

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of the Regular Assembly Meeting, October 18, 1971

ATTENDANCE

Present: Allen, Anton, Buning, Bertolaet, Birch, Bishop, Bowditch, Bowman, Castor, Cohen, Ledger, Cooperrider, Cornish, Darvas, DeKornfeld, Ehrenkreutz, Franken, Goodman, Graebel, Mohler, Heller, Higgins, Hinerman, Hood, Huntington, Colburn, Kahn, Kerr, Kish, Lind, Lloyd, Longone, Meyer, Michelsen, Nystuen, Overseth, Paul, Preston, Rucknagel, Ryder, Sana, Sawyer, Scherer, Schulze, Schuman, Moore, Votaw, Yagle, Youngdahl, Zweifler, Kincaid, Norman

Absent: Abrams, Stolz, Asgar, Bett, Hildebrandt, Dowson, Reade, Iglehart, Krachenberg, Magee, Hafter, Pollack, Rigan, Sandalow, Simpson, Smock, Verheyen

CALL TO
ORDER

Chairman Norman called the meeting to order at 3:25 p.m. in the Rackham Amphitheater. He informed the Assembly that the preliminary report of the Committee on Rights and Responsibilities of Faculty Members was not yet ready for distribution, and he proposed that its place on the agenda should be taken by a presentation by Vice-President Allan Smith on budget questions. He also suggested that the motion on classified research, which properly fell under the heading of old business, should be taken up at that point in the agenda. These suggestions were accepted without dissent by the Assembly.

APPROVAL
OF MINUTES

The minutes of the September 27 meeting were approved as distributed. There were no announcements.

REPORT OF
SACUA
ACTIVITIES

Chairman Norman called upon Professor Helen Lloyd to report on SACUA activities since the last Assembly meeting. A summary of the report follows:

SACUA has met four times since the last regular meeting of the Senate Assembly. At the October 4 meeting, Dr. Hinerman reported on registration problems and on a meeting of the Academic Affairs Advisory Council held September 29. The chief concern of the latter meeting was the need for better long-range planning. Plans were made for conducting the continuation meeting of the Assembly on the same evening. Some personnel questions were also discussed.

On October 5, SACUA met with President Fleming and discussed the status of university planning. President Fleming indicated that he has given high priority to this problem. Chairman Norman reported to President Fleming on Assembly actions regarding classified research. The President and SACUA then joined Vice-Presidents Smith and Pierpont and their faculty advisory committees to discuss the possible three percent budget cut.

At the October 11 meeting, Chairman Norman commented on the progress of budget discussions with the chief administrative officers and representatives from the committees for Academic Affairs, Financial Affairs, Resource Allocation, and Economic Status of the Faculty. The implications of the formation of the new Graduate Federation were discussed. Most of the meeting was devoted to putting the resolution on classified research into proper form for final consideration by the Assembly.

The meeting of October 18 concerned necessary changes in the agenda for the October 18 Assembly meeting.

PROPOSED
RESOLUTION-
PROPER ROLE
COMMITTEE

It was now time to take up the resolution, distributed with a call for the meeting, dealing with student membership on the Proper Role Committee. There was a difficulty with the resolution as originally worded, since the Graduate Assembly had since passed out of existence. Professor Scherer therefore moved the resolution, with the words "Graduate Assembly" replaced by "Graduate Federation". The resolution thus read:

"It is proposed by the Committee on the Proper Role of the University of Michigan in the Educational System of the State that its membership be increased by adding two student members--one to be appointed by SGC and one by Graduate Federation".

Professor Kahn said that this proposal raised the issue of whether SGC is the sole student government, and after some discussion he moved an amendment to the effect that both of the student members should be appointed by SGC, one to be an undergraduate and one a graduate student. The amendment was voted on and lost, whereupon the original motion was passed.

