"THE POLITICS OF DISSENT"

An Address by
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at the
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In preparing to address you today, I recalled that this is the university that launched the "teach-in" to protest the Vietnam War; that this is the university whose student newspaper attacked high officials for asserted conflicts of interest; and that this university is Tom Hayden's alma mater. It seems entirely appropriate, therefore, that I should be here today. For who more fittingly symbolizes the spirit of protest and the rejection of the Establishment than the President of the American Bar Association?

I am, however, pleased to be here, and pleased to have the chance to offer a way of looking at things to the most committed, most intelligent, most idealistic college generation in this nation's history. In the past, all too many commencement speakers have urged their drowsy, apathetic audiences to go out into the world armed with courage and determination and vigor. Those virtues no one need preach to you. Indeed, it is a measure of your propensity -- the propensity of your generation to challenge the most fundamental premises about our institutions -- that has made the conventional commencement speech itself thoroughly irrelevant.

The conventional commencement address assumes that you share the values of your elders, and attempts to make those values clear and sharp. In the past four years, from Berkeley to Columbia, a committed minority, at least, of the students of America has flatly repudiated many of those values.

The conventional commencement address assumes that its listeners are at the start of a familiar, predictable journey, and attempts to indicate pitfalls and stepping stones to success. Yet this year alone -- a year of tumult and hope, of violence and tragedy -- has shattered

traditional assumptions, has made prophecy an occupation for the foolhardy, and has shown that definitions of success are more deeply at odds than ever before. Today there is little that we know and still less that is certain.

The conventional commencement address assumes that you and I share the same goals, the same faith, the same assumptions, the same language. Yet even those limited assumptions may be dubious. Were I to speak of patriotism, many of you might wonder suspiciously if I were endorsing a war that many of you found morally indefensible. If I spoke of obligation to the nation, many of you would question the judgment of a man who seemed to see a duty to become the victim of what you regard as an unjust and arbitrary draft law. If I were to speak of responsibility for the common good, you might well ask what responsibility our great public and private institutions have ever recognized for the consequences of their acts; a polluted environment; an economy in which great affluence co-exists with marked deprivation; a concentration of power at all levels that too often shuts out the individual from influencing his own destiny; a legal system that too often fails to make adjustments in time to prevent injustice.

Although I personally respect most of the institutions that serve our American life, the way of looking at things that I suggest does not ask you to assume anything about those institutions or to share my views that they have enriched our lives, promoted equality, expanded personal liberty, or acted justly. It does not assume that we must adjust to those institutions or that they ought not come under the sharpest of attack. It does not even assume that they must be saved -- even the ones that pay the largest of fees to American lawyers.

The way of looking at things for which I speak is for the activist, the morally indignant, the young man and woman who have stood up for the kind of world they want. And it is -- and this is most critical -- a frame of reference for those who seek to build that sense of community, that sense of participation and mutual trust and affection and purpose; for those who seek to build it amid what many of you find the impersonal and totalitarian modern world. It is, fundamentally, a frame of reference for confrontation -- not the confrontation of four-letter words and slogans, but the confrontation that can in fact bend and shape institutions to serve the best of human purposes.

The first element of this way of looking at things is the knowledge -- the awareness on my part - that your conduct is at root an act of patriotism and hope. We have seen too often those who equate dissent and disaffection with treason, thus branding all those who object to a policy or an act as unfaithful to America. That view is worse than nonsense; indeed, it is dangerous. For it cuts out the middle ground between the individual's absolute support or absolute rejection of America. If the members of the committed younger generation ever begin believing that only unswerving acceptance of whatever this nation does qualifies as patriotic, they may well decide that there is no place for them here.

That view is shortsighted. Far less assailable is the wisdom of Senator Fulbright: "To criticize one's country", he says, "is to do it a service and pay it a compliment. It is a service because it may spur a country to do better than it is doing; it is a compliment because it evidences a belief that this country can do better than it is doing....In a democracy, dissent is an act of faith." That viewpoint

is vital to remember against the voice that tells you that to dissent is to betray your country; vital to remember against the voice that seeks to identify your dissent with a commitment against the United States. To act according to conscience, consistently and firmly, is the best way for a man to honor the heritage of this nation.

