

Memorandum for the files
December 19, 1969

I'm told that at 9:00 o'clock in the morning on Wednesday the black students occupied the Dean of Students Office, sat in there. The Dean of Students Office staff recommended that we permit them to stay there because they were not interfering with any operation; they were, you know, orderly and well mannered, and I concurred in that so it was left that way for the time being.

During the day I met with the Faculty Academic Senate Executive Committee, with the Student Government representatives, and with the Dean of Students Office staff on several occasions to explore the alternatives open to us. Also during the day the Human Rights Commission was considering and deliberating the process of the Student Judiciary decision for any irregularities.

I presented this to the Academic Senate Executive Committee, and we discussed various possibilities, and the general consensus was that if I convened the Faculty-Student Judiciary, which was the next appeal body, to hear the appeal, that seemed adequate to cover all the due process requirements in an expeditious way. There was general consensus that there would be no reason for them to keep on sitting over there, and therefore we should ask them to leave.

After some discussion of the alternatives, I decided, with the advice of the faculty, that the injunction process procedure would be the one we would use. So midafternoon I called our attorney in Detroit and asked him to come up. Dick Jones and his assistant, Charles Purley, came up. They arrived here in the office about 8:30 or 9:00 o'clock in the evening. But we had decided on the injunction procedure. In the meantime, they had prepared the necessary papers in rough form.

When they arrived, we worked on these papers for an hour or so, and the girls typed them out, we signed and notarized them, and at about 10:00 o'clock we went to Judge Davidson's house to get him to sign them. The Judge and the attorneys talked about this thing at some length, and the decision was, in the interest of a firm injunction paper, solid legally, that there should be prepared an Affidavit of Specifics. So we came back to the office about, I'd say 11:00 o'clock at night and worked until 2:00 a. m. on this Affidavit of Specifics situation. That paper was finished about 2:00 a. m., but the agreement with the Judge was that we would disturb him during the night only if we had a crisis situation on campus. If there was no crisis situation, we would appear at his home at 8:00 o'clock in the morning with these papers for him to sign.

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In the meantime, at 8:30 p. m. , the Faculty-Student Judiciary convened to review the report of the Human Rights Commission and to review the taped recording of the Student Judiciary hearing and any other facts they might want to look into. They started at 8:30 p. m. and at about 1:00 o'clock in the morning they decided that they wanted to re-hear the case as an appeal. In the meantime, Charles Griffis had signed a request for an appeal and had signed the whold business that was required to accelerate the proceeding and not leave the 48-hour gap. So that Committee then at 1:00 o'clock a. m. began to re-hear the whole case, and you could talk with the Chairman of that Committee to get the procedure they used. You went to the room and looked into it very carefully, I'm told.

Now in the meantime, we were here, and I went over to the Dean of Students office on several occasions, and after midnight, 12:45 at night, one of the students came back from there, o e of the students who had been staying around here, one of our student government people, said the place was in a mess. They'd apparently had some food or something, and he said the place was messy, so I and three members of the faculty who were still here went over there to look at this thing, and therefore at about 1:00 o'clock in the morning I went in to the place that was being occupied by the students, and walked through very casually. There were no problems. They were courteous, and they let me walk through, and the place had been cleaned up so there was no problem there of the messiness that apparently was seen by this student. Well anyway, so I went out and came back here, and so when we were finished with these papers at 2:00 o'clock, we decided well it was all right.

So at 2:30 a. m. I took the fellows to the Holiday Inn, and at quarter of 3:00, I went home. At 3:00 o'clock I turned out the lights, and shortly after the telephone rang. Harry Campbell was on the phone, and he said, "Dean Kafer asked me to call you; he feels it's urgent; the situation has worsened, and he feels particularly concerned about the welfare of Dr. Niemi who went into the area after hearing glass breaking, and he wanted to investigate what it was." The fact that he was not returning concerned Dr. Kafer very much, and the reason Dr. Kafer was not making the telephone call was that he wanted to stay on the scene and asked Harry to do it. Well, I put on my clothes quickly, and this was probably 3:10 in the morning.

I put on my clothes, ran over to the building, and went to the Security Office first, and I said to the men at the desk, "I'm going upstairs and I'm going inside to look and get Dr. Niemi out of the area. If I'm not back in fifteen

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minutes, I want you to call the city and state police and have them move in and take care of us." I went upstairs and, as I explained to you, I tried the first door in Kafer's office twice and was forcibly pushed back by a tall black student. I tried the second door. They wouldn't even open that but a crack. I tried the third door. That was opened substantially so I could get my foot in there, and I looked in and could see the students, and Pat Williams was standing right above the door and he yelled at the young man behind the door who was holding it, "don't let him in," and then he looked at me, "you can't come in." So I saw the gravity of the situation, and being extremely concerned about Dr. Niemi's welfare, I went back to the Security Office.

I first called our attorney, Dick Jones. We decided that we would immediately proceed with the injunction route. I sent a car to have him picked up. Harry Campbell took his car, and went to the Holiday Inn and picked up Dick Jones and Chuck Burley and brought them to the office. With great apologies, I called our secretary, Martha Anderson, at that moment to ask her to come in, and she did come in so that she would be available to type the final draft of that Affidavit of Specifics. Third, I called the city police to ask, this is a matter of record that I did call them, telling them that we were going this route -- that I'm asking them to stand by with the proper forces and asked them to also call the state police, the arrangement that we have along that line. At that moment, the other phone rang, there were two phones on the line; it was for me, and it was Mr. Maust calling me from here saying that the Faculty-Student Judiciary had just rendered its decision namely, "not guilty," for Charles Griffis.

At that very moment, also, a black student, the black student who works for us part-time on the Security Division, came to my elbow and said, "the black students want to see you upstairs." I hung up the phone, I went upstairs, I was let in the one door that I had originally been denied access to, and Pat Williams was still standing on the table. He was reading the notice to the students of the decision of "not guilty," and he closed his announcement by saying, "and I'm ordering all of you to go immediately back to your dormitories. Leave now." The doors were opened, and the students began to file out. At that same time, there were people with me, the faculty representatives, Dr. Meneghel, Dr. McClellan, Mr. Watanen; there were student representatives with me, Harry Campbell, Jack LaSalle, Kurt Hoffman, and several of the Dean of Students people, so we saw the students leave, and of course we were immediately faced with the messiness of the torn paper, the two broken chairs, the broken window, etc.

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One thing that should be added is the fact that during the course of my meeting with the Academic Senate's Executive Committee, they concurred in utilizing the injunction approach that evening. This was based on our agreement that I would convene the Faculty-Student Judiciary Committee at 8:30 that night, and based on this we all felt that the University was fulfilling its due process obligation in every respect. The members of the faculty group felt that given that, there really was no reason for continuing the occupation of the Dean of Students Office, and that we should use the injunction process to request the students to vacate.