

JOURNAL OF THE SENATE [October 15, 1969]

STATE OF WISCONSIN

# Senate Journal

## Seventy-Ninth Session

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WEDNESDAY, October 15, 1969.

11:00 o'clock A.M.

The senate met.

The senate was called to order by the president.

The roll was called and the following senators answered to their names:

Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry and Whittow—29.

Absent—Senator Thompson—1.

Absent with leave—Senator Knutson—1.

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### INTRODUCTION OF AMENDMENTS

Senate amendment 8 to Senate Bill 249 offered by Senator Hollander.

Senate amendment 1 to Assembly Bill 303 offered by Senator Hollander.

Senate amendment 2 to Senate Bill 570 offered by Senator LaFave.

Senate amendment 1 to Senate Bill 656 offered by Senator Heinzen.

Senate amendment 1 to Senate Bill 687 offered by Senator LaFave.

**JOURNAL OF THE SENATE [October 15, 1969]**

**INTRODUCTION OF BILLS**

**Senate Bill 707**

Relating to workmen's compensation.

By Senators Risser, LaFave, Devitt, Kendziorski, Lorge, Rasmusen and Thompson; co-sponsored by Assemblymen Conradt, Anderson, Schowalter and Jones.

Read first time.

To committee on Labor, Taxation, Insurance and Banking.

**Senate Bill 708**

Relating to county building and sanitary codes.

By Senator Dorman.

Read first time.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 709**

Relating to county retention of part of inheritance tax surcharge.

By Senator Dorman.

Read first time.

To committee on Labor, Taxation, Insurance and Banking.

**Senate Bill 710**

Relating to publication of notice in matters relating to minor children.

By Senators Busby and McParland, by request of Milwaukee County.

Read first time.

To committee on Judiciary.

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**COMMITTEE REPORTS**

The joint committee on Finance reports and recommends:

**Senate Bill 171**

Relating to a county assessor system and real estate transfer fees, granting rule-making authority, making ap-

**JOURNAL OF THE SENATE [October 15, 1969]**

propriations, and providing a penalty.

Adoption of senate substitute amendment 2; Ayes, 8; Noes, 1 and passage as amended; Ayes, 7; Noes, 3.

**WALTER G. HOLLANDER,**  
Chairman.

The committee on Health and Social Services reports and recommends:

**Senate Bill 61**

Relating to a recodification of the mental health act and transferring funds between appropriations.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

**Senate Bill 294**

Relating to a legislative declaration of policy toward those on public welfare.

Adoption of senate substitute amendment 1; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

**Senate Bill 354**

Relating to the statutory implementation of changes made by the 1967 executive branch reorganization that affect the department of health and social services.

Adoption of senate amendment 1; Ayes, 4; Noes, 0; adoption of senate amendment 2; Ayes, 4; Noes, 0; adoption of senate amendment 3; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

**Senate Bill 546**

Relating to allowing cosmetologists to cut male hair without a barber's license upon meeting certain standards.

Passage; Ayes, 4; Noes, 0.

**Senate Bill 556**

Relating to licenses for residents in hospital training programs.

Adoption of senate amendment 1; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

JOURNAL OF THE SENATE [October 15, 1969]

**Senate Bill 598**

Relating to services for locating deserting parents and other persons liable for support of dependents.

Passage; Ayes, 4; Noes, 0.

ARTHUR A. CIRILLI,  
Chairman.

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**EXECUTIVE COMMUNICATION**

The State of Wisconsin  
Executive Office  
Madison 53702

To the Honorable, the Senate:

The following bill, originating in the senate, has been approved, signed and deposited in the office of the Secretary of State.

Senate Bill	Chapter No.	Date Approved
619 -----	160 -----	October 15, 1969

Respectfully submitted,

WARREN P. KNOWLES,  
Governor.

