

UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of Regular Meeting of 15 October 1984

ATTENDANCE

Present: Aberbach, Ascione, Bailey, Barald, Bassett, Beutler, Briggs, Bulkley, Catford, Chudacoff, Dahlke, Danielson, Easley, King, English, Eschman, Green, Grosse, Hilbert, Hopwood, Howe, Janecke, Kalisch, Kaplan, Kelsey, Kusnerz, Leonard, Loup, Lusk, McClamroch, Meyer, Moerman, Mosher, Nadelman, Payne, Powell, Radine, Rae, Reed, Rutledge, Sanders, Scheele, Schteingart, Sears, Snyder, Stebbins, Whitehouse, Yocum, Zweifler

Absent: Boyd, Burdi, Burt, Cohen, Courant, Farley, Fellin, Glover, Gulari, Hanks, Herbert, Jacobs, Kahn, Knudsvig, Larson, Lawrence, Lehmann, Lockwood, Lorey, Ludema, Luther, Margolis, Mermier, Robinson, Rucknagel, Schauer, Simon, Solomon, Southwick, Stapp, Borders, Warschausky

CALL TO ORDER AND MINUTES

Professor Hilbert called the meeting to order at 3:21 pm. The minutes of 17 September 1984 were approved.

REMARKS BY CHAIR

Members were encouraged to make direct regular reports of Senate Assembly meetings to their respective faculties.

NOMINATIONS AND APPOINTMENTS

Professor Bailey moved, Professor Eschman seconded, and the body approved the following nominations and appointments:

Herbert W. Hildebrandt, Donald R. Brown, Ronald C. Bishop, and Alphonse Burdi to the Faculty Advisory Panel; Roy Penschansky to CESF; Daniel Ringler and Richmond Browne to the Academic Affairs Committee; Walter

Debler to the Civil Liberties Board; Evan Radcliffe to the Board for Student Publications; James S. Reece to the U. Cellar Board; and John E. Osmer (Alumnus) to the State Relations Committee.

### STATE PROPOSAL C

Peter Pellerito, Office of the Vice President for State Relations, introduced Keith Molin, Assistant to the Vice President and Director of Capital Projects.

Over the last eight years Mr. Molin has been involved in three other state proposals similar to the current Proposal C (Voters' Choice): Tisch I, Headlee and Tisch II. All have addressed taxation in Michigan. Saying that Proposal C is ill-advised and perhaps even dangerous public policy, Mr. Molin stated his hope to raise awareness of the potential negative impact on the University if C is approved and to share with Senate Assembly members the concern of colleagues at Michigan's other state universities and colleges. He then showed a 6 1/2 minute slide-tape show, prepared by Michigan Media, on these themes.

Subsequently, Mr. Molin drew these conclusions:

1. It is presently impossible to predict how much money the University would lose if Proposal C passes. Neither is it possible to anticipate judicial interpretation, if C is challenged in court, nor to know the amount of money which would be available during the 18 months between passage of C and its application.
2. At its core, Proposal C changes not only the rate of taxation but representative government as well by changing the mechanism of governmental funding.

He voiced a larger concern over the segment of the electorate which is disaffected with elected officials and over the past two years has recalled two State legislators. Although this disenchantment has abated somewhat, the Detroit New's endorsement of Proposal C on Sunday, October 14, may inject new vigor into it. A recent state-wide poll of voters revealed 39% in favor of C, 30% against and 31% undecided.

The last has been targeted by Promote Michigan, a coalition of business, industry, and public institutions opposed to Proposal C. The group has launched a media campaign, concentrating on TV in the large metropolitan areas and on radio in rural areas. In addition, Promote Michigan encourages internal efforts among potentially responsive groups to mobilize "no" votes on the proposal. Among the 15 state universities and colleges, this includes urging faculty, students, parents and alumni to vote "no" on C. Mr. Molin

said that in Promote Michigan's collective judgment, Proposal C is the most ill-advised proposal of its type. He suggested that it would not be the last iteration of an anti-government, anti-institution bias but could be the last to propound simple solutions triggered by raw emotion. He concluded by noting that the previous proposal was defeated by only 4% of votes cast, the vote on C would be as close, and urged Senate Assembly members to vote no and encourage everyone they know to do likewise.

Professor Bailey commented that Richard Chrysler, a leading proponent of Proposal C, has stated that opposition by public institutions to C and similar measures can be attributed to vested interest. Other than public tax-supported institutions, Professor Bailey asked, who else opposes C?

