

CONVOCATION SPEECH BY JACQUELINE GRENNAN,
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DUE PROCESS: COLLEGE AND CIVIL JURISDICTION

When the history of the American experiment is written decades or centuries from now, I predict that it will be written as the first great experiment in due process of law. If the experiment is at all successful, it will be incumbent on other institutions and other nations to incorporate her successes and reject her failures and false starts.

Nightly, Madison Avenue and network television collaborate to show us the so-called triumph of law and order as the good guys overcome the bad guys in Big Valley, Ironside, and Mission Impossible. If we are to believe -- as we have so often been led to believe -- that due process of law is simply that right triumphs over might, we must sit down to watch the nightly TV-fare pre-convinced that cowboys (at least good American cowboys) were always right and Indians were always wrong; we must be convinced that spies for our side are always right and spies for their side are always wrong. Millions upon millions of people representing hundreds of orthodoxies throughout history have been so convinced that they are right that they have launched mighty crusades to bring the dissenters and heretics under the heel of their law and order. If the crusaders held and maintained the might, they ordinarily were able to maintain their righteousness.

The United States of America in its very conception represents a not easily reconciled paradox of a battle for self-determination against foreign domination by Britain coupled with a kind of savage oppression of the so-called savages. The founding statement that all men are created equal and have inalienable rights was a backdrop for a century of legal slavery and almost two centuries of non-suffrage for women and blacks.

Over these centuries, the process of due process has often been held and maintained by the righteousness of the mighty. Historians of the labor movement

realize that in the early days of the battle for collective bargaining both sides often took law into their own hands and each side was sometimes a hand-holder of Maffia interests in the attempt to assert its perceived right by might.

Today, you and I are sometimes participants, sometimes spectators, sometimes both, in the struggle for new minority groups to assert and achieve their inalienable right to participation in the process of due process. It is not enough for us to be guaranteed fair and honest treatment under the existing laws -- though even that remains an unachieved goal for all too many -- but it must be possible for us as individuals and as groups to exercise some pressure, some influence, in modifying and making the laws under which we and our fellow men must live.

Herein, I believe, is the area of critical sensitivity that we must all face up to in this hour. If we lose the important gains in achieving due process of law for individuals in this country in our very attempt to gain full citizenship for all under this law, we reopen the door to the fascism of a new militant orthodoxy whether it be enforced by a Black Panther militancy, or by a police or a garrison state.

You and I as citizens of Webster College, of Webster Groves, of our individual states, of the United States, and as would-be citizens of a world community that yet provides no citizenship process, are always potentially or actually involved in the procedures of due process within each of these jurisdictions within which we live. These jurisdictions are sometimes in conflict with each other. Individual citizens and groups of citizens are not in agreement about the definitions much less about the interpretations of these jurisdictions. Are the laws under which we live to be determined at local, state, or national levels? Are housing, voting, procedures for assembly and free speech, welfare of citizens, rights to education -- are these local, national or global jurisdictions? Much as we would like sharp and clear definitions of these jurisdictions, I am daily

more convinced that such sharp definitions are impractical, impossible, and even undesirable at this time. The American citizenry, the world citizenry, and the college and university citizenry are, I believe, still involved in the early stages of the experiment in due process of law. We must face the realization that mankind has experimented with democracy for only a tiny fraction of the known world's time.

Let me now try to discuss the areas which I see as the clear jurisdiction of a college or university; what I see as the clear jurisdiction of the institution of Webster College. Within that frame, I wish to make a beginning proposal of how the college determines and administers due process within her own jurisdiction and how it plays an institutional role in influencing the process of due process in other distinct and overlapping institutions.

Several years ago, I helped to put together a brochure describing Webster College as a community of learning. The phrase certainly not uniquely used by us -- has, however, continued to be used by us in formal and informal ways. Today, I want to call it into question -- at least to suggest that it be modified. I remain convinced that we are an important community -- one of a number of important communities in which each of us lives. I remain convinced also that the college community is essentially a community of learners, or probers. The college, I propose, is the integrating center for your learning and your probing at this time. Through counseling and setting and re-setting the parameters we call standards, the college must provide the supports -- both encouragements and restraints -- which make it possible for a student to integrate his education under the general rubric of what we call a baccalaureate degree. Webster College has seen fit to allow individuals significantly different patterns from one another in achieving the package we call a baccalaureate degree. Sabbaticals, practicums, apprenticeships, independent study, and courses at other institutions have all become acceptable elements of the pattern. The institution, as

institution, has continued to find through both true and false starts ways of setting and re-setting both the parameters of standards and determining and redetermining viable procedures within these standards.

I am proposing strongly today that this is and should remain the principal and peculiar role of the college as an institution. In continuing to probe and push for the procedures which will insure all members of this community due process under her laws and honest participation in determining her laws, I suggest that it is imperative that we are in fundamental agreement about the principal and peculiar area of her jurisdiction. Let me again restate my own present conviction of that focused role: The college, I propose, is the integrating center for your learning and probing at this time. Through counseling and setting and re-setting the parameters we call standards, the college must provide the supports -- both encouragements and restraints -- which make it possible for a student to integrate his education under the general rubric of what we call a baccalaureate degree.