REMARKS
BY VICE-
PRESIDENT
SMITH

Chairman Norman then introduced Professor Allan F. Smith, Vice-President for Academic Affairs. A summary of his remarks follows:

As is well known, there is a provision in the Michigan Constitution that requires the budget to be balanced and gives the Governor power to withhold already appropriated money for this purpose, with the approval of the Appropriation Committee of the Legislature. This year the appropriations bills passed by the Legislature gave the State Budget Director powers similar to the Governor. The amount of withholding authorized is three percent.

Mr. Dempsey has written the University asking first what the impact of such a withholding of funds would be on the University and second, what items of the budget should be reduced. The letter fell just short of stating flatly that the amount specified would actually be withheld. A response to the letter was required by last Friday.

A letter of this sort is difficult to answer, since it admits various interpretations. The decision was made to indicate the

methodology of decision-making rather than to identify specific accounts that could be reduced. Vice-President Pierpont and I held meetings with the deans of the colleges and with representatives from appropriate faculty committees.

The substance of the letter that was sent to Mr. Dempsey has been given out in a news release. It argued forcefully that a three percent cut would have serious adverse effects upon the University.

Three percent of the budget is approximately \$2,300,000. Several principles have been followed in trying to identify savings of this amount. Student aid is to be left alone. Library acquisitions are to be left alone if at all possible. There are to be no reductions in the salary and wage program that was agreed to. Since the withholding is supposed to be temporary and perhaps will not occur at all, cuts should be made in areas where they can be restored quickly, such as plant improvement, maintenance, equipment, etc. These cuts will amount to about half of the required total. In addition, although this approach has its drawbacks, there will be some kind of across-the-board cut, with each unit being asked to cut perhaps one percent. Other specific areas for possible cuts have been suggested and will be pursued. Most of the savings in units will have to come from not filling vacancies, since salaries (about \$96 million) make up much of the largest item in the budget.

The question may be asked why we don't send letters to the various units. This won't be done until we are asked specifically to do so by Mr. Dempsey. We have been told that the Administrative Board feels that it does not have to be uniform in the amounts that it withholds from various agencies. Hence we don't want to prove to the Administrative Board that we can achieve reductions of a specified amount.

At the conclusion of Vice-President Smith's address, questions were asked for. Professor Colburn pointed out that since a substantial portion of the year had passed, the effect of any cut would be magnified for the remaining period. Vice-President Smith agreed and said that he would be calling all the deans.

NOMINATIONS
AND
APPOINTMENTS

Chairman Norman said that SACUA was nominating Professor Michael Baity to serve as a temporary replacement for Professor Carnahan on the Student Relations Committee. There being no further nominations, Professor Baity was declared elected unanimously.

OLD
BUSINESS

The meeting then turned to old business, of which the outstanding item was the resolution on Classified Research. Chairman Norman reminded the group that the resolution had been passed at the last meeting, with the understanding that a drafting committee would put it in a carefully written form and report back. The original intention was to get the proposer and two others together for this purpose. This did not prove feasible, and SACUA itself served as the drafting committee. The resulting document was before the Assembly for consideration. Chairman Norman also drew attention to the comment from Professor William M. Brown, and to the report on current operating procedures from the

Classified Research Committee, both of which had been distributed. He added that he had been notified of an Engineering faculty meeting to discuss the classified research situation the following day.

Chairman Norman went on to say that he had received a request by a Senate member to address the Assembly on this question. Pointing out that such a request had usually been honored in the past, he asked the Assembly's pleasure on this question. Professor Kerr moved that the invitation should be issued, and there were no objections. The Senate member in question, Professor Ward Edwards, then came forward and spoke as follows:

I am extremely grateful to you for allowing me to address the Senate Assembly. I am especially grateful because I know how much time, thought, and debate has been devoted to the topic of classified research at the University of Michigan by the Assembly and by its Committee on Research Policies. I consider it unlikely that I could tell you any facts or make any arguments that you have not already considered. Nevertheless, I have asked to speak because I wish to make a request of the Assembly.

That request is that the Assembly, if it should wish to recommend major changes in present research policies, should make its recommendation to the Senate.

