

DOCUMENTS AND MINUTES OF THE GENERAL FACULTY
AND
DOCUMENTS AND PROCEEDINGS OF THE UNIVERSITY COUNCIL

The Minutes of the University Council meeting of April 16, 1984, published below, have been prepared for the immediate use of the members of the University Council and are included in its Documents and Proceedings. They are also included in the Documents and Minutes of the General Faculty for the information of the members.

H. Paul Kelley
H. Paul Kelley, Secretary
The General Faculty

MINUTES OF THE UNIVERSITY COUNCIL MEETING OF APRIL 16, 1984

The eighth regular meeting of the University Council for the academic year 1983-1984 was held in Room 212 of the Main Building on Monday, April 16, 1984, at 2:15 p.m.; President Peter T. Flawn presided.

ATTENDANCE.

Present: Lawrence D. Abraham, Mark I. Alpert, Mark B. Bader, Frank D. Bean, Jr., Gerard H. Behague, Simon J. Bernau, Harold W. Billings, David L. Bourell, Betsy E. Bowman, Oscar G. Brockett, Billye J. Brown, Ronald M. Brown, Larry D. Carver, Kathleen F. Conlin, William H. Cunningham, Wayne A. Danielson, Patrick J. Davis, James T. Doluisio, James Duban, John R. Durbin, Peter T. Flawn, Gerhard J. Fonken, G. Charles Franklin, Alan W. Friedman, J. David Gavenda, Earnest F. Gloyna, Susan G. Hadden, Maxine C. Hairston, E. Glynn Harmon, Roderick P. Hart, Robert C. Jeffrey, Gaylord A. Jentz, H. Paul Kelley, Lorrin G. Kennamer, Mitchell R. Kreindler, Sanford V. Levinson, William S. Livingston, Steven I. Marcus, Rueben R. McDaniel, R. Neill Megaw, Jack Otis, Dorothy K. Payne, Trevor L. Pearlman, David L. Phillips, Alice R. Redland, Ramon Saldivar, RoseAnn L. Shorey, James H. Sledd, H. Eldon Sutton, James W. Vick, Kathleen J. Waddell, Claire E. Weinstein, Stanley N. Werbow, Nathan A. Wesely, Philip L. White, Roxanne K. Williamson, J. Robert Wills, Ronald E. Wyllys.

Absent: John R. Allison, Frank N. Bash (excused), Shirley F. Binder (excused), J. Harold Box, Robert E. Boyer (excused), Heather L. Carter (excused), Ben H. Caudle (excused), Randall J. Charbeneau, James H. Colvin, Wm. C. Duesterhoeft, Jr. (excused), Betty S. Flowers, Donald J. Foss, Vickie L. Hampton (excused), Thomas M. Hatfield, Eleanor W. Jordan, Thomas W. Kennedy, Robert D. King (excused), Diane L. Schallert, Max R. Sherman (excused), James B. Smith, Jr., John F. Sutton, Mary P. Taylor (excused), Eleanor M. Waddell, Martha S. Williams.

Total members present: 58 Total members absent: 24

APPROVAL OF MINUTES OF MEETING OF MARCH 19, 1984 (D&P 9613-9619;
D&M 15597-15603). (APPROVED)

The Minutes of the University Council meeting of March 19, 1984 (D&P 9613-9619; D&M 15597-15603), were APPROVED as distributed.

SECRETARY'S REPORT (D&P 9607-9611).

There was no discussion of the Secretary's Report (D&M 9607-9611), which had been circulated. Secretary H. Paul Kelley (Educational Psychology) reported that the following letter, dated April 11, 1984, had been sent by President Flawn to Lear L. Ashmore (Speech Communication), Chair of the Discipline Policy Committee:

The University Council discussed recently a motion introduced by Mr. Pearlman to investigate and make recommendations regarding scholastic dishonesty (D&P 9566-9567, March 19, 1984 meeting). In the course of that discussion you indicated that the Discipline Policy Committee was the proper body to conduct such a study and that the Committee had recently discussed this issue. I ask the Discipline Policy Committee to undertake a formal review and investigation of academic dishonesty, taking into consideration the data presented in the Pearlman motion and such other information that may be presented by interested students and faculty, and to make such recommendations as are appropriate to the University Council. This is an issue of serious concern to the academic community. It would be helpful for the Committee to make a progress report on its study to the University Council at the May meeting.

INTRODUCTIONS.

President Flawn introduced to the Council the newly-elected officers of the Student Association for 1984-1985: President, Rodney Schlosser, and Vice-President, Trey Monsour.

