

SENATE MEETING

THURSDAY, DECEMBER 14, 1967

10:00 A.M.

MURPHY HALL AUDITORIUM

The voting membership of the Senate totals 199 including the President and 198 elected members. For a quorum, a majority of the voting membership (100) must be present. Constitution changes require advance publication and 133 affirmative votes. By-Law changes require 100 affirmative votes. Other actions require only a simple majority of members present and voting. The members of the Administrative Committee are ex officio nonvoting members of the Senate.

All members of the faculty who hold regular appointment as defined in the Regulations Concerning Academic Tenure may be present at Senate meetings and are entitled to speak and to offer motions for Senate action, but may not vote.

Members of standing committees who are not faculty, including student members, may be present at a meeting of the Senate during such time as a report of their committee is under discussion and may participate in such discussion, but shall not have the privilege of making motions or of voting.

A special section will be provided for the seating of such faculty and such members of standing committees.

Provision has been made for the University News Service to send the Senate Docket to the news media in advance of each meeting and to arrange a news conference at the close of each meeting with the vice chairman and others he may designate.

ATTENDANCE RECORD

A roll of elected and ex officio members will be circulated during the meeting. Members will please check their names to indicate their presence. If the list misses you, please stop afterward to check your name. The roll, after adjournment, will be on the rostrum.

An attendance record for nonmembers will also be circulated and will be on the rostrum after the meeting.

As voted by the Senate, a summary of the attendance of members elected for the current academic year will be included in the June minutes.

NOT FOR RELEASE PRIOR TO
THE SENATE MEETING

UNIVERSITY OF MINNESOTA
THE SENATE
DOCKET

Year 1967-68

No. 3

December 14, 1967

Your Committee on Business and Rules respectfully presents the following matters for consideration:

I. PROPOSED RESOLUTION OF THE ALL-COLLEGE COUNCIL
OF THE COLLEGE OF LIBERAL ARTS

Reported for Action

The All-College Council of the College of Liberal Arts, the policy-making and legislative body of the College, at its meeting, Tuesday, December 5, 1967, decided unanimously to ask the Senate to censure severely Lt. General Lewis B. Hershey for attempting to use the selective service system to punish draft-eligible dissenters. Professor Harold W. Chase of the Political Science Department was designated to present this request to the Senate at the meeting on December 7, 1967. The Senate heard the request and, after debate, decided to request a special meeting in order to afford Senate members more time to study a proposed resolution, General Hershey's letter, and comment of *New York Times*. The President has approved the request.

PROPOSED RESOLUTION

Whereas, Lt. General Lewis B. Hershey, the Director of Selective Service, on or about October 26, 1967, sent the following letter to draft boards throughout the nation

Whereas, free men should ever be quick to respond to challenges to the exercise of fundamental liberties

Whereas, national security is never served by arbitrary or capricious restrictions of liberty

Be It Resolved That

We, the Faculty Senate of the University of Minnesota, communicate to the President and Vice President of the United States, the Minnesota Congressional delegation, and General Hershey our outrage, as free men, at the attempt of General Hershey to use draft reclassification as a device for curbing and punishing legitimate dissent. We have taken account of the General's contention that his purpose is only to deter illegal acts and express our belief that the regular law enforcement agencies of government are adequate and that General Hershey's agency should confine itself to its statutory duties. We condemn his attempt to usurp the judicial function of determining and punishing illegal conduct.

Letter from Lt. General Hershey which prompted the resolution:

THE NEW YORK TIMES, THURSDAY, NOVEMBER 9, 1967

TEXTS OF LETTER AND MEMO ON THE DRAFT

Special to The New York Times

Washington, Nov. 8—Following is the text of a letter, dated Oct. 26, to all members of the Selective Service system from the director of Selective Service Lieut. Gen. Lewis B. Hershey, and of a memorandum, dated Oct. 24, from General Hershey on draft cards:

THE LETTER

The basic purpose and the objective of the Selective Service system is the survival of the United States. The principal means used to that end is the military obligation placed by law upon all males of specified age groups. The complexities of the means of assuring survival are recognized by the

broad authority for deferment from military service in the national health, safety, or interest.

Important facts, too often forgotten or ignored, are that the military obligation for liable age groups is universal and that deferments are given only when they serve the national interest. It is obvious that any action that violates the military selective service act or the regulations, or the related processes cannot be in the national interest.

It follows that those who violate them should be denied deferment in the national interest. It also follows that illegal activity which interferes with recruiting or causes refusal of duty in the military of naval forces could not by any stretch of the imagination be construed as being in support of the national interest.

The Selective Service system has always recognized that it was created to provide registrants for the armed forces, rather than to secure their punishment for disobedience of the act and regulations. There occasionally will be registrants, however, who will refuse to comply with their legal responsibilities, or who will fail to report as ordered, or refuse to be inducted. For these registrants, prosecution in the courts of the United States must follow with promptness and effectiveness. All members of the Selective Service system must give every possible assistance to every law enforcement agency and especially to United States attorneys.

It is to be hoped that misguided registrants will recognize the long-range significance of accepting their obligations now, rather than hereafter regretting their actions performed under unfortunate influences of mis-directed emotions, or possibly honest but wholly illegal advice, or even completely vicious efforts to cripple, if not to destroy, the unity vital to the existence of a nation and the preservation of the liberties of each of our citizens.