Every relevant issue of man's life, every institution in which he lives is a proper area of concern, exploration, and debate within the academic community in both the formal and informal aspects of its daily living. Members of the community and groups of members will be involved in political campaigns, in political actions groups, in demonstrations, and in rallies as a consequence of the convictions they hold at a given time -- many of which will be arrived at in assent to or disagreement with their professors and other students within the community. Your citizenry in this college should help you reflect and ponder your moral position as a citizen of your other institutions. But your citizenship in this college must never dictate to your conscience or sanction within its jurisdiction the morality of your position in a given political campaign, in a particular political action group, demonstration, or rally. Individual professors or groups of professors, individual students or groups of students, even individual

administrators or groups of administrators may and must take personal moral stands on issues. But if some of us are free as individuals to sign petitions condemning what is seen as police brutality in Chicago, others of us must remain free to sign petitions condemning what we see as mob brutality in Chicago. As we personally sign the petitions, the college community must remain free and compelled to probe the issues at Chicago and the issues that produced and provoked Chicago. But I submit, the college as college cannot take a moral stand on Chicago, on Vietnam, or on Humanae Vitae if the college as college is to preserve her principal role in providing for her constituents the climate and support of integrating their own probing and learning. Only when the college must make an operational decision as an institution can it exercise a moral judgment as a body politic. I do believe that the college as a body politic may determine parameters concerning military contracts to be performed by the institution, that it must weigh and decide the morality of its own economic investments and involvements in urban slums and in foreign nations. We must find ways that all citizens of the institution -- students, faculty, administrators and trustees -- can gain more information and insight into the issues involved and more influence over the decision-making process involving these issues. Where the institution is directly involved, it must try to establish and use procedures of arriving at these decisions which allow full citizenship for all members of the community in arriving at a moral decision. But even open conventions leave many participants unhappy with the decisions made by the conventions. If at such a time we remain responsible dissenters, a people in exile, we must press on for new laws and for new procedures of law-making, but, we must not take the law into our own hands lest we regress to an older order of the bossers and the bossed, the good guys and the bad guys -- convinced as many of them were convinced that because they were subjectively so right they could be righteous, militant, crusading, oppressive, shooting from the hip.

When the college is not involved as a player on the field, when it is not compelled to make a moral decision about areas in its own jurisdiction, I do not believe it can be forced by any group within it to sign its institutional name or use its institutional voice to ratify the moral concern or indignation of even a majority of its constituents. If it is to preserve its peculiar role of openness to truth, to conflicting opinions and ideologies, to academic freedom, it must refrain from taking an institutional position as a speculator, critic, or judge of other institutions. Precisely because it is concerned with helping every member of the community come to moral judgments, it must not make those judgments for him either by indoctrination or sanction.

If the college or university had historically held and kept this focus, I do not believe we would today be involved in administering the myriad of auxiliary enterprises that today account for so many of our jurisdictional problems. Morality and propriety of dress, of residence arrangements, of alcohol and drug consumption, of sexual mores are all relevant and important areas of concern for every responsible man and woman, and certainly areas of concern and probing and reflection for a community of learners. The members of such a community can always be expected to be in the forefront of the society pressing for modification in both legal and social pressures controlling these and other areas of man's living.

As long as the institution must remain involved in the administration of these auxiliary enterprises, I am convinced that it must do everything possible to leave jurisdiction over civil laws as they affect members of the college community within the civil sanction. The college can neither collaborate with the civil authority in planting secret police nor refuse to honor a legal search warrant. The institution in the administration of even its role of providing classroom and environmental conditions for teaching and learning must call on and respect the role of police in protecting its members from assault, burglary, or

oppression of any kind. When we call for such police protection I am convinced we must follow through the legitimate exercise of the police function in clear cases of prosecution if we are not to render the police function impotent and reduce the community to the oppression of internal or external bullies.

Wherever burglary, drug pushing, demonstrations, or violent action of any kind are judged to interfere with the freedom of the institution to perform its function, the institution must move to prevent such action through internal suasion and an honest relationship with the civil authority. We cannot simultaneously yield the right to in loco parentis and at the same time act after the arrest in the role of the parent protecting the juvenile from publicity or from civil sanction.

Whenever faculty or students of the institution are deprived of the due process of law in any way in their lives as faculty or students, or in their personal lives on the college premises, the institution can and must move in to protect these rights. Search of premises or shakedown of persons without a legal warrant is unacceptable precisely because respect for law is dependent on respect for the due process of law.

This is a difficult, even a treacherous position for a college to take and maintain in this day when in the name of law and order we witness elements all over our society attempting to take law and its sanctions into their own hands. The oppression of wild billy club swinging and the oppression of verbal obscenities bull-horned into hotel rooms are both crimes against due process of law. Whenever, in the name of established law and order, we deny the right to free assembly or to personal privacy we unleash the forces of lawlessness. Whenever we attempt to make sophisticated judgments about both, we are in danger of being and being called reactionary by the left and supportive of anarchy by the right.

I believe that no aspect of human life at this moment is more important

and more critical than the honest attempt by all of us as limited human beings to deal with the process of making and modifying laws and with the respect for due process in interpreting and sanctioning their use and abuse. If we in the college community become either zealots or cowards in this sensitive time, we desert our fundamental role as an institution devoted to the formation of personal and social consciousness. If in the name of the development of personal and social consciousness we inflict a majority opinion orthodoxy on persons or outside institutions, we may defend an established morality but we will not help to form moral persons.