ANNOUNCEMENT.

President Flawn announced "that this morning, at 10:00, in this room, we held a press conference and announced that a very significant gift [to U.T. Austin] will result in the establishment of 32 additional one-million-dollar endowed chairs in science and engineering. There will be four in mathematics, four in chemistry, four in physics, four in molecular biology, four in computer engineering, four in microelectronics, four in computer-assisted design and manufacturing, and four in materials engineering. These came about by ... an anonymous gift of eight million dollars, with the challenge that we match it with another eight million from the private sector; we were able to do that with the gifts from the Cockrell Foundation, [the] Sid Richardson Foundation, the Welch Foundation, the Cullen Trust for Higher Education, and the Engineering Endowed Teachers and Scholars Program. I do not think I need to tell any of the members of this Council what that is going to mean to the Colleges of Natural Sciences and Engineering. We will expect to get a good deal of attention in the national press because of this extremely significant gift."

QUESTIONS TO THE PRESIDENT.

A. QUESTIONS CONCERNING EVENTS SURROUNDING THE DEMONSTRATION AT THE PRESIDENTIAL LIBRARY CONFERENCE ON MARCH 22, 1984.

On behalf of the Faculty Senate, John R. Durbin (Mathematics) had submitted the following questions:

With regard to the events surrounding the demonstration at the Presidential Library Conference on March 22: What court rulings have been made relating to the constitutionality of Appendix C, Chapter 10, of the General Information Bulletin? Has any disciplinary action been taken, or is any contemplated, against students or student organizations because of events at the demonstration?

President Flawn asked Vice-President Ronald M. Brown (Student Affairs) to respond. Mr. Brown said: "In one sense a whole series of court rulings [over the last 25 years] are reflected in Appendix C and the rules that are contained therein.... So far as the immediate case is concerned, there was a ruling on a temporary injunction in a U.S. District Court. There were three questions; [the first two were:]

whether the University [could] ask for advanced filing of literature to be distributed at demonstrations, and whether we could prohibit non-students from participating in organized demonstrations. On both of those [questions] the court honored a temporary injunction; [the court] ruled in favor of the plaintiffs. On the [third] question, ... whether we could prohibit banners and signs inside the auditorium, the court ruled in favor of the University [and issued] a temporary restraining order. We are now discussing with our attorneys whether we should proceed to have the case fully heard on its merits.

"As far as disciplinary proceedings are concerned, there will be no disciplinary action taken against the organization known as CISPES because none of their members, or at least none of their officers, ... were arrested at the demonstration. Of the 53 [persons] that were arrested, 20 were students, and disciplinary proceedings are going ahead against them."

Mr. Durbin commented: "...at the last Council meeting we passed some minor changes in those rules in the General Information Bulletin. I wonder now ... [if] it would be wise for the Council to go back and take a look at [the] two parts... rather than try to go through the courts [in order to] find out if they are constitutional. [Another] option [would be] to change the rules...." Mr. Brown responded that "we are reviewing this with counsel, and we will simply have to decide after we get their advice." President Flawn added: "The Council can take any action it sees fit."

B. QUESTIONS CONCERNING THE BASIC EDUCATION REQUIREMENTS.

On behalf of the Faculty Senate, John R. Durbin (Mathematics) had submitted the following questions:

With regard to the Basic Education Requirements: What progress has been made in carrying out the goals of the Basic Education Requirements? Is there to be a University-wide committee to certify courses with a substantial writing component? Is there a limit on the size of classes certified as having a substantial writing component? Will funds be available to support properly-trained TAs and AIs to assist those teaching classes with a substantial writing component?

President Flawn asked Vice-President Gerhard J. Fonken (Academic Affairs and Research) to respond. Mr. Fonken said: "The current status is that the catalogues of all colleges and schools have ... been modified, through legislation passed by this Council, to incorporate the Basic Education Requirements into all of the undergraduate degree programs. There [was] a University-wide committee ... appointed, representing all the colleges and schools, ... to recommend minimum criteria for certifying courses with a substantial writing component. Those recommendations have been approved by the President and incorporated by the [colleges and] schools into their criteria. The minimum criteria recommended by the University-wide committee did not specify a limit on the size of classes to be so certified. As we reported earlier, the dean of each college and school has been charged with the responsibility of certifying courses in his or her school or college, using the minimum criteria, and [of establishing] an ongoing oversight procedure. [The deans] will, in general, have college [or school] writing committees to assist them. A reasonable number of courses have been certified for 1984, and they are being so designated in the Fall Course Schedule. Requests for funding [the] implementation of the writing requirements was solicited by the Academic Affairs Office; we have received those requests for the courses in the Spring, and we will be making funding decisions later on this Spring for the Fall."