Demonstrations, when they become illegal, have produced and will continue to produce much evidence that relates to the basis for classification and, in some instances, even to violation of the act and regulations. Any material of this nature received in national headquarters or any other segment of the system should be sent to state directors for forwarding to appropriate local boards for their consideration.

A local board, upon receipt of this information, may reopen the classification of the registrant, classify him anew, and if evidence of violation of the act and regulations is established, also to declare the registrant to be a delinquent and to process him accordingly. This should include all registrants with remaining liability up to 35 years of age.

If the United States Attorney should desire to prosecute before the local board has ordered the registrant for induction, full cooperation will be given him and developments in the case should be reported to the state director and by him to national headquarters.

Evidence received from any source indicating efforts by nonregistrants to prevent induction or in any way interfere illegally with the operation of the Military Selective Service Act or with recruiting or its related processes, will be reported in as great detail as facts are available to state headquarters and national headquarters so that they may be made available to United States attorneys.

Registrants presently in classes IV-F or I-Y who have already been reported for delinquency, if they are found still to be delinquent, should again be ordered to report for physical examination to ascertain whether they may be acceptable in the light of current circumstances.

All elements of the Selective Service system are urged to expedite responsive classification and the processing of delinquents to the greater possible extent consistent with sound procedure.

MEMORANDUM

Subject: Disposition of Abandoned or Mutilated Registration Certificate and Notices of Classification.

1. Whenever an abandoned or mutilated registration certificate or current notice of classification reaches a local board, and the card was originally issued to a registrant by some other board, it should be forwarded to the state director of selective service, who will forward it to the appropriate local board if within the state, or the appropriate state director if the board of origin is outside the state.

2. Whenever a local board receives an abandoned or mutilated registration certificate or current notice of classification which had been issued to one of its own registrants, the following action is recommended:

(A) Declare the registrant to be delinquent for failure to have the card in his possession.

(B) Reclassify the registrant into a class available for service as a delinquent.

(C) At the expiration of the time for taking an appeal, if no appeal has been taken, and the delinquency has not been removed, order the registrant to report for induction or for civilian work in lieu of induction if in Class I-O, as a delinquent, or in the board's discretion in a flagrant case, report him to the United States attorney for prosecution.

(D) If appeal is taken and the registrant is retained in a class available for service by the appeal board, and the delinquency has not been removed, order the registrant to report for induction or for civilian work in lieu of induction if in Class I-O, as a delinquent, or in the board's discretion in a flagrant case, report him to the United States Attorney for prosecution.

Account, *New York Times* pertaining to letter of Lt. General Hershey.

HERSHEY PLEDGES DRAFT CRACKDOWN

Says Selective Service Will Induct or Help to Prosecute
Those Violating Law

By B. Drummond Ayres, Jr.

Special to The New York Times

WASHINGTON, Nov. 7—The Director of the Selective Service, Lieut. Gen. Lewis B. Hershey, said tonight that his agency had decided to "live up to the letter" of the draft laws and to induct or aid in the prosecution of persons who violated them.

The decision, in the most obvious case, could result in the drafting of students or other young persons who hold deferments but who participate in antiwar demonstrations adjudged to interfere with Selective Service operations.

In other cases, the decision could result in the prosecution of persons who have no draft obligation but are charged with obstructing draft procedures.

Over the last several years, as the war in Vietnam has become increasingly controversial, opposition to the draft has become more and more widespread.

There have been numerous individual and mass antiwar protests in which draft officials have decided that laws were violated, but rarely have punitive measures followed.

General Hershey, who has headed the Selective Service for a quarter of a century, recently sent a letter to draft boards throughout the country recommending that steps be taken to insure the enforcement of draft statutes.

Commenting on the letter this evening in a telephone interview, the general said:

"From now on, we intend to live up to the letter of the laws. I don't want any revenge. I actually have a lot of confidence in the kids of this country. All I hope to do is to discourage some of the excesses we have had in the past."

The Selective Service laws provide penalties for "any person who shall knowingly hinder or interfere or attempt to do so in any way by force or violence or otherwise" with the operations of the draft.

Generally speaking, the punishment for such interference for persons with a draft obligation is placement at the top of the draft list, where speedy induction is virtually certain.

For persons with no draft obligations—women, for instance—there is the normal course of court prosecution. Usually, the Department of Justice will handle the case, but Selective Service policy in the future will be to provide all possible information—such as testimony—that might aid in gaining a conviction.

General Hershey's letter to the draft boards, which are responsible for determining when violations of the Selective Service laws have taken place and who is to be inducted as a result, was dated Oct. 26.

In the letter, the General dwelt at length on student deferments, noting that they were granted "only when they serve the national interest." He then concluded:

"It follows that illegal activity which interferes with recruiting or causes refusal of duty in the military or naval forces could not by any stretch of the imagination be construed as being in support of the national interest."

General Hershey said tonight that he anticipated long and hot disputes over what constitutes violation of draft laws.

He termed destruction of a draft card a clear-cut violation, and he also views the physical obstruction of selective service operations—such as barring doors—as worthy of punishment.

But, he acknowledged that peaceful picketing could rarely, if ever, be called a violation, and he thought it would be particularly hard to determine when the harassment of recruiting officers constituted a violation, since recruiting deals with volunteers, not draftees.