Mr. Molin listed General Motors, Ford, Detroit Chamber of Commerce, Michigan Manufacturing Association, UAW, AFL-CIO, and the Building Trades Council. All oppose C and are members of Promote Michigan. It is virtually impossible, Mr. Molin said, to find any group which does not have a vested interest in the public treasury. For example, corporate business needs a solvent state and dependable state services to produce a climate in which business can be conducted.

Professor Wilfred Kaplan asked if Promote Michigan would favor faculty letters to newspapers. Mr. Molin replied yes, by all means, and urged the faculty not to overlook contact with their colleagues. A major concern involves potential voter apathy both in voting at all and in voting the proposal section of the ballot.

Professor Green commented on the emphasis put on a tuition freeze in the slide presentation and asked if there would be a backlash if C is defeated and the University raises tuition anyway. Mr. Molin acknowledged the possibility but observed that neither would be of the magnitude an approved C would produce. Because passage is possible, all parties which might be affected need to begin preparing for, among other things, an unprecedented rise in tuition.

#### NUCLEAR FREE ANN ARBOR BALLOT PROPOSAL

Professor Williams, Chair, Research Policies Committee reported that the October meeting featured a discussion of the municipal proposal to make Ann Arbor a nuclear free zone. The context was academic freedom but the discussion ranged to moral and civil liberties issues as well. Speaking against adoption of the proposal, Professor Carl Cohen stressed the criminal and civil prosecutions of University personnel which could result from the act. Professor Cohen also anticipated that opponents of research on nuclear weapons would interpret the law's restrictions in the broadest sense possible. Speaking for the proposal, Professor David Bassett maintained that academic freedom entails academic responsibility. In posing and answering

questions oriented toward the advancement of human welfare, faculty need to consider these in context of nuclear weapons. Contrary to Professor Cohen, Professor Bassett believes the act would be narrowly interpreted when applied.

Professor Williams further reported that the RPC, having decided not to vote on the proposal, nonetheless continued to discuss it at length. RPC has previously taken a stand on moral issues as illustrated by the Classified Research Policy and RPC's proposal to extend those restrictions to non-classified research. The current proposal, however, raised questions about possible extreme interpretations, the impact on the local economy, the effect of local and national legislation on the nuclear arms race, the prematurity of the proposal and peer pressure as the most effective weapon in influencing policy.

Concluding this report Professor Williams noted that according to the Michigan Alliance for Disarmament, the US currently has 62 nuclear free zones. Approximately 38 were established by popular referendum, the rest by representative government. He had not determined how many zones are located in research areas. In some of them, violation of the law is a misdemeanor carrying a fine of up to \$500 and/or confinement, with 30 days in jail typical. To date no case has been brought against any academic person or business.

The meeting then turned to invited presentations on the proposal by two faculty members. Professor Marc Ross, speaking in favor, noted that the attendant issues are complex and difficult. The problem of controlling nuclear arms provides rationale for an ordinance such as that offered. The proposal's drafters believe that the US government has never wanted to control or limit nuclear weapons. In his book David and Goliath, David Inglis cites three instances during the 1950's & '60's when opportunities for control were declined. This problem is not unique to the Reagan administration, for other administrations and the Soviets have shown a similar attitude. The nuclear arms race is a question of scale, of the ratio between arms build-up and arms control, with a lack of preparation for the latter. Some people argue that the US must have a nuclear capability to deter nuclear and also to defend against conventional war in Europe. He noted, however, that that same capacity has been used to threaten powers other than the USSR and that some believe that first strike capability, aimed at destroying Russia, is acceptable.

At its heart the nuclear arms race is an entrenched problem involving research and development as well as arms build-up. In his view it is unrealistic to think that this inherent power will contain itself or is containable even at presidential direction. Similarly, it is unrealistic to expect international negotiation, by itself, to temper the arms race. Rather, the general American attitude must change first. In conclusion he acknowledged that the proposal's effect on academic freedom was a complex

issue but observed that funded research is not funded freely and that one governmental unit, that is, representative government, should have power to intervene in another unit's funding.