Alan W. Friedman (English) asked why the new criteria say nothing about class sizes. "It was always an assumption on the part of the members of the Basic Education Requirements Committee that, before the

requirement could be a meaningful one, the classes had to be held to small sizes. We did not in the report specify a particular upper limit, although in the Committee we talked about the ideal size being about 20, recognizing nonetheless that it might have to go as high as 25. In the report, the spirit [of] which was adopted, we talked about reducing class sizes and then explicitly tied that in with the writing requirement. It seems to me and to my colleagues that I have talked with that, unless there is some serious effort to hold those classes to what we have all agreed to call small class sizes, the requirement is a meaningless one. It seems to me crucial that something be said about that in the criteria now being promulgated and implemented."

Mr. Fonken replied: "One of the reasons that matter was not addressed categorically is that it is a common feeling that we do not have the experience on which to decide that a class must be no larger than twelve, or no smaller than twenty-one, or no larger than twenty, or whatever. It is the intent to get this program into action and then to gain from experience of the limited number of courses that will be given this Fall and next Spring as to whether classes are too large or too small.... We will gain that experience in a variety of settings in all of the colleges and schools and, I think, come to a better determination as to whether there should be a University constraint on size or whether the individual colleges and schools may choose to set size standards."

President Flawn added: "I think your point is very well taken. I think we all know that it is in our interest to keep those classes as small as possible, but I would like at this point not to have to try to deal with a numerical limit. So we will do the best we can for a year and see what other steps might be needed."

Philip L. White (History) said: "I understood the Vice-President to say that a number of courses have been certified for next Fall as meeting this requirement. I have a course that I am offering next Fall that I think would meet this requirement and, so far as I know, it has not been certified. Is it possible to get courses certified at this point as meeting the requirement? How was the list [developed]?"

Mr. Fonken replied: "The list was [developed from] submissions by the colleges and schools, the independent faculties. I suggest that you take your course to your college or school [and have it reviewed]; you may be able to get it certified as an addendum to the Course Schedule."

C. QUESTIONS CONCERNING THE ENGLISH 106K and 206L COURSES.

James H. Sledd (English) had submitted the following questions:

The minutes of the Freshman English Policy Committee for February 10, 1984, read in part as follows:

"Ruszkiewicz reported on a conversation with the chairman concerning the offering of English 106/206. The decision not to offer the courses was confirmed by the dean and a vice-president." In On Campus for March 26-April 1, Paul Kelley reports on the University Council's meeting of March 19. "...James H. Sledd

(English) asked which administrator had made the decision that English 106K and English 206L could not be offered. President Flawn replied that he was not informed on that matter and called on Dean Robert D. King (Liberal Arts) to respond. Dean King stated that he had told the chairman of the Department of English that it was up to the department when to begin offering those two courses." Is either or neither of those two statements true or are both, and if both, which vice-president confirmed the decision not to offer two courses which had been described to the University Council as eminently feasible and potentially of special value to minority students?

President Flawn replied that he was not informed on that matter and called on Dean Robert D. King (Liberal Arts) to respond. Dean King stated that he had told the chairman of the Department of English that it was up to the department when to begin offering those two courses." Is either or neither of those two statements true or are both, and if both, which vice-president confirmed the decision not to offer two courses which had been described to the University Council as eminently feasible and potentially of special value to minority students?

President Flawn replied that he was not informed on that matter and called on Dean Robert D. King (Liberal Arts) to respond. Dean King stated that he had told the chairman of the Department of English that it was up to the department when to begin offering those two courses." Is either or neither of those two statements true or are both, and if both, which vice-president confirmed the decision not to offer two courses which had been described to the University Council as eminently feasible and potentially of special value to minority students?

President Flawn noted that the questions seemed to be a follow-up to the question asked by Mr. Sledd at the March meeting of the Council. "It seems to me that our decision was that it is a faculty matter; it has to be decided by the faculty of the department of English. I believe that was the answer that Dean King gave last time." President Flawn then called on Vice-President Gerhard J. Fonken (Academic Affairs and Research) to respond.

