



...do what you want to do, go where you're going to,
BUT think for yourself...

-george harrison

Davis' statement to the University community

21 October
University Community
University of Nebraska, Lincoln

The Regents of the University of Nebraska have reversed themselves and made a full disclosure of the specific complaints leading to their action of August, 1970, which stopped processing of my appointment. They did so in the attached letter of 14 October. I now release that letter to the University community thanking the Regents for their belated courtesy and congratulating them for having the courage to change their mind.

I have put off releasing the letter for several days to allow myself time to prepare a suitable answer. I felt that, under the difficult circumstances of public debate of a complicated question by a large and diverse community, it would be improper to release the Regents' letter without correcting certain errors it contains, filling in important details it omits, and putting its conclusions in perspective.

I shall first discuss the complaint, then the reasons those complaints are supposed to support, and finally the significance of the Regents' action of 18 August.

The Regents list four specific complaints. I shall take them up in order:

1. THE RECEPTION. An unnamed person, whom the Regents consider responsible, reported that I spoke at a reception held after MU President Robert Fleming was inaugurated and that I said something like "the word from 'Wisconsin people' is that Fleming could not be trusted..." The report is false. I think the informant confused two events, only one of which involved me. The one that involved me was not the reception after the inauguration but the inauguration itself. (I did not attend the reception.) I spoke at the inauguration, before an audience of about 4,000 dignitaries, faculty, students, and townspeople, as part of the formal program and as the official representative of the student body. (I was then administrative vice president of student government council.) What I said in that speech is a matter of public record, the text having been placed in the Michigan archives and reprinted in the Michigan Daily

of 14 March, 1968. The speech did not contain the sentence cited in the Regents' letter.

2. THE FAST. I'm glad the Regents chose to read the statement I made concerning my fast. I am, however, surprised that they did not indicate that they only learned of the statement from 13 Oct., 1970, that they got their copy through Professor Dewey, who got it from me, or that in the part they did not quote I gave a reasoned defense of the fast. (Including, among my reasons, the need to prevent violence.) I hope that, before anyone evaluates the sentences quoted in the Regents letter, he will first read the whole statement (printed in that Michigan Daily of March 13, 1970.) The sentences quoted look much more reasonable in context.

3. THE TRESPASS. The trespass occurred in September of 1968 (not in November as indicated in the Regents letter.) The following details should help in judging the act: "The trespass occurred as part of a sit-in of about 400 people in the Washtenaw county building to protest inadequate payments to mothers on welfare.

(There were children in Ann Arbor who did not have clothing in which to go to school, while the county board refused to touch \$100,000 surplus available from the previous year.) I was arrested without incident along with about 200 others. The next day, the board reversed itself. A month later, I pleaded *nolo contendere*, in district court. In November I was sentenced to 10 days in jail, fined \$15 and costs, and put on probation 90 days. I served the 10 days in late November, and was released from probation in March "with improvement." I had not before, and I have not since, been convicted of any offense in any court of law.

4. TESTIFYING. The report is inaccurate. I did not use the words 'repressive', and 'non-communicative'. The report is also incomplete. It fails to give enough detail for a fair evaluation of what I did say. The facts are these: I was testifying before an appropriations committee of the Michigan legislature. The committee was considering the University's budget, which in-

cluded an anti-disruption section. Another student and I, representing the student government council, made a general presentation explaining why students sometimes disrupt, pointing out how punitive legislation could only make things worse, and urging the committee to revise the section. The presentation characterized the University administration as sometimes arbitrary or irrational. One committee member asked for an example. I gave him the first that came to mind, the then-recent administration's refusal to permit a regional conference on homosexuality. The example apparently satisfied the committee member. (He neither asked for another example nor criticized the one given.) I think much of the example's effect came from two details omitted from the Regents' complaint: A. that President Fleming was willing to permit a statewide conference (not a regional one) and, B. that he was willing to permit a homosexual dance. Reasonable men may perhaps disagree, but I still think it a good example.

The Regents say they concluded from those four complaints that I am "intellectually arrogant and lacking in tact, objectivity and judgment." I do not believe the evidence warrants that conclusion, but I am willing to admit that I am not perfect and, for the purposes of discussion, at least I am even willing to admit all the faults of character the Regents charged me with.

What follows from that admission?

Does it follow that I would not be a good teacher? Apparently not. It is the judgment of my department (and the course evaluation made by students) that I am a good teacher.

Does it follow that I would not be a good scholar? Apparently not. I have made my letters of recommendation public. It should be plain from them that there is good reason to think that I will be a good scholar.

Does it follow that I have nothing to contribute to the good governance of a university? Apparently not. Though I have often disagreed with administrators here at

Michigan, they do not consider me a danger to the good order of the University. And they have sometimes adopted proposals I have made. I am currently sitting on the President's ad hoc committee on a permanent university judiciary along with two Regents, three deans, three faculty and seven students. (See University record, 19 October, 1970).

But if nothing seems to follow from that admission, what are we to make of the four complaints?

There are, I think, five reasons for concluding that my character is not really the issue.

First: The Regents, who are intelligent men, know that one cannot judge character from a few isolated incidents like those recounted in their letter. They know that they are 850 miles away from the facts upon which I acted, and so, in no position to judge my tact, judgment, or objectivity themselves.

Second: They have not asked someone closer to the facts to make the judgment for them. Though they accepted their informant's reports as "responsible," they did not accept his judgment. His judgment was, I believe, that what he reported was not grounds for not appointing me.

Third: The Regents did not try to get information concerning my character from their own Philosophy Department. That is strange, if what they wanted was information about my character. I spent many hours talking to members of the department during the two days in May I spent in Lincoln before the initial offer was made. Their insight could have been helpful if what the Regents wanted was information about my character.

Fourth: The regents have never shown any interest in interviewing me directly to find out what kind of person I am. Surely that would have been the surest and quickest way to gather such information.

And fifth: The Regents have not done anything else one would think wise for someone trying to make a fair judgment of someone else's character.

Perhaps I can make the same point another way. The four complaints do not add up

to a serious fault in character (even accepting the Regents' inaccurate account of the facts). They consist of A. an act of social indiscretion, B. a declared willingness to commit a low misdemeanor, C. an earlier commission of such a misdemeanor and D. a criticism of a public person. Would those four complaints be considered worth comment in evidence of their political content? Would the Regents have decided as they did if I had only insulted an East German consul during a reception in Detroit, said publicly I would hunt on a certain farmer's land whether he liked it or not, been convicted of such an offense once before, and recently been quoted condemning Governor Milliken for being soft on gangsters? I think not.

We are left then with several questions: What is there in the four complaints that has made the Regents anxious about my appointment? Could it be that all the talk of character is irrelevant? That the real issue is one of politics? That what the Regents want of new faculty is a history of abstinence from political action, especially where that action concerns the governance of a university? Could it be that the Regents prevented my appointment because they were afraid that my political activity would make it harder for them to deal with the legislature and their constituents back home? That, after all there is in their action a question of academic freedom and civil liberties?

To these questions I should like to add one more: What were the Regents trying to do when they wrote their letter? The letter seems less a statement of the original reasons for the decision of 18 August than a justification of that decision after the fact. I say that for two reasons. First: the Regents have concluded in their list of complaints that they knew as of August or September (for example my conviction for trespassing and the statement concerning my fast.) Second: Vice Chancellor Ross made several investigative phone calls to Ann Arbor early last week to find out more about me.

I leave it to the University community to answer these questions.

Mike Davis