

**SPECIAL MEETING (EXECUTIVE SESSION)
BOARD OF TRUSTEES
OF THE
UNIVERSITY OF ILLINOIS**

March 2, 1970



On call of the President, an Executive Session of the Board of Trustees, to consider questions relating to campus security, was held on Monday, March 2, 1970, at 3:00 p.m., Illini Center, LaSalle Hotel, Chicago.

President Earl M. Hughes called the meeting to order and asked the Secretary to call the roll. The following members of the Board were present: Mr. Howard W. Clement, Mr. Donald R. Grimes, Mr. Ralph C. Hahn, Mr. Earl M. Hughes, Mr. Theodore A. Jones, Mr. Ray Page, Mr. Russell W. Steger, Mr. Timothy W. Swain, Mr. W. Clement Stone. Governor Richard B. Ogilvie was absent.

Also present were President David D. Henry; Chancellor Jack W. Peltason, Urbana-Champaign campus; Chancellor Norman A. Parker, Chicago Circle campus; University Counsel James J. Costello; Associate University Counsel John W. Metzger; Vice Chancellor for Campus Affairs George T. Frampton, Urbana-Champaign campus; Executive Assistant to the President George H. Bargh; and the officers of the Board, Mr. H. O. Farber, Comptroller, and Dr. Earl W. Porter, Secretary.

President Hughes stated that he had called the meeting because of his concern that problems of campus security might arise in connection with the scheduled appearance of Mr. William Kunstler on Tuesday, March 3, at the Urbana campus. He acknowledged that the appearance

had been scheduled for some time, but stated, in view of press reports of Mr. Kunstler's appearances elsewhere and reports of violence subsequent to them, he was reluctant personally to see the appearance go forward without full consultation among the Trustees. He indicated that this was a serious question for the Trustees to consider and reported that it was the unanimous opinion of the administrative officers that it would be inadvisable to interfere with the scheduling of the meeting. He then called upon President Henry to review the situation.

President Henry reported that the administration was closely following the situation at Urbana and called upon Chancellor Peltason to provide a report on the Kunstler appearances as well as events taking place at the moment at Urbana.

Chancellor Peltason reported that two distinct events were involved: one, the nature of the protest activity then underway by the "Radical Union" at Urbana, a protest against the presence on campus of employment representatives from the General Electric Company. Local and state police had been alerted, which had resulted in some glass breakage and blockage of traffic.

Second, he indicated, independent of the protest was the invitation by the Concerned Law Students, in compliance with University regulations, to invite Mr. Kunstler to speak on Tuesday evening, March 3. The Graduate Student Association and Undergraduate Student Association at Urbana had joined with the law students in the invitation. He stated that authorities at other institutions where Mr. Kunstler had appeared were unable to identify any relationship between the appearances and any disruption that had occurred.

The Chancellor reported that, following consultations earlier in the day with the deans at Urbana and campus security officers, as well as law enforcement officers, it was the general current judgment that at this time to cancel Mr. Kunstler's appearance on Tuesday would provide gratuitously a new and volatile issue for further protest and possible disruption.

President Henry noted that his letter of October 2, 1968, to the Chancellors constitutes a general policy directive with regard to visiting speakers. Mr. Costello was asked to comment on the Clabaugh decision and the Court's declaration of that law to be unconstitutional. He noted the Court had found that the University has adopted an open door policy with respect to speakers, which meant that all must be allowed to speak except when a clear and present danger exists. He indicated that this latter judgment could not be based on speculation, that the finding that a clear and present danger does exist must have substantial basis in fact.

Chancellor Parker spoke briefly about Mr. Kunstler's appearance at Chicago Circle, indicating that there had been no disruption following the speech. He noted that the University's policy directive provides for "balance" and that a speaker on the other side was to be scheduled at Chicago Circle.

Following these reports and comments, the Trustees engaged in a general and sustained discussion.

President Henry reminded the Board that the Chancellor has authority now from the President to deal with campus security within the limits of present policy. The issue was one of judgment about the possible effect permitting the speech to go forward would have in the light of the unrelated protest activity then happening.

Dr. Henry outlined various options before the Board: the matter could be left to the judgment of the administration in the light of continuing reports from those close to the current protest activity. A "cooling off" period could be provided for and the Board might express its admonition that the ultimate judgment be made carefully and with due regard to security; or finally, the Board, if it wished, could direct the administration to cancel the speech. (Mr. Swain indicated his intent to offer a motion to the latter effect.)

Mr. Costello was asked to speak again to the court action of the Clabaugh Act. He indicated that a motion to cancel would require a finding by the Board that a clear and present danger then existed. Mr. Swain agreed that this would be the burden of his motion.

Mr. Hahn indicated his intent to offer a substitute motion to the effect that on Tuesday morning, March 3, if the President, Chancellor, and other administrative officers feel that the state of emergency exists, they are directed to postpone or cancel the speech of Mr. Kunstler.

Mr. Swain moved, "In view of the disturbances in California and in view of the events of the past several days, the Board request the administration to cancel or defer the meeting for Tuesday evening on the basis of security."

Mr. Costello indicated that the motion would need to be more specific on the "clear and present danger" finding. President Henry stated, it would be difficult to administer a directive to "defer or cancel"; that if there was to be such action, he preferred that it be stated as a request to "defer."*

Mr. Hahn introduced a substitute motion as follows: "If on Tuesday morning, March 3, the Administrative Officers declare that in their judgment a state of emergency exists, they are directed to postpone or defer the appearance of Mr. Kunstler." By a roll call vote the substitute motion was defeated 6 to 3. Those voting in favor of the substitute motion were: Mr. Clement, Mr. Hahn, Mr. Jones. Those voting against were: Mr. Grimes, Mr. Hughes, Mr. Page, Mr. Steger, Mr. Swain, Mr. Stone.

Mr. Swain's motion was then passed by roll call vote, 6 to 3. Those voting in favor were: Mr. Grimes, Mr. Hughes, Mr. Page, Mr. Steger, Mr. Swain, Mr. Stone. Those voting against were: Mr. Clement, Mr. Hahn, Mr. Jones.

The final text of Mr. Swain's motion was as follows:

"On the basis of recent past experiences at other campus communities surrounding Mr. William Kunstler's appearance, and in view of present

* It was agreed by Mr. Swain that the motion would be recast through the advice of the University Counsel.

circumstances at the Urbana campus, I move the Board find that a clear and present danger exists and request the administration to defer the appearance of Mr. Kunstler scheduled at the Urbana campus on March 3, as essential for campus security."

On motion of Mr. Clement, the meeting was adjourned at 5:15 p.m.

EARL W. PORTER
Secretary

EARL M. HUGHES
President