Mr. Fonken said: "To our knowledge, no decision on this matter was made by any dean or member of the central administration. As President Flawn mentioned, the prerogative to offer a course or not offer a course rests with the faculty in a given departmental area; it is subject then, of course, to review by the college or school course committee. This matter, as far as we can determine, has been a decision, if you will, by the Department of English not to offer these courses at the present time. That decision requires no confirmation, no further approval, no ratification, by anyone other than the Department of English."

Mr. Sledd then commented: "I ...understand, then, the statement given by the English Policy Committee was untrue." President Flawn replied: "As a conclusion, ... I cannot comment on that at all. I can tell you again that it is a matter for the Department of English faculty to decide, and apparently they have decided."

Mr. Sledd reiterated: "They said a vice-president confirmed it; now the vice-president says he did not confirm it, and all I can conclude is that the statement from the English Department is false." President Flawn responded: "I suggest it go back to the Department of English for any clarification that might be needed. I have inquired of all the vice-presidents if any of them have approved or acted in any way upon the statement, and no one can recall having done so."

OLD BUSINESS - None.

NEW BUSINESS.

A. RESOLUTION ON SOUTH AFRICA (D&P 9606). (APPROVED)

President Flawn announced that the proposed resolution on South Africa (D&P 9606) "would put the University Council on record [as] requesting the Board of Regents of The University of Texas System to withdraw its investments from South Africa or from companies with subsidiaries in South Africa."

"The University Council receives its authority by delegation of the General Faculty. The General Faculty in turn receives its authority from the Rules and Regulations of the Board of Regents. On receipt of this resolution I reviewed the scope of authority of the University Council and, based on that review, the Chair is compelled to rule that this resolution does not fall within the purview of the University Council."

"Now, this Council can overturn the Chair's ruling. There seems to be some parliamentary question as to whether it requires a two-thirds vote or a simple majority to overturn the Chair's ruling; unless our parliamentarian instructs me to the contrary, I will accept a simple majority. Is there a motion to overrule the Chair on the Pearlman resolution, which ruling is that the resolution is not within the purview of the University Council?" Trevor L. Pearlman (Student Representative) then appealed from the decision of the Chair, and the appeal was seconded.

Mr. Pearlman spoke first in favor of reversing the decision of the Chair. "I would like to encourage members of the Council to overturn the President's decision on the following grounds:

"I have done extensive research and I have copies of the Minutes with me on various occasions where this Council has dealt with resolutions and motions that are not directly related to academia. This Council has passed resolutions on football; there was a resolution asking

for the previous coach to be given life tenure. This Council has dealt with resolutions concerning Selective Service. I think most interestingly, on May 17, 1965, the Faculty Council [now University Council] of The University of Texas at Austin passed the following resolution:

We, the Faculty Council of the University of Texas, resolved that discrimination on the basis of race is inconsistent with the aims and ideals of a university, do hereby declare ourselves opposed to all such discrimination whenever it may occur in any area of University life. (D&P 3536) [Mr. Pearlman actually read the originally-proposed wording of this portion of the resolution, but the wording finally approved by the Faculty Council is quoted above.]

"This piece of legislation was discussed and adopted [as shown above]. During that discussion our distinguished President participated in that debate, and it is my understanding from the Minutes that while he had some objection to [the originally-proposed wording of the resolution], an amendment by Dean Burdine ... removed most of his objections to the piece of legislation.

"For twenty years of my life I was unable to speak; I left the country of South Africa because I was unable to do so. I ask you to give me the chance to speak; I ask you to let us discuss this. The ... foundation of this country rests on your ability to discuss. I truly believe that there is precedence for the Council discussing material that is related to this, and I really encourage everybody to please put the motion on the floor and let us at least discuss it. I do this, not because I have a personal vendetta against the government of South Africa, but because I was elected Vice-President of the Student Body and truly believe that I am, in fact, representing students and constituents of mine. Once again I can only encourage and plead with every member of this Council to at least give me the opportunity to put this on the floor and allow us to discuss this."

President Flawn read to the Council from the Regents' Rules the following list of areas that have been delegated to the General Faculty: general academic policies and welfare; student life and activities; requirements of admission and graduation; honors and scholastic performance generally; approval of candidates for degrees; faculty rules of procedure.

John R. Durbin (Mathematics) responded: "Those are the things that the Rules give explicitly to the Faculty to speak on, but there are other things we have spoken on; from time to time [we should at least speak on] how the University spends its money. We had the resolution several years ago, when we were discussing the Permanent Fund, about using Available Fund money directly for buildings and so on; ... maybe that could be covered in that list [but] I am not sure that it is. I would prefer that the Council err on the side of discussing things that it should not discuss rather than the other way, so I would like to support Mr. Pearlman's motion."