Professor Gordon Kane, speaking against the proposal, agreed with much of the analysis presented by Professor Ross and the Michigan Alliance for Disarmament. Recapping his own activity in the arms control movement, he stated his belief that a proper freeze would influence the arms race on balance; although, he opposes the present proposal for general as well as personal reasons. Among the former he observed that the proposal is probably unconstitutional because it appears to violate First Amendment rights and to preempt Federal policy. Some proponents of the proposal have urged a "yes" vote on symbolic grounds and to let the courts decide the legality. Professor Kane felt this tack implied a light approach to the Constitution and he could not agree with it. Court cases can be expensive and produce unwarranted harassment. Furthermore, the penalties stipulated by the proposal are not simply symbolic and the economic impact, especially on businesses locating in Ann Arbor, could be severe.

Among personal reasons for opposing the proposal, he cited his own research on satellites and questioned if it could be stifled even though it is generally considered benign. He also noted that because it was not enforceable on the national level, the proposal would have little effect where pertinent policy is made. On the contrary, the proposal might be counter-productive. If people disregard the law, opposition to nuclear build-up might be cheapened. Sad as it is, a limited deterrent is necessary to provide confidence from which to promote arms control. In this regard some military research is more beneficial than harmful.

Professor Michael Sanders opened the ensuing discussion among Assembly members by noting that an estimated 50% of the world's physicists are involved in weapons research. He then posed a series of questions. Why was the Assembly discussing the proposal? Why have local action on a global issue; shouldn't the federal government address this question? Are important issues of academic freedom raised or is the existence of review boards and panels evidence that there are some considerations which are more important than academic freedom? Symbolism is relevant in this case. Is the present proposal fatally flawed?

Professor Lawrence Radine stated that the proposal is so broad that it covers political science as well as other areas and therefore can shift the issue to areas other than those intended.

Professor Kaplan noted that the proposal provides for a committee to review all contracts and observed that it is unrealistic to expect a group of lay people to make informed judgments on very specialized work.

Professor Kane agreed that the proposal had serious and practical defects. Many contracts from the Department of Energy, for example, have nothing to do with weaponry yet all would be reviewed.

Professor Robert Grosse recalled that defense of the population against attack used to be a topic in arms control and wondered if the proposal would outlaw such civil defense measures.

Professor Ross explained that the proposal may address nuclear defensive weapons while Professor Kane observed that the act would outlaw defensive research. Professor Ross disagreed with that interpretation contending that enforcement would be carried out in the usual manner, based on a narrow interpretation of the law.

Professor David Bassett, reading from the proposal, stated that there is no attempt to control thought but only actions in the area of nuclear weapons. The proposal does not pertain to defensive measures commonly known as CD.

Professor Kane replied that CD measures, though, as contained in US military policy, are part of planning for nuclear war and funded accordingly.

Professor Joanne Leonard asked if we can defend ourselves against the nuclear weapons which already exist? Is there symbolic value in voting for the proposal? Civil Defense doesn't seem as crucial a concern as halting the nuclear arms race.

Professor Frederick Beutler stated that among the more disturbing aspects of the proposal is provision for an enforcement commission. He noted that such a commission raised the possibility of harassment, noted the absence of parallel commissions in civil and criminal prosecutions and projected a chilling effect on research in Ann Arbor beyond the intentions of the act.

Professor Edward Chudacoff asked for a clarification of a citizen's standing (Enforcement, Section 20. 6. b). Professor Ross explained that a citizen might have standing under this law. Theoretically, then, if the commission found no violation of the law, the citizen could still bring the alleged violation to court.

Professor Robert Howe questioned several components in the Definitions section of the proposal. He observed that the concepts were too broad and if applied would terminate virtually all basic aerospace research that is currently conducted on campus even though most of its is non-nuclear.

Professor Radine noted that there are instances in which research must be controlled and that redressing differences through boards and commissions can

be appropriate. He also observed that definitions are important and that there have been many court cases over them.

Professor Green, replying to Professor Sanders, explained that SACUA believed that a discussion of the proposal was appropriate for an Assembly meeting because of the implications for academic freedom and faculty livelihood. Professor Kaplan concurred. Professor Moerman noted that the difficulty of the issue made wide discussion desirable. Professor Hilbert thanked Professors Ross and Kane and concluded the discussion by hoping that it aided all members in preparing for the November election.

OLD BUSINESS

There was none.

NEW BUSINESS

Professor Kaplan announced that the AAUP has invited the four Regents candidates, including one incumbent, to a public meeting Thursday October 18, 11am-2pm, at the Alumni Center.

ADJOURNMENT

The meeting adjourned at 4:51 p.m.

Respectfully submitted,



Patricia Yocum  
Acting Senate Secretary