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**MOTIONS**

**MOTION UNDER JOINT RULE 26**

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, the Vietnam war is costing the United States government over \$30,000,000,000 a year to maintain; and

Whereas, expenditure of this money has led to a neglect of our urgent social needs at home such as public health and welfare, conservation, education, and poverty alleviation; and

Whereas, more than 40,000 American soldiers have given their lives in the Vietnam war and there is no sign of peace in the foreseeable future; and

**JOURNAL OF THE SENATE [October 15, 1969]**

Whereas, the Vietnam moratorium has been endorsed by the Madison Area Peace Action Committee, in principle by the Madison city common council, and political leaders of both parties; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Risser and Assemblyman Anderson, under Joint Rule 26, endorse in principle the Vietnam moratorium of October 15th and urge the citizens of Wisconsin to observe this day in an appropriate manner.

**Read.**

Senator Keppler raised the point of order that the motion was not proper under Joint Rule 26.

The chair took the point of order under advisement.

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**CALENDAR OF WEDNESDAY, OCTOBER 1st**

**Senate Bill 249**

Relating to state tax sharing with local units of government, adjustments in the state school aid formula, changes in authorized school district tax levies and aidable costs incidental thereto.

Senator Risser moved a

**CALL OF THE SENATE**

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry and Whittow—29.

Absent—Senator Thompson—1.

Absent with leave—Senator Knutson—1.

**JOURNAL OF THE SENATE [October 15, 1969]**

Upon motion of Senator Keppler, the senate stood informal for 5 minutes, under call.

President pro tempore in the chair.

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**LEAVE OF ABSENCE**

Senator Thompson, upon motion of Senator Risser, with unanimous consent, was granted a leave of absence for today's session.

The question was: Shall the bill be indefinitely postponed?

Upon motion of Senator Heinzen, with unanimous consent, the senate returned to the 3rd order of business.

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**RESOLUTIONS**

**Senate Joint Resolution 94**

Relating to authority granted the department of transportation to issue permits under section 348.27 (6) of the statutes.

By Senators Heinzen and Lotto.

Read.

To committee on Transportation.

**Senate Joint Resolution 95**

Relating to a study of administration of the University of Wisconsin.

By joint committee to Study Disruptions at the University of Wisconsin.

Read.

To committee on Education.

Upon motion of Senator Keppler, with unanimous consent, the senate returned to the 5th order of business.

COMMITTEE REPORTS

Wisconsin Legislature  
Senate Chamber  
Madison 53702

To: Chief Clerks of the Senate and Assembly

FROM: Milo G. Knutson, Chairman of the joint committee  
to Study Disruptions at the University of Wisconsin

Gentlemen: I am transmitting herewith the report of the joint committee to Study Disruptions at the University of Wisconsin, created by Senate Joint Resolution 20, 1969, and appendix. I ask you to spread this report upon the senate journal.

A copy of this report and appendix together with the Committee minutes and the Committee exhibits has been filed with the Legislative Reference Bureau.

I would like to express my appreciation for the contribution made by my fellow committee members, and to particularly express my appreciation to Assemblyman Stanley York for his time and effort and contributions in general areas of the Committee's concern. I would, also, like to thank Attorney General Robert Warren and his staff and in particular Assistant Attorney General John Armstrong. Also, I would like to thank staff attorney James Klauser of the Legislative Council, and Lt. Governor Olson for his counsel and assistance.

The Committee has introduced Senate Joint Resolution 95 to implement its recommendation regarding the study of the University administrative system.

Respectfully submitted,

MILO G. KNUTSON.

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REPORT OF THE JOINT COMMITTEE TO STUDY  
DISRUPTIONS AT THE UNIVERSITY OF  
WISCONSIN

Honorable Members of the Wisconsin Legislature  
State Capitol  
Madison, Wisconsin

October 14, 1969.

## JOURNAL OF THE SENATE [October 15, 1969]

**Senate Joint Resolution 20**, as amended, was adopted by both houses of the Wisconsin legislature on February 27, 1969. That resolution established a special joint committee to study the happenings and causes of the recent events on the Madison campus of the University of Wisconsin and potential disturbances at other public higher educational institutions of the state. The resolution directed the committee to issue a report on the question before it, and to report its findings and conclusions. This document is intended as a response to that directive.