There are many reasons why the Senate should consider and vote on the questions of research policy now under debate. For many of us, the most important reason is that major issues of conscience are involved. The Resolution before you declares that this University will not permit its brainpower to be used in the formation or furtherance of national policy except under conditions inevitably and appropriately unacceptable to policymakers, especially those working on the most important and sensitive issues. Many members of the Senate feel that such refusal to assist the country that created and sustains us is morally indefensible. The Resolution before you has the effect of forbidding faculty members and students from pursuing many research topics, and thus violates the principle of freedom of inquiry that is one of the fundamental ingredients of academic freedom. It will also destroy the ability of many of us to acquire information in confidential governmental contexts, sanitize the information by removing the typically small set of numbers or names that make it confidential, and then communicate the remainder to our students and colleagues. Thus it will greatly increase the already excessive barriers to flow of information between government and academia, and severely hamper out teaching.

Aside from the questions of conscience, there are questions of content and procedure. The Assembly chose not even to discuss the report of its own Committee on Research Policies. That Committee has devoted many months and great effort to a profound consideration of the issues at hand; its highly sophisticated report to the Assembly was given short shrift indeed. The

Resolution before you is ambiguous and incomplete. It says that it refers to "classified" research, but nowhere specifies what that term means. Since all government departments "limit open publication of the results of research" to varying degrees and in various ways, such questions of definition and interpretation are crucial. For example, one interpretation of the Resolution before you would forbid the Institute for Social Research, researchers in the Medical School, and others from accepting federal grants or contracts that call for them to gather personal information about individuals, since sponsors normally insist that the privacy of such information must be protected, and such protection is obviously a limitation on open publication of the results of research.

The Resolution before you attempts to address two quite different questions in the same action. One of these questions concerns constraints on freedom to publish, a question that extends over virtually the entire range of research topics and sponsors. A separate question concerns the extent to which members of the University community should perform research on topics that contribute to American military needs and activities. The questions deserve separate treatment. Any attempt to deal with both in the same legislative act can only lead to ambiguity and difficulty of interpretation--as the Resolution before you well illustrates.

The third reason why the Senate should consider and vote on this question is that it directly affects the lives of many members of the Senate, and of the entire University community. This Resolution, if it were to become Regential policy, would force the severance of many hundreds of members of the University community from the University. Many other members of the faculty and students would be compelled to bring their research activities to a halt; still others would find it necessary to rearrange or redirect their research.

On an issue that engages the consciences of us all, and affects and may destroy the lives and careers of some of us, we should, I believe, be allowed to speak and to vote. Not even referral of the matter to the Senate can accomplish that for all those affected. But the Senate is the governing body of the University faculties. Surely, on an issue of this magnitude, an issue on which University opinion is so deeply divided, it should be consulted.

Of course there are means other than referral from the Assembly to bring this matter before the Senate. But referral from the Assembly is by far the most orderly procedure. The next meeting of the Senate is scheduled for November 22. I urge that the Assembly refer this matter to that meeting.

Chairman Norman then asked if anyone from the Engineering School wished to speak upon the topic. Professor Sawyer read a letter from Dean Van Wylen, the text of which follows:

The following is a resolution which the Executive Committee of the College of Engineering has prepared and is recommending to our faculty for approval at our Faculty Meeting on Tuesday, October 19. I am sending it at this time so that you will have this proposed action of our faculty before the Assembly meets.

RESOLUTION ON CLASSIFIED RESEARCH. The Faculty of the College of Engineering requests that an opportunity be given to each of the schools and colleges to study the impact on its operations of the resolution of the Senate Assembly in regard to classified research before any steps are taken to implement the action proposed by the Assembly.

In my judgment, the Assembly would be in a much stronger position if it deferred action on the Schuman Resolution until it gave each school and college the opportunity to study the impact of this resolution on its activities and to report to the Assembly. However, if the Assembly does not do this, our resolution, if passed by our faculty, will be directed to the President and the Regents.

