- preventive, investigative and prosecutive.

PREVENTION AND CONTROL ACTIVITIES

As I have indicated, the first responsibility with respect to campus disorders rests with campus officials. When law enforcement authorities are required, these authorities should be state and local. On occasion, however, the Department of Justice Community Relations Service has been requested to send personnel to attempt to calm the storm. As you know, the Community Relations Service consists of persons skilled in establishing communication between conflicting factions. They are trained mediators, experienced in the art of dealing with emotionally charged situations which have racial overtones. Most recently, the Community Relations Service was called upon in connection with the Berkeley disorders last week.

Another element of the Department of Justice which is active with respect to campus disorders is the Law Enforcement Assistance Administration. As you know, this Administration was established by the enactment of the Omnibus Crime Control and Safe Streets Act of 1968. Insofar as campus disorders are concerned, the Law Enforcement Assistance Administration has been incorporating in seminars

for police chiefs programs on campus disorders, their causes and control. The Administration is in the process now of planning a special conference on campus disorders to be held later this year. We expect that among approximately 300 conference participants, we will have college and university presidents and administrators, faculty members, state and local police and campus police.

INVESTIGATIVE ACTIVITIES

Under its jurisdiction to investigate suspected violations of the Federal law, the Federal Bureau of Investigation is obtaining, and we are evaluating, information about campus disorders and those who cause them. Some of the background information stated earlier is the result of these efforts. In addition, we are making this information available to state and local law enforcement officials in jurisdictions where campus disorders may occur.

Through our investigative activities we hope to develop a full picture of the problem. We are looking for solid evidence to answer such vital questions as:

- How serious is the problem and how best can responsible students, college authorities and government leaders deal with it?
- Have those who lead or engage in student disorders violated Federal law and can they be successfully prosecuted?
- Are existing Federal (and state) laws adequate to deal with the problem?

While our investigative efforts are intense, we must not be precipitous in our conclusions or actions. You may be assured, however, that these questions will be answered as quickly as our ability and resources permit. It would be inappropriate for me, of course, to discuss the specifics of our investigative activities.

FEDERAL CRIMINAL LAWS - PROSECUTIVE POWERS

The prosecutive powers of the Attorney General are limited -- quite properly -- by the scope of Federal criminal law. Since most illegal activity on college campuses is in violation of state and local laws -- such as trespass, illegal entry, assault and malicious destruction of property -- I believe that current Federal laws are adequate. I therefore do not recommend to Congress that additional legislation be enacted at this time. However, should our investigations or congressional hearings reveal a need for some additional authority to deal with this problem, I will at that time recommend appropriate legislation.

I would like to briefly outline for the Subcommittee the scope of existing Federal criminal laws that are available, should our investigations warrant their use.

First, Section 2121 of Title 18 of the United States Code prohibits travel in interstate commerce, or the use of

any facility of interstate commerce, by any person with the intent to incite, organize or promote a riot or to commit any act of violence in furtherance of a riot, or to aid or abet any person in furthering a riot. Violators are subject to a maximum fine of \$10,000 and 5 years imprisonment.

Second, Section 231 of Title 18 prohibits the teaching or demonstrating of the use of firearms or explosive or incendiary devices or techniques with the intent that the same will be used in a civil disorder which may obstruct commerce or the conduct of any Federally protected function. It prohibits the transportation, or manufacture for transportation, of any such devices with the intent that they be used in furtherance of a civil disorder. The section also proscribes attempts to obstruct firemen or law enforcement officers in the performance of their duties during a civil disorder. A fine of \$10,000 and imprisonment for 5 years may be imposed upon a violator.

Third, Section 245 of Title 18 is designed to protect the civil rights of persons participating in or receiving benefits from various Federally protected activities. Such activities include receiving Federal financial assistance, as is the case of most institutions of higher learning and many students. Interference by force or threat of force with these rights, carries a range of penalties extending to life imprisonment if death results. This law, of course, would only be utilized in an unusual case where local law enforcement could not act.

In addition to the statutes to which I have referred, there are some other Federal laws, one or more of which might well come into play during the course of campus disorders, depending upon the facts in each particular case.

CONCLUSION

In summary, I share the Subcommittee's concern about the violence now taking place on our college campuses. In the first instance responsibility rests with the college and university administrators. They must recognize the difference between dissent and disorder. When law enforcement assistance is necessary to quell disorder, it should come primarily from the states and communities involved. Federal law enforcement assistance when appropriate, is the responsibility of the Department of Justice. In carrying out our role, we are working toward prevention and control, we are conducting investigations, and we will prosecute, when prosecution is indicated, those who seek to destroy our colleges and universities.

Let me close with a repetition of one optimistic observation I touched upon earlier -- the vast bulk of our college youth know why they are in school and will not permit the minority to deprive them of their educational opportunities.

I would be pleased to answer any questions you may have.