The decision of the Chair was then reversed by a show-of-hands vote of the Council, thus bringing to the floor for consideration the resolution on South Africa (D&P 9606) proposed by Mr. Pearlman.

Mr. Pearlman spoke in favor of the resolution. "Mr. Chairman, it truly is a privilege for me to be able to speak here today on the subject of South Africa without the fear of imprisonment. While that might seem a humorous or ridiculous comment to many of you, I can assure you it is true, and it is a privilege I really appreciate. The South African government refuses to allow any expression that opposes its philosophy of white supremacy, whether it be in the media, the area of academics, or the expression of an individual. Students at universities are unable to study any books they want to. Movies [that] are presented to the public are very heavily censored; no movie that shows any Black person in any

area other than that of a domestic servant is permitted to be shown. And above all, there is no freedom of the media. An editor of an English [language] newspaper, Donald Woods, was put under house arrest because he was writing editorials that were opposing the policies of the government; he swam across one of the rivers and is now a resident of this country. Essentially the government believes, and many of its officials advocate, that the belief of God was that white people were made to be genetically superior, and any opposition to this is simply not tolerated.

"My knowledge of South Africa comes from first-hand experience. Like millions of people before me, my family and I, four years ago, left our birthplace because we were unwilling to be a part of an environment that did not allow the free expressions of human beings.

"I would also like to state, as I said a little earlier, that I do not bring this as a personal vendetta. I truly believe that this is an issue that students and members of the University community really care about, and my bringing this before you is my representation of them.

"I truly recognize it is not easy for me to ask you to support this resolution. What I hope to do [first] is show that the issue of investments in South Africa is one of direct concern to the University community. [Second,] I hope to show that it is in the best interest of The University of Texas and in the best interest of the state of Texas to withdraw our money from South Africa. [Third,] I would also like to show [that] supporting this resolution truly will make a difference and help to change such a system; supporting this resolution will not be a worthless token.

"As students and members of this university community, we enjoy the magnificent structures and facilities around us in our daily lives. Those [structures and] facilities are in part purchased with profits that are generated from the exploitation of human beings in South Africa. We on the one hand condemn such a system, yet on the other hand as members of this university community on a daily basis, we reap and enjoy the benefits of such a system. The profits generated from the investments [are enormous] simply because of the slave wages paid to 80% of the work force. I am not a business major, but it does not take much sense to realize that if you are paying your work force 20% of what they should be paid your profits will be significantly higher, and we are benefitting every day of our lives from those profits. To me, it is the epitome of hypocrisy that the foundations of this country are built on the concept of fairness and justice and yet at The University of Texas we are willing to benefit financially from a system that judges men by the pigments of their skins and not the contents of their characters.

"I really believe that it is in the best interest of this university financially, as well, to divest from South Africa. ...in 1978, Michigan State University first requested that the thirteen South Africa-related corporations in which Michigan State University owned stock voluntarily curtail their South African activities. When those companies refused, the Michigan State University Board of Trustees voted 'prudent divestment.' The interesting fact, however, is that in the nine-month period following divestment, the [withdrawn] funds had been invested in smaller local companies and showed a profit of greater than one million dollars. The University of Texas System holds stock in twelve of those thirteen companies from which MSU divested. What is more, several of the replacement companies not only [proved to be] more profitable, but they are based in the state of Texas ([for example], Texas Eastern) or have large operations in our state (for example, Gulf Oil, Hughes Tool, and Archer Daniels Midland). Investments in Texas will boost the Texas economy in several ways.

"Supporting this resolution clearly makes a difference. In the beginning of my presentation, I explained that it was impossible to oppose such a system without being arrested. Dissent is not allowed from within; opposition is not tolerated. It is ... necessary for us who have the ability to speak to pass such a resolution, and having lived in South

Africa, I can assure you that passing such a resolution will have a very direct impact on changing the government peaceably."

At President Flawn's request, Mr. Pearlman then read the complete text of his proposed resolution (D&P 9606) and MOVED that it be adopted; the motion was seconded.

Mr. Pearlman then continued his remarks in support of the resolution. "I would like to go back to [the] precedent which was set, as I said, on May 17, 1965. I checked with the Secretary of the Council, and it is his understanding that this piece of legislation is in fact binding because it has not subsequently been changed. Since members of the Council do not have copies of the resolution, I will read the resolution again. The resolution was sponsored by Mr. DeLaura and passed the Council. [Mr. Pearlman then re-read the initially-proposed wording of the resolution concerning discrimination on the basis of race.]