It is important to distinguish between legitimate expression and protest; and confrontation, disorder and violence. While the distinction may be unclear in particular situations, it is important to know the constitutional limits of such activity:

1) Our Constitution protects the right of protest and demonstration within broad limits; it protects the right to organize people for protest and dissent; it protects the right of free speech, assembly, to picket, or to stage mass demonstrations if these activities are peaceable and if the protesters comply with reasonable regulations designed to protect the general public.

2) If any of the rights to dissent are exercised with the intent to cause unlawful action (a riot, or assault upon others) or to cause injury to the property of others (such as a stampede for exits or breaking of doors or windows) and if such unlawful action or injury occurs, the protestor is not protected. He may be arrested and properly charged and convicted of law violation.

3) If the right to protest, to dissent, or to assemble peaceably is exercised so as to violate valid laws reasonably designed and administered to avoid interference with others, the Constitution's guarantees will not shield the dissenter.

It would appear, then, that protest and demonstration, which frequently has been the starting point of the disorders on campuses, is a valid concept only if it does not deny the protected rights of others.

Disruption on campus is not a simple problem. A protest may begin as a rally against racism on campus and escalate



## JOURNAL OF THE SENATE [October 15, 1969]

to the destruction of a campus building. Students who may have been in favor of the original intent of the rally may be swept up in the latter action.

There is no doubt that all forms of violence are forbidden by campus regulation and by statutory law. Nor is there any doubt that dissent and demonstration within legal bounds are constitutionally guaranteed rights. Unfortunately, students who are impatient for change often begin with dissent and end in violence.

### In General

The committee held several public hearings and received testimony from university officials, community officials and students. In addition, the committee extended an invitation to members of the student government at the university in Madison to appear if they so desired. Unfortunately, no one accepted that invitation. The committee believes that it received through its hearings a thorough and reliable orientation regarding the incidents in February which precipitated the creation of the committee. Attached to this document is an appendix of relevant materials which, together with a reading of the minutes of the committee (available upon request), should give an interested person the fullest background.

The questions before the committee which the Legislature directed that it consider were far reaching and all encompassing. The members of the committee, meeting while the Legislature was in session, were limited in time. Some limit and some definition of scope was necessary. The committee felt that its time would be best spent reviewing the most immediate occurrences on the Madison campus. Some committee members were familiar with the November occurrences at Oshkosh. Since several months had passed, the committee believed that it could learn little more regarding that situation.

It is not the intent of this report to be a detailed factual summary of those incidents that occurred in the city of Madison in February. The committee took an overview approach, attempting to understand what did occur. The ostensible precipitating cause in the Madison incidents was a series of "demands" made by a group of black students to the university administration. These demands went

through several editions during the course of the incidents. [The first edition is included in the appendix.] These February demands had been preceded by a series of demands and grievances presented to the administration in November of 1968. [A chronology of principal events is included in the appendix.]

One outstanding characteristic of these events in February, which the committee believes is also true of other such disturbances, is that it is not possible to obtain a clear understanding of the reason why. There are as many reasons for participation as there were participants. Even at a given demonstration or incident, the causes are numerous as well as the objectives. The participants ranged from those who had a sincere concern and conviction, and who were reacting to the plights of the less fortunate, to those perpetual demonstrators who viewed themselves as revolutionaries and anarchists espousing the thoughts of Marx, Lenin, Mao Tse Tung and Che Guevara.

#### What Happened

The first event in the chronology in February was the presentation of the demands to the university administration on February 7. The first serious disturbance occurred on February 8 when about 600 students marched from the university campus to the university field house with the intent of disrupting the basketball game being played there. Madison, Dane County and university police prevented them from entering. Meeting with resistance, the group then turned into a mob-like body and attempted to force their way into the field house. The Governor's car was intentionally sought out and damaged. Several arrests were made.

