

Historicizing the Freedom of Expression and Dissent at Dartmouth College

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Abstract

For decades since the 1960s, student-led movements on college campuses have spearheaded political change across the nation. At the same time, college administrations have developed a web of speech and conduct policies, adorned with increasingly hefty specifications for permissible campus protest. This article studies the origins and developments of one such set of policies at Dartmouth College, including the Freedom of Expression and Dissent (FED) policy and its associated conduct regulations. These policies found their genesis in three pivotal periods of protest at Dartmouth: the George Wallace protests of the early to mid-1960s, the anti-Vietnam war movement in the late 1960s, and the anti-apartheid protests of the mid- to late 1980s. Through analyzing the historical causes, revisions, and applications of the FED policy and its associated conduct regulations, I argue that these policies were developed not to protect free expression and dissent, but to prevent such expression from disrupting the college administration's desired social order. The FED policy serves the counterinsurgent function of symbolically affirming free expression and dissent, while its accompanying conduct regulations work in conjunction to control dissent's impactfulness.

Keywords: freedom of expression, dissent, campus protests, college policies, Dartmouth College, student activism, free speech, disciplinary power

On May 1, 2024, the Dartmouth College administration sent a campus-wide email addressing students' planned "Gaza Solidarity Encampment." Citing the

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College's Freedom of Expression and Dissent (FED) Policy, Provost David F. Kotz wrote:

Dartmouth prizes and defends the right of freedom of expression and dissent, and engaging in nonviolent resistance has a long, proud history at our institution.... At the same time, Dartmouth's policy explicitly states that we "may place limitations on the time, place, and manner of any speaker event, protest, or demonstration" if it interferes with core educational or administrative functions of the institution. (The Dartmouth Senior Staff, 2024)

This statement reaffirmed the administration's long-standing stance on campus protests, claiming an apolitical balance between protecting free expression and preserving institutional core functions. Yet this balance was question-begging; how would the administration determine what functions were demonstrably "core," thereby sufficient to override protesters' right to free expression? As students, faculty, and community members proceeded to stage the encampment, Kotz' letter attempted to provide a partial answer to this question. The Provost warned that a series of conduct regulations qualified students' right to free expression and dissent, such as the College's Usage of the Green Policy and the Overnight Use of Campus Grounds and Facilities Policy (Kotz, 2024). As the encampment persisted in the following hours, dozens of state troopers dressed in riot gear (Sharma, 2024) arrested over 80 of its participants (The Dartmouth Senior Staff, 2024).

This militarized response by the College constitutes a revealing test case for the scope and sanctity of the administration's "core functions." In effect, Dartmouth had determined that these functions—which at least included particular uses of the Green,² campus grounds, and campus facilities—trumped the competing imperative to protest the College's Israel-tied investments (The Dartmouth Senior Staff, 2024). While enforcing these policies were "core" to the College, protests calling for divestment from genocide (Amnesty International, 2024; Dartmouth Divest for Palestine, 2025) were not.

The tension between the FED policy's "prized" commitment to free expression and dissent and its "core functions" stipulation enforced by other conduct regulations necessitates a deeper historical understanding of these

² The Dartmouth Green is a grass-covered field at the center of the Dartmouth College campus.

policies' origins and developments. What catalyzed the creation of Dartmouth's FED policy and conduct regulations, including the aforementioned Usage of the Green policy that "prohibits...tents and encampments" (Kotz, 2024)? How has the College drawn the line between dissent as a "right" and dissent as interference with its core functions? While the ambiguous nature of Dartmouth's policy statements welcomes a range of interpretations, this essay offers a qualifying historical lens. I trace three pivotal periods of Dartmouth's FED and conduct-related policy development, marked by the George Wallace protests of 1963 and 1967, anti-ROTC protests in the late 1960s, and protests for divestment from South African apartheid in the 1980s at Dartmouth College.

These three periods of protest were deeply influenced by national debates over free speech on college campuses at the time. The Free Speech Movement (FSM) of the 1964–1965 academic year represented the first act of mass civil disobedience on college campuses, as civil rights organizers protested the University of California, Berkeley's sweeping "campus political advocacy" prohibition (Cohen, 1985, p. 17). The victories of the FSM freed up the restraints on student dissent born of the McCarthyism era, generating a national constituency around campus free speech by the mid-1960s' dawn (Cohen, 1985). At the same time, in response to the growing student-led antiwar movement, the Nixon administration released the 1970 *Report of the President's Commission on Campus Unrest*, which aggressively criminalized student activists as agents of "disorder" (Ferguson, 2017, p. 18; Scranton et al., 1970). The report's "law and order" rhetoric triggered the nationwide buildup of on-campus police departments, with the eerily familiar purpose of preventing "interference" to "rightful business" (Ferguson, 2017). The earlier Supreme Court cases *Blackwell v. Issaquena County Board of Education* (1965) and *Burnside v. Byars* (1966) set the prohibitive threshold of interference at "material disruption," but universities' subsequent applications "abandoned any effort" to define what "disruption" meant (Ross, 2015, p. 154).

The national context of this time reveals that policies prohibiting "disruption" and "interference" drew deeply unstable boundaries around free expression and dissent, inseparable from the politics of those who wrote them. Drawing upon archival and institutional material from the 1960s to present, I argue that Dartmouth's FED and conduct-related policies developed during this period not as an indiscriminate protection of the right to protest, but as a

counterinsurgent tool to legitimize the College's desired social order. The "[prized] and [defended] right" and the "core...functions" that constrain it are not oppositional but work in concert. While the former feigns benevolence by symbolically affirming students' right to free expression and dissent, the latter leverages the institution's disciplinary power to blunt dissent's sharp edges.

A Cause for Control: The Wallace Incident of 1967

The impetus for a formal FED policy arose not from Dartmouth's proclaimed mission to "[prize] and [defend] the right of free speech" (Trustees of Dartmouth College, n.d.), but as a risk-management tool in response to student-led civil disobedience on campus. In particular, it was students' intense opposition to the 1967 visit of George Wallace, a notoriously pro-segregationist presidential candidate, that triggered initial concerns over unconstrained free expression. Students had previously protested Wallace in an "orderly fashion" during his 1963 visit. Thus, Wallace's re-invitation to campus was a clear indication that their demands had not been heard (Thomas, 2019). Dartmouth's brazen negligence, fused with the growing momentum of the civil rights movement, prompted an escalated set of protest actions in 1967.

The atmosphere preceding Wallace's second visit was noticeably distinct. In preparation for Wallace's speech, the Dean ordered that campus police be stationed at every door of Webster Hall, and that approximately 36 town and state police remain on hand in case of "emergency" (Rauner Library Archives and Manuscripts, 1967). As Wallace rose to the podium, around ten protesters of the College's Afro-American Society (AAM) interrupted Wallace in unison each time he attempted to speak, and five other students unfurled anti-Wallace banners. According to