"What I am simply asking for here this afternoon is a reaffirmation of a piece of legislation that passed in 1965; I am asking that we take this legislation and abide by it.... If I can prove two things -- one being that discrimination [on the basis] of race takes place in South Africa, and [the other being] that it affects any area of University life, I ask you in a sense of reasonableness to support this motion. On the basis of discrimination, I can only give you my personal testimony, but in addition to that I am going to read from [an informal opinion of] the Attorney General [of] the state of Wisconsin.... The Attorney General, on May 19, 1977, concluded: 'Companies doing business in South Africa are legally obligated to practice discrimination against native black and colored ... workers employed by those companies.' That discrimination takes place in separate bathrooms, separate wages, separate levels of employment. The resolution passed in 1965 contended that if there is discrimination [on the basis] of race, ... and if it pertains to the University way of life in any area, then we should go on record as the legislation says as opposing this. Once again, this has been dealt with, the Council in 1965 dealt with it, and I hope that this afternoon ... you [will] support this resolution."

Dean Robert C. Jeffrey (Communication) said: "I think it is important to keep in mind the distinction between legislation and a resolution. Mr. Pearlman referred to the 1965 resolution as legislation and binding on this Council. That is not accurate. A resolution is simply a statement of principle or a statement of the way people at that particular meeting feel at that moment, and I think that [it] is important as we vote on this that we not consider it legislation; it is not binding on anyone. I think it is perfectly legitimate that even the state Legislature memorializes the national Congress on matters over which they have no control or no authority. It is a statement of the sense of the feeling of this body at this time, and I think if we think about it as legislation it might have an effect on the way we vote on it. This is not legislation, it is simply a resolution expressing the will of this group at this particular moment."

President Flawn noted that, if the University Council were to approve the motion on the floor, the resolution would be submitted to the Board of Regents with the request that the University withdraw its investments from companies in South Africa or companies having subsidiaries in South Africa.

Mark B. Bader (General Business) stated: "Obviously, this is an extraordinarily interesting and provocative subject. I am going to say something that, perhaps, is ancillary to it, but I think it needs to be said.... This is a resolution that is aimed towards a country [at] the tip of Africa, and it is the only resolution on the floor today. I am going to ask that if we are going to be consistent both as faculty, students, and administrators, and [as] human beings, that we do not forget the other ancillary things which are involved here.... There are, in fact, in the whole world many other places where problems like this exist, and I think that we would be remiss if we just homed in on this

one particular problem.... The things that come to [my] mind ... would be discrimination against Jews in the U.S.S.R., against Christians in places like Iran, [against] women in the Arab world, [against] Arabs perhaps in the occupied West Bank, and numerous other places where human rights are violated in a very severe way. South Africa is not singular in this particular instance, and so I ask before we take a vote that, if we are going to be humanistic..., we do not forget the fact that South Africa is not the only place on the face of the earth where human rights are abrogated. I think if we are going to be consistent and open up [Pandora's] Box ... and be speaking in favor of the rights of human beings, that we ought to be, in fact, consistent in terms of the rights of human beings throughout the world, not just Blacks in South Africa."

Mitchell R. Kreindler (Student Representative) replied: "I have Dr. Bader's international law class, and I want to respond to that... because while we as human beings would condemn this action in any part of the world, [the issue is] where do we, [as individuals within The University of Texas System,] want to see our University put its money? I would argue [that] if the University had substantial money [invested] in Russia, ... had substantial money [invested] in Iran, had substantial money [invested] in places [where] human rights [were being violated] on the magnitude of the order we are considering today, then we should address those issues also. I think this is a very rare opportunity for us as students, for us as faculty, for us as administrators to give our opinion as to how this university should operate, and I do not think we should pass up that chance. I think the vote today is not whether or not you think this Council should deal with [this resolution], because I think that precedent has been established by past resolutions from this Council. I think it is inherent upon us as individuals [to say] whether or not we want our institution to be condoning the actions of apartheid of a racist government, [to say] that we should not have our money [invested] there in the first place."

