

arrest and prosecution and now with injunctions, which are court orders restraining particular activities. The American Council on Education's study of campus unrest found that an estimated 53 injunctions were used on 524 campuses which experienced disruptive protests last year.

Like the student suit, the injunction is frequently more of a political tactic than a legal one. This becomes clear when campus officials talk about why they like the injunction. It removes the university from the dispute. Once an injunction is granted, the university cannot make concessions to stop a disruption. Students who defy the injunction face contempt of court proceedings. And it is the judge, not the college president, who decides when to call the police.

Student leaders and their attorneys believe the injunctions have been misused. Roy Lucas, a New York attorney who has handled several student cases, says the injunction often bars activities that are clearly protected by the First Amendment. An injunction barring demonstrations at Tuskegee Institute last year has stalled the student movement there, says Al Milano, former director of NSA's legal rights program. "Tuskegee students really feel restrained," Milano says. "Every time they want to do something, the administration tells them it is enjoined."

For a time, some university officials wondered how to handle students who occupied the president's office or other campus buildings. The students were members of the university community, the officials speculated; did they have as much right as the president to use his office? But university attorneys say the university has the legal right to establish how and when the office may be used and by whom. This changes the focus of the question from whether students have a right to be in the office to the tactical consideration of how they should be removed.

A development that disturbs higher educators is the necessity to involve attorneys at the first sign of a dispute. Attorneys for students urge them to seek legal advice immediately. The attorneys can help students plan strategy, negotiate with campus officials, and start building a record if the case has to go to court, says Michael Nussbaum, counsel for the NSA. And college presidents increasingly want a lawyer at their elbow when dealing with students, says Kenneth Roose, vice president of

the American Council on Education.

Neither side came to the legal struggle well equipped. University attorneys were not used to handling the kind of legal matters that grow out of confrontations with students. They are more comfortable in corporate law than in criminal law. Students usually cannot afford full-time legal assistance. When they do go to court, they usually rely on young lawyers who have worked with the civil rights movement.

A new trend toward the use of mediators in campus disputes suggests a parallel with labor law. The Justice Department has sent its Community Relations Service to about a dozen campuses where the demands of black students were at stake. The service was set up to facilitate communications in communities afflicted with racial turmoil. Theodore Kheel, a top labor mediator, has tried to mediate disputes on some campuses. There also have been proposals to set up a nationwide mediation service for higher education.

But the labor analogy does not hold up. Campus mediation normally is not between two parties which are seeking agreement on a binding contract. Any given set of student leaders rarely are able to speak for all students on a campus. But many campus observers feel that a third party is invaluable in opening up communications, even though no legally binding document will result.

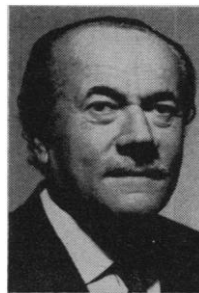
This kind of mediation may be useful when students come to grips with their real adversary—the faculty. Eventually, the student movement must deal with the faculty if it is serious about curriculum reform, course requirements, and other academic issues over which the faculty exerts control or massive influence.

If the campus struggle reaches this level, an era of hard bargaining may replace the era of confrontation. Lucas thinks the new era may come soon, although he believes there will always be a "background of litigation to build precedent." One who hopes it will is ACE's vice president Roose. He observed that the campuses that have the most success in fending off disruption are those that keep the students talking. Roose said one college president told him: "We survive, but it means we are involved in a 24-hour-a-day gabfest."

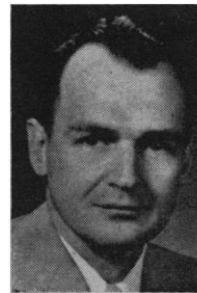
—IAN MCNETT

Ian McNett is a member of the staff of The Chronicle of Higher Education in Washington, D.C.

APPOINTMENTS



A. Buzzati-Traverso



L. T. Benezet

Adriano Buzzati-Traverso, head, International Laboratory of Genetics and Biophysics, Naples, to UNESCO's Assistant Director-General for science. . . . **Louis T. Benezet**, president, Claremont University Center, to president, State University of New York, Albany. . . . **George Z. Williams**, former director, clinical pathology, NIH, to director, new Research Institute of Laboratory Medicine, Pacific Medical Center. . . . **Donald W. Fletcher**, director, Center of Advanced Medical Technology, San Francisco State College, to dean, College of Arts and Sciences, University of Bridgeport. . . . **R. W. Kinney**, former director, Scientific Employment, Smith Kline and French Laboratories, to director, postdoctoral research associateship programs, Office of Scientific Personnel, National Research Council—National Academy of Sciences.

RECENT DEATHS

Joseph G. Davidson, 71; former vice president of Union Carbide Corporation; 9 October.

Daniel W. Healy, Jr., 54; chairman of the electrical engineering department, University of Rochester; 9 October.

John R. Moore, 60; assistant manager for administration of the Atomic Energy Commission's Oak Ridge operations; 13 October.

Fritz Morstein-Marx, 69; former Bureau of the Budget official and former Ford Foundation Research professor in governmental affairs, Princeton University; 9 October.

Max Schur, 72; psychoanalyst and founder of the Psychoanalytic Association of New York; 12 October.

Heinrich von Hayek, 68; director of the Institute of Anatomy, University of Vienna; 29 September.