On Monday, February 10, the protestors picketed in front of university classroom buildings in support of a proposed student and faculty strike of university classes. The great majority of students did attend classes. The next day, Tuesday, as a reaction to the ineffectiveness of their strike call, the protestors then turned to a "forced" strike. Entrances were obstructed and students prevented, in some cases, from entering buildings. Classes were interrupted and disrupted. These events continued through Wednesday and increased in intensity. (It should be noted that these instances involved many thousands of participants and spectators and students going to class.)

## JOURNAL OF THE SENATE [October 15, 1969]

The situation was becoming explosive. For that reason, to maintain order and safeguard the students and to keep the university open, and because 350 police officials were at the point of exhaustion, it was necessary to call up the only other resource available, the National Guard. The Madison campus officials and the police and sheriff's department concluded that they could no longer control the situation. The National Guard was activated by the Governor on Wednesday afternoon. The first contingent arrived in Madison Wednesday evening at 9:00 p.m.

Among tactics used by the protestors to disrupt classes was the ringing of fire alarms in the various buildings with the hope that it would empty the buildings or at least make it impossible to teach. Other tactics included physically interfering in the classrooms themselves, fires started in waste baskets and, in some instances, attempting to physically intimidate students and professors to leave or join the strike.

Throughout this period protestors from time to time would take to the streets; either marching from one point on the campus to another or to the Capitol. Intentionally blocking traffic on the major streets and intersections around the campus was another tactic. The protestors from time to time would divide into several groups so as to cause the police authorities greater problems. It is difficult to see the relationship between supporting black student demands at the university and blocking Madison streets.

Most of the events were non-violent due to the restraint of the police and most of the participants. There were no large-scale violent confrontations between the police and the students. The police did arrest several students. The largest incident was a march on Thursday, February 13, to the Capitol through the university students' community. It was estimated this march involved between 2,500 to 7,500 participants. Thereafter, student participation waned and the protest diminished. On Saturday the National Guard had been withdrawn from the university campus. On Tuesday of the next week, the black students called a recess in the strike.

### Causes

It is difficult to state a particular cause for this demonstration or for any others that have occurred. As has been

JOURNAL OF THE SENATE [October 15, 1969]

previously noted, there are a variety of causes and a variety of intentions. This February incident should not be viewed as an isolated occurrence. There have been a variety of causes for these disruptions, the Viet Nam war, the one-way bus lane on University Avenue, and black demands, to name a few. The activities ranged from a very carefully defined and controlled event to mob-like action. Certainly, some of the demonstrations were to emphasize legitimate, rational concern. However, these causes were often used by others with different concerns and interests to effect disruption for the sake of disruption or to advance revolution and anarchy.

Our response, therefore, must be most judicious. This report could go on at great length to analyze all of these factors, probably without achievement worthy of the effort. The committee could enumerate any number of items that might be described by some as causes. These are the findings of the committee as to cause:

(1.) The most significant and observable fact has been the growth of the Wisconsin educational system. The University of Wisconsin, in the past 10 years, has shown amazing growth in population which has resulted in a total and complete restructuring of its administrative system. A hierarchical system, above the campus administration, has been created. The faculty orientation on the campus has increased its concern with research. It is the view of the committee that this reorientation and growth in size and this restructuring has resulted in an institution administration which is unclear as to its function and which students and faculty perceive to be unresponsive. It seems to exist and be, rather than something which is directed and run.

The University of Wisconsin in Madison is intended to be an educational institution. The great majority of students are there to acquire an education. The serious question which we raise is whether or not the institution is oriented toward education or if it is primarily oriented toward research.

It is the recommendation of this committee that the university administrative structure be completely reviewed. The committee cannot determine and recommend at this time any other administrative systems. The committee does

JOURNAL OF THE SENATE [October 15, 1969]

believe that the university would be more responsive if it were structured on a more decentralized system, the emphasis being on the campus. In the review, it is the sense of the committee that consideration be given to the concept that the chancellor for a particular campus should report directly to the Board of Regents.