E. Glynn Harmon (Library and Information Science) commented: "At first I started spontaneously to vote for this resolution, and then I recalled [that] H. L. Mencken said, 'For every complex problem there is a solution that is clear, simple, and wrong.' First of all, I would ... question in my mind what is going to be the impact on this move on the population in South Africa, particularly the Black population. I know that ... the economy of South Africa is suffering or has suffered considerably. There has been a traumatic decline in gold prices, which is the bulk of their economy, leading to a rather adverse effect on the South African balance of payments. This in turn has led to a capital crunch and an increase in the interest rates, making capital very scarce and bringing about restrictions on bank credit. And it was instrumental in a de facto devaluation of the [currency] in order to cut the South African balance of payments. The country has been plagued by many other problems.... There has been ... occasional drought, a decrease in agricultural exports, an increase in agricultural imports to feed the population. A lot of the rural areas were depopulated, leading to an increase in the urban population and the significant increase in Black squatters around the urban areas; this in turn led to quite a housing shortage and a lack which was compounded by the lack of investment capital. The government has tried economic decentralization in order to get corporations to go out in the rural areas and do further investing, and some of these were U.S. corporations or corporations in which U.S. funds have been invested. In 1980 the Brandt Commission [recommended] closer involvement [of] the U.S. and other industrialized nations with Africa and not a withdrawal. Many third world countries are seeking investment funds."

"Second, I would question the overall impact of divestment, if there is divestment, say, from Ford, IBM, Johnson and Johnson, and other companies which operate in South Africa. It may happen that the stocks of those companies would be absorbed immediately by other investors. Corporate activity then, therefore, might be unaffected. For example, United Technology, when they were under divestment, did not particularly care; they went ahead and acquired new subsidiaries in South Africa."

When Polaroid Corporation withdrew from investments in South Africa because of pressure, it happened that many Polaroid products were simply brought into South Africa through Europe, the Polaroid Corporation having no control over this movement. Further, it could be that Japan, Germany, France, and other countries will take up the marketplace where U.S. corporations leave; and it could be that when companies like Johnson and Johnson divest, there could be black market in the medical system arising to transport medical supplies. It also raises questions about what it does for the fund. When Massachusetts State Employment withdrew from the fund, they lost twelve million dollars in 1983 ... It could be also that the funds withdrawing from an investment in these corporations could be hurt. For example, when Ford was barred from certain investments in South Africa, their stock went up 109% after divestiture.

"So this raises a lot of questions, ... in spite of the very good intentions here. I think ... that all of us do not like racial discrimination in any form, but I question the impact [of] this very [well-intended resolution] at this time and would, therefore, ask Mr. Pearlman to respond to these ... concerns."

Mr. Pearlman replied: "I would like to respond to both of those statements. They both are very legitimate concerns, and the last thing I would want to do is present this resolution and [have] it be just tokenism and [have] nothing really [happen]."

"First, there is a set of principles known as the Sullivan Principles. Leon Sullivan is a member of the Board of Directors for General Motors. About five years ago he went to South Africa, and [his] initial perception [was] that ... if that company suddenly withdrew ..., Blacks would be hurt, the local economy would be hurt. Five years later Mr. Sullivan is slightly wiser, and he is now concluding that the only way to pressurize the government is by economic boycott. Economic boycott will peacefully force the government to change, because it is only [reasonable] that if they are faced with this threat, ... they will move to change their policies. Fifteen years ago discrimination in South Africa was worse than it is today, and the reason for the improvement is ... the boycott [of] the Olympics, the boycott by the United Nations and the total exclusion [of South Africa] from the world community. By passing this resolution we only pass the resolution, and as Dean Jeffrey says, it is a sentiment of the body; but that sentiment, I contend, will carry a ramification that truly will help to alleviate this concern in South Africa.

"The second concern which Professor Bader raised was that of why should we only concern ourselves with South Africa and not every other area of the world. The question in South Africa is human rights, not so much political rights. Nowhere else in the world is [there] such discrimination, where human beings who make up 80% of the population are randomly discriminated against on the basis of the pigment of their skin or their religion. I would also ... contend that living in South Africa ... is a soul-destroying thing, because there is nothing more depressing than seeing a Black student, seventeen years old, having incredible ambition, striving to become a judge, striving to become a pilot, striving to become an engineer; they cannot become a judge, a pilot, or an engineer, no matter how strong their ambition is, no matter how high their I.Q. is, simply because of the pigment of their skin. In the Soviet Union, while Jews are discriminated against, it is still possible for certain Jewish people to obtain certain levels. Jewish people can become engineers, doctors; it is very difficult, but it is possible. South Africa truly is a very unique country. There is nowhere else in the world that is more brutal and more violent than this. Being a part of the system, and we are now a part of the system, one loses the dignity of being a human being.

"This issue, once again, is very unique.... I contend that the resolution, although it is not binding on the Board of Regents, will in fact be a very productive step. I truly believe that; I would not have brought this if I had not truly believed it was so."