I would also point out that the final form of the Schuman Resolution has still not been distributed to the faculty. The faculty have had essentially no time to study it before the proposed date for final action by the Assembly.

There being no further communications from outside the group, Chairman Norman announced that the resolution from the Drafting Committee was before the Assembly for discussion.

Professor Lind asked if Professor Schuman was in sympathy with the resolution as redrafted. Professor Schuman said that the resolution was now the property of the Assembly, and that he would be glad to have his name removed. He said that he considered that the revision was on the whole excellent, but noted that the first two paragraphs had been collapsed into one. He asked whether this was seen as a substantial change or merely as an organizational improvement. Chairman Norman said that the committee labored hard on this question. Some saw a lack of parallelism and ambiguity in the wording. Opinions were divided, but a vote favored the changes made. His own opinion was that there was no change in meaning.

Professor Darvas rose and said that he thought the Assembly would make a greater error if it passed the motion. In an extended statement, he asserted that the proposed action would destroy liberty in the name of favoring it, would destroy some research careers, and would be a violation of civil liberties. He then moved to table the resolution until the Civil Liberties Board had an opportunity to pass on it.

Professor Scherer raised a point of order, saying that the motion to table was out of order since the resolution referred to had been passed at the previous meeting. Chairman Norman ruled the motion out

of order, saying that a motion to table could not be preceded by an argument in its favor, and also citing the point raised by Professor Scherer.

Professor Yagle rose, saying that he had been appointed as a substitute for Professor Wilkes, and that as a member of the Research Policies Committee, he was confused about the action that had been taken. He remarked that the Research Policies Committee had spent much more time deliberating on the issue than the Assembly had spent in discussing it; diverse viewpoints had been subjugated in writing the report, which tried to incorporate the realities of the situation. He added that almost all the people doing classified research were strongly opposed to the Assembly's resolution, and he asked for a show of hands to indicate how many Assembly members were doing or had done classified research. No hands were raised in response to the first question, and only a few^w response to the second. He then asked whether there was any way of setting action aside until the opponents of the resolution could muster a presentation. Professor Franken asked a similar question.

Chairman Norman responded by saying that he could see no possibility of accomplishing what Professor Yagle and others of like mind desired apart from a motion to reconsider the action taken at the previous meeting; this motion would have to be made by a person who voted in favor of the earlier motion. The Assembly had the option of referring the action taken to the full Senate for its consideration. The matter could also be referred to the Senate if any Senate member and two cosignees so requested in writing fourteen days before the Senate meeting. He asked the Parliamentarian, Professor Cohen, if he agreed with this assessment of the situation. Professor Cohen expressed his agreement with the Chairman.

Professor Cohen continued with some remarks about motions to table. A short time later Professor Colburn added some comments on the same topic. The substance of their remarks was that motions to table must be distinguished from motions to postpone consideration, either to a fixed date or indefinitely. Motions to table are not debatable, while the other two motions are. Despite common practice in Congress and other legislative bodies, a motion to table is properly intended to postpone consideration temporarily, and not to kill a proposal; if used for the latter purpose, a two-thirds vote should be required to pass the motion. Moreover, since a motion to table is not debatable, it should not be prefaced by a speech.

Professor Yagle moved that the question under discussion should be postponed until the next meeting; his motion was seconded by Professor Darvas. Postponement was opposed by Professors Scherer, Kish, Goodman, Cohen, Rucknagel, and Schuman, and was supported by Professor Franken. (Mr. Humphries, of the Research Policies Committee, also expressed disagreement with Professor Yagle). Opponents argued that there had been a great deal of discussion already, and that the agenda of the next meeting was already crowded. The motion was defeated.