Too much emphasis appears to be given to central and coordinated administration. The administrative structure is so layered as to be apparently insulated and unresponsive to those above and below. The faculty of a particular campus should concern itself with the problems and needs of its particular campus, rather than co-ordinating all university faculty activities. The questions should be answered whether a central administration is necessary and what function it should perform. The institution may well improve its responsiveness to its constituency by being decentralized, as well as functioning in a more efficient and responsive manner.

(2.) Another factor contributing to these growing disorders is faculty participation, and perhaps leadership. The committee believes there must be a reaffirmation of the principle that every citizen has the right to involve himself in political matters but on his own time, not while an employee of the state. This principle has been abused and violated by certain members of the faculty that have used their position in the classroom as a podium to indoctrinate their students with their personal political views and convictions or have failed to meet their classes while participating in "strikes." This is wrong and is not in keeping with their professional positions. Such individuals should be subject to discipline. They have not been.

(3.) The responsibility of the university administration includes anticipating and foreseeing the problems that may occur. The state has been "short-changed" in this regard. The university administration failed almost totally to anticipate the situations that developed. As a result, when they did develop, they responded inadequately. Example: the developing situation in the winter of 1968 which culminated in the events of February. For the money the state is paying these administrators, the state should receive some foresight.

Even more recently we had the failure of the university

administration to foresee the problems related to Dean Rusk's campus visit. In plain terms, the administration acts in times of crisis much like an ostrich—burying its head in the sand—waiting for the crisis to solve itself. In other words, the administration has displayed an incompetence to handle these matters properly.

Evidence received by the committee indicates the administration also failed to adequately respond to the growing problem of student drug usage. The drug problem was ignored by the administration even while it began to infect the city of Madison.

(4.) The university security force is inadequately performing the function of a police force of a community of 40,000.

(5.) Unclear student conduct standards and guidelines together with inadequate enforcement and application has contributed to an environment in which disorders occur.

(6.) The demonstrations are well funded, but the source of funds remains undetermined. The Wisconsin Student Association has contributed to defense and bail funds. No public funds, equipment or facilities should be used to advance illegal actions. The demonstrators, even after the National Guard was activated, were allowed the use of university facilities to plan disorders. During the recent October disorders in Madison, the demonstrators used university facilities and the library mall to plan and to mount their disorderly march.

(7.) The discipline procedures of the university are inadequate. The university has floundered through a maze of inadequate and less than competent disciplinary procedures. The university must assume a responsibility for the conduct of its students on or off the campus when such conduct demonstrates a danger or threat to the university community. University imposed discipline is appropriate and necessary for certain conduct of students which affects the university community or the community in which the university is located. The university must acknowledge that it has a responsibility for the actions of its students in the community. The university has failed to so act.

#### Recommendations

(1.) The committee specifically recommends for legis-

JOURNAL OF THE SENATE [October 15, 1969]

lative enactment **Senate Bill 592, Senate Bill 691, Assembly Bill 953 and Senate Bill 367.** [These bills are discussed in detail in the appendix].

**Senate Bill 592** declares that education at the university and state universities is a privilege and not a right. The bill goes on to stipulate that admission to any course of study at university and state universities constitutes a contract between board of regents and applicant, whereby board undertakes to provide applicant a good education and applicant agrees to use university facilities strictly according to state laws and board's regulations. To provide that violation of such laws and rules constitutes reason for termination of contract. To specify that any student shall be liable to board of regents for willful or negligent damage to university property.

To specify that boards of regents of university and state universities shall adopt rules defining student misconduct and providing appropriate disciplinary action.

To provide that university and state universities shall execute a contract for provision of police services with political subdivision in which a campus is situated, if campus has 12,500 or more regularly enrolled daytime students. Such contract to be optional with campuses of less than 12,500.

To specify that, subject to state civil service laws, boards of regents of university and state universities may remove any university personnel. To provide that this shall include authority to remove for conduct tending to disrupt university activities; interfere with freedom of others; or harass, intimidate or obstruct faculty or students seeking to pursue legitimate academic purposes.

To stipulate that faculties of university and state universities shall have only those powers regarding government and administration of university as are delegated by board of regents.

To provide that boards of regents of university and state universities may suspend, expel or impose other appropriate discipline upon any student for misconduct after reasonable notice and hearing. To specify that in extraordinary circumstances board may summarily suspend a student pending a hearing.

JOURNAL OF THE SENATE [October 15, 1969]

To stipulate that the primary mission of the university is undergraduate, graduate and professional education, pure and applied research and public service on a state-wide basis. To specify that primary purposes of state universities are undergraduate and graduate education, public service and such research as is consistent with these purposes (now, primary purpose is to instruct teachers).

Senate Bill 691 would permit boards of regents of university and state universities to adopt administrative rules to protect the lives, health and safety of persons on university property, to protect such property and to prevent obstruction of university functions. To permit regents to obtain injunctive relief to enforce rules. Penalties are provided.

Assembly Bill 953 relates to disorderly conduct on university campuses. It would provide that a fine of not more than \$200 or imprisonment for not more than 90 days, or both, shall be penalties for following offenses: 1) intentionally disrupting classes or unreasonably interfering with authorized university activities while on university or state university premises; 2) entering upon such premises within 2 years after conviction for such offense without express authority of appropriate board of regents and court where conviction was obtained.

Senate Bill 367 would authorize each house of the legislature to punish as a contempt, disorderly conduct which directly tends to interrupt proceedings when such action occurs in the immediate view of either house or of any committee thereof (now, only in the immediate view of the house).

(2.) It is the recommendation of the committee that the legislature authorize a Special Joint Committee for the only purpose of conducting a review of the administrative structure of the University of Wisconsin to consider the merits of alternative administration systems, especially considering decentralization of administration; and further to consider the manner of selection, term and complement of the Board of Regents; and to consider all questions related thereto; with the proposed committee to make recommendations to the legislature and to propose such legislation as may be appropriate.



## JOURNAL OF THE SENATE [October 15, 1969]

(3.) The committee recommends that the Board of Regents and the Kellett Committee on Education also consider the advantages and the merit of reorganizing the University of Wisconsin administration, specifically considering the concept cited above. The orientation of the institution should be clearly stated.

(4.) The university must establish proper standards and guidelines for student conduct and faculty activity. The Board of Regents of the university must direct themselves to establishing an effective student disciplinary procedure. Clearly, the existing guidelines are inadequate and not competent for the situation. The committee recognizes the difficult responsibility of the Board of Regents. The Board of Regents of the University of Wisconsin should consider acquiring an adequate staff so that the board may perform fully *its* function. Proper guidelines for faculty political activity should be established administratively *and enforced*.

(5.) Rules that are established should be enforced with appropriate penalties for those who violate the standards. This has been inadequately done in the past. The student has the right to know what discipline to expect as a result of violating those rules, as well as knowing what the rules are.

### Conclusion

The committee recognizes that there are many facets to the problems which it considered. The committee recognizes that the institution has not been totally responsive to the needs of the students. The committee believes that too much emphasis has been placed on research activities and institutional status. While the committee recognizes the difficulties and the good intent of the administrators of the university, the committee believes still more must be done to make the institution responsive. The faculty, too, must acknowledge and face up to their responsibilities.

Respectfully submitted,

Senator Milo Knutson,

Chairman.

Assemblyman John C. Shabaz,

Vice Chairman.

Senator Walter E. Terry

**JOURNAL OF THE SENATE [October 15, 1969]**

**Senator Gordon W. Roseleip  
Assemblyman Jack D. Steinhilber  
Assemblyman Herbert J. Grover  
Assemblyman Robert L. Jackson, Jr.**

**Concurring in the substance of report but dissenting in part:**

**Assemblyman Stanley York**

**Appendix**

- Item 1      Chronology of Principal Events**
- Item 2      Index of Exhibits**
- Item 3      Legislative Recommendations**
- Item 4      Mayor Dyke's Letter**

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**Upon motion of Senator Keppler the senate adjourned  
until 10:01 A.M. Thursday, October 16th.**