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President Flawn asked Mr. Pearlman to clarify one of his points; was it true that Reverend Sullivan had recently renounced the principle that he articulated five years ago? Mr. Pearlman replied that he had.

Reuben R. McDaniel, Jr. (Management) said: "There are two kinds of questions that may be on the minds of some of my colleagues that I would like to address. They have to do with whether or not faculty ought to be in political activity and whether or not this is a political activity, and the question of whether or not this is a concern of faculty well-being. First, I would like to suggest that this is not a political question, but a question of the kind of thing the University stands for. Second, I think the faculty well-being is very much at question here, because we should be seeking consistency between the institution's behavior as articulated in its investment policies and the kinds of behavior and policies that we suggest in our classrooms and our research. I ask you to vote for this resolution."

Nathan A. Wesely (Student Representative) MOVED that the University Council extend the privileges of the floor for two minutes each to two black students, John Caldwell and Izielen Agbon, who wished to give their perspectives on how black students felt on this issue. The motion was seconded and, without discussion, ADOPTED by a voice vote.

John Caldwell (Student) spoke first. "Since I only have a couple of minutes, I am grateful. It beats Jester West Lobby; we do not often get a platform on campus. I would like to deal with two things: 1) Professor Harmon's concern that it is best to invest capital in South Africa because of the trickle down theory.... By analogy, that is like saying if the University would invest money in plantations in East Texas and then let people have jobs there as slaves, [then] the black rate of unemployment problem would be eliminated.

"The second point is that I think that my colleague, Mr. Pearlman, and other students who have helped bring this issue to the Council [should] be commended, and I would like to take the liberty of speaking for black students ... about how we feel. After all, the University says now it is committed to racial diversity and moving away from its past.... The University [was] forced [to] open its doors in 1950 [by] Sweatt v. Painter; the first [black] undergraduate was admitted in 1956. ... Barbara Conrad will return to sing at the University on April 21, 1984, when [in the past] the Legislature and the President of the University denied her the right to do that. We see these things as being progress for black students on campus.

"But then there are many other issues [on which] we feel that the University has still not come far enough, as far as we are concerned, and one of these issues is [South] Africa. Why in particular [do] black students feel that the issue of [South] Africa is important? One, every bird has a nest, and [for] black people in America, Africa is our nest; so there is that connection. The second part is the question of racism; what can we do [to make] black students feel comfortable here? That is one of the charges of the University Council. If the University supports apartheid in Africa, how can we as black students ... feel that the University does not support apartheid here in Austin, Texas? In closing, I would just like to urge each one of you to vote affirmatively for the resolution. Thank you very much."

Izielen Agbon (Student) spoke next. "I want to express my gratitude to members of the Council for giving me two minutes. I would just focus on [a] few ideas here.

"First of all, somebody like me from Africa did not discover racism until I entered this country, because I was just an African; where I come from, in Nigeria, people's complexions do not matter. But to discover race is to discover something you can do nothing about. Nowhere else in the world is race a category [in] the legal structure for determining the opportunity and the rewards available to members of that country, nowhere else in the world. If you are black there is nothing you can do about

it -- you are born black, you had better accept it. Therefore in South Africa what we have is a unique situation.

"Secondly, it concerns us here because students like me want to go out in the world and say we are proud we were trained in The University of Texas, and this is a first class university. I want to be able to say that and to look into the eyes of somebody who was trained in Harvard University and know I am not lying to myself, because in Harvard University (a university of the first class) the University Council, made up of professors, took a step, even though their resolution was not binding, to condemn the investments of that University in South Africa because it was a logical conclusion that any investment would lead to the U.S. companies in that country obeying the laws of that country and therefore participating in apartheid in South Africa. For the University Council here not to do these things because it is not binding or because oppression is all over the world, although everybody knows that South Africa is unique, is to put students like me in this situation, no matter how much propaganda is [issued].

"People like me, and other black students, and white students too, know that ... we have not yet reached the category of a first class university.... Please do not let us get into intellectual evasions. I would ask everybody to vote their conscience and to vote for that resolution, because that is the way ... to create a university of the first class. Thank you."

The motion to approve the resolution was then ADOPTED by a voice vote.

REMAINING QUESTIONS TO THE PRESIDENT - None.

ADJOURNMENT

The meeting was adjourned at 3:20 p.m. The next meeting of the University Council is scheduled for May 7, 1984, at 2:15 p.m. in Main Building 212.