Professor Kerr asked for some clarification of the extent to which the resolution was applicable to projects classified for access only. Chairman Norman gave it as his understanding that "access only" projects would be considered in accord with Policy I, but would require review for compliance with Policies II, III, and IV. However, Professor Kerr was not completely satisfied on this point, and a somewhat wider-ranging discussion followed about the proper interpretation of the phrase "limit open publication of the results of research." Professor Franken pointed out that patent examinations required before results could be released might require five months. Professor Youngdahl moved, with a second by Professor Sawyer, to replace the word "limit" in paragraph 1 by the words "require other than routine approval of sponsoring agencies for." Professor Youngdahl maintained that this change of wording would clarify the intent of the Assembly. On the other hand, Professors Rucknagel, Scherer, Franken, Anton, and Cohen felt that there would also be difficulties in interpretation with the proposed wording. After considerable discussion, the amendment was defeated.

RESOLUTION
PASSED

Shortly, thereafter, the main motion was brought to a vote and passed by 33 votes in favor to 8 against. This vote, in accord with remarks by the Chairman in the course of the preceding discussion, established the statement prepared by the drafting committee as the official text of the resolution passed by the Assembly at the preceding meeting. (See addendum to minutes for text).

Professor Darvas pointed out that members who had been absent for all or part of the preceding meeting (he fell in this latter category) could not properly have taken part in the preceding vote. He then moved that the resolution just ratified should be submitted to the Civil Liberties Board for review. It was pointed out, however, that the Civil Liberties Board could undertake such a review on its own volition, or upon the request of any member of the Senate. The motion was defeated.

MOTION BY
PROFESSOR
KERR

Professor Kerr pointed out that the impact of the resolution that had been adopted, if it was put into effect, would be heavily concentrated on certain units of the University. Accordingly, he proposed the following motion:

Resolved that it be the sense of the Assembly that any financial burden that results from a change in classified research policy be borne generally by the University community.

Professor Scherer moved an amendment to limit the effect of Professor Kerr's motion to financial burdens imposed upon members of the University Senate, saying that he saw no reason why support should be guaranteed for a lathe operator at Willow Run, for example. Professor Kish asked if the Assembly could have a report on the total effects to be anticipated. Professor Franken agreed, saying that the Regents would ask the same question.

Professor Kerr said that he was not suggesting a precise mechanism for carrying out his motion. He was reluctant to exclude any class of affected individuals from consideration. He agreed that data were required, but he felt that it was important to state the principle that the entire impact should not be absorbed by the units most immediately affected. Professor Rucknagel moved that the discussion should be postponed until the next meeting, but this motion was defeated. The amendment proposed by Professor Scherer was then defeated.

Professor Cohen pointed out that the motion, if passed, would not commit the University to additional responsibilities, but would merely call for a broad distribution of the burden that would have to be assumed in any case. Professor Anton objected, saying he felt the issue could not be dealt with intelligently without further information. Professor Kerr replied that if sufficient information was presumed available to adopt the earlier resolution, it must also be available for the purpose implied by his motion. He gave some concrete examples of the effect that the banning of classified research could have on particular units. Professor Lind said that he viewed the motion primarily as a statement that people shouldn't suffer needlessly. Professor Rucknagel said that those who had argued in favor of the previous action recognized that something must be done in such cases. However, he felt unable to support the motion without grasping all its ramifications. Chairman Norman pointed out that the hour was already past the normal time for adjournment. The question was put to a vote and the motion carried.

MOTION
PASSED

Professor Longone asked whether the Classified Research Committee should continue its procedures as before for the time being. Chairman Norman replied that it should.

Professor Cohen asked what was being done about the problem of registration. Chairman Norman said that it was now on the agenda of the Academic Affairs Committee.

Professor Lind returned to the question raised by Professor Longone about the current operation of the Classified Research Committee. Mr. Fleming (a member of the Classified Research Committee) asked whether, for example, minutes of committee meetings would have to be made public. Although there was considerable discussion of these points, Chairman Norman maintained that the resolution that had been passed was without effect until the Regents took further action. He also said that the Assembly could pass legislation if it wished telling the Classified Research Committee to change its procedures. However, up to this point the Assembly had not addressed any official communication to the Classified Research Committee.

ADJOURNMENT

The meeting adjourned at 5:55 p.m.

Wilfred M. Kincaid
Secretary