The second element of this way of looking at things that I offer is skepticism (not cynicism). This is an attitude very much out of fashion these days, on campus, in politics, in the press, everywhere. I offer it, nonetheless; because if those who are most articulate and committed do not begin to embrace skepticism as a value, much of what we treasure in this country will be in serious jeopardy.

By skepticism, I mean what Judge Learned Hand meant in his famous address on The Spirit of Liberty. He said, "The Spirit of Liberty is the spirit which is not too sure it is right." It is what Justice Holmes said in his brilliant defense of freedom of speech almost a half century ago:

> "Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you...naturally sweep away all opposition....But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas...."

Holmes, of course, was speaking of the danger of a government enacting prejudices into iron laws limiting dissenting views. But that

same danger is present when any group -- minority or majority -- assumes that it knows the truth to an absolute certainty. Let me be specific. When a group protests the war in Vietnam, or university complicity with military research, by shutting down a campus or burning a professor's files, or by other acts of brute force, it has done precisely what every totalitarian government has done; it has assumed the absolute and final truth of its perspective, and has denied any possibility of error.

I ask you to think very carefully about this kind of attitude, not from my perspective, but from yours.

In the first place, that attitude of certainty is precisely the source of much of what you are attacking. Every opponent of the war in Vietnam, for example, whatever his other views, has found an essential source of this war in the tacit assumption by our government of omniscience -- the assumption that it knew -- to the point of committing massive manpower and treasure -- what was effective and desirable in a foreign nation. All of the attacks on the war -- "the arrogance of power", "the abuse of power", "policeman of the world" -- all have argued that a nation cannot arrogate to itself definitive decisions affecting thousands of lives half a world away.

What, then, is the basis behind obstructionist protest if not this same moral absolutism, this same sense not simply of dissent, but of final resolution and ultimate wisdom? That is a strange and simplistic attitude for those so thoroughly convinced that their own government has erred in its belief in omniscience.

Second, and even more dangerous, lack of skepticism leads almost inevitably to force. Just as Holmes said, "if you have no doubt of

your premises or your power" it seems both acceptable and possible to break every rule. Instead of debate, one puts his opponent "up against the wall". Instead of protest, there is forcible resistance; for it is said, "the streets belong to the people". Instead of a peaceful demonstration against a law and presentation of grievances, there is arson and random destruction on a university campus. Herman Goering, Hitler's trusted lieutenant, once replied to a charge that the Nazis were too quick to use their guns against civilians. Said he, with supreme arrogance: "At least, we shoot!"

But at least you should recognize this: if you resort to force out of confidence in your own wisdom, do not expect others to tolerate your act. If "the streets belong to the people", are you sure you know who "the people" are, or what "the people" think? Do you mean the 10 million people who voted for George Wallace? Do you mean the people who beat up anti-war demonstrators? Do you mean that questions of right are now to be put aside, so that those with the greatest brute force can determine the limits of public debate?

That may not be what is meant; but it is all too likely to be the consequence of abandoning that sense of skepticism that restrains dogmatism and provides the basis for the fundamental rights of dissent that is so vital to protect.

The third element of my frame of reference is the danger of self-defeat. One of the things that has most impressed me about the dimensions of the current student disaffection is its rightful concern with style as well as substance. The theme of "it's the same as it always was" is frequently a description of student dissent; and it is inaccurate. There <u>is</u> a difference today -- not simply in the demand

for institutions to account for consequences, but in the insistence on personal integrity among the dissidents. They demand honesty. They seek not simply new answers but a new way of reaching those answers -- a way that preserves the humanity and individuality of the participants. They have taken to heart this prophetic account of Lawrence of Arabia:

> "We lived many lives in those whirling campaigns, never sparing ourselves any good or evil; yet when we had achieved, and the new world dawned, the old men came out again and took from us our victory and remade it in the likeness of the former world they knew. Youth could win, but had not learned to keep, and was pitiably weak against age. We stammered that we had worked for a new heaven and a new earth, and they thanked us kindly and made their peace. When we are their age, no doubt we shall serve our children so."

The attempt to avoid this fate -- the attempt to break the vicious cycle of retreat and betrayal -- is the most ambitious goal that any dissidents have set. But this suggests, even more sharply than reasons of self-preservation, why resort to methods of upheaval and destruction cannot be accepted. What kind of community of love is going to spring from the ashes of violence and disruption? What kind of moral imperatives will remain intact if your conduct denies the essential humanity of your fellow man -- even if he did support the Vietnam War? The ancient dictum that "every revolution carries with it the seeds of its own betrayal" is a reflection of this terrible danger: the danger that the search for a better way of life and a better society may be abandoned in the rush to tear down the fabric of what now exists.

Anarchy is not creative. That is why Paul Goodman, perhaps the most eloquent and originative influence on this generation, said:

> "I cannot accept the putschist use of violence. This is unacceptable, not because it is a fantasy -- in a complex technology a few clever people can make a shambles -- but because out of the shambles can only come the same bad world."

Put simply, the resort to violence -- the tactic of the putschist, the acceptance of conspiracy against order -- is not the mark of a movement to bring community into modern life. It is the mark of a movement to destroy that possibility in the hearts of those who most deeply believe in it.

The fourth and last element in my frame of reference is that of feasibility. I am not one who believes that the "generation gap" is the product of faulty communication. I think the message that many of the dissidents are proclaiming is coming in loud and clear. And at its root is the insistence that the key institutions in American life are undemocratic; that they perpetuate injustice and require fundamental challenge. I said at the outset that the frame of reference I offer does not assume that those beliefs are wrong. But it does insist that a distinction be made between institutions and processes; and it does insist that this generation have the courage to consider the possibility of bringing about fundamental, substantial change or institutions through orderly and peaceful processes.

To ignore this fact is, bluntly, to ignore our history. It ignores the political change from a government by white propertied males to a government fast approaching universal suffrage. It ignores

the attempt to change national direction in mid-course and protect the rights of black men once seen only as chattel slaves. It ignores the rescue of labor from economic serfdom. It ignores the astonishing vitality of a nation that could tolerate -- and adjust its course to recognize -- a massive protest during time of war by many of those called upon to fight and support that war.

It ignores the present as well. Today there are young lawyers across this country who are posing challenges to injustice far more vital than a frenzied outburst of violent emotion. They have successfully fought for the farmworkers in California against the federal and state governments. They have won battles against medieval welfare laws in New York. They are reaching into the roots of social legislation -- into the highway and urban renewal programs, into health care programs; they are demanding that the rights of those minorities affected by these programs be fully protected in their frequently ignored constitutional dimensions. They are struggling against all of the elements that have denied the poor equal protection of the law -- in criminal cases, against consumer frauds, against slum landlords. They are, in effect, waging a continuing dissent against the status quo every single day in the courtrooms of America. And they are bending and reshaping our institutions without tearing them up by the roots, without ripping to shreds the fabric of American life.

Many others who are members of our professionalized institutions -- the architects, the engineers, the doctors, the clergymen -- are striving hard to assert the importance of humanistic values. I do not know whether they will succeed. But I know that if these institutions do change -- if we begin to move toward a more just and humane society --

the work of these young men and women will be one of the most powerful of reasons why, in fact, we did overcome.

So I ask you, then, not to abandon the fight that many of you have begun, nor to temporize, nor to put aside that sense of indignation at conditions that in fact seem to demand your anger. I ask you instead to place on this indignation a sense of perspective: a perspective that retains love of this nation as an incentive to act; that remembers the need for the restraint that can prevent dogmatism; that avoids throwing away the moral imperatives of dissent; and that recognizes the possibility of prodding our structures effectively through peaceful protest.

What I ask of you is in no sense a prescription for tranquility. For struggles for humanity are not won quietly, or with ease. The battlegrounds will be turbulent; the struggle will be difficult; the temptations of resignation and of extremism will seem attractive. But you have in this decade begun what may be the greatest commitment to justice that this nation has ever seen. If the courage, zeal and determination that you have shown are fused with wisdom and perseverence, the future of this nation and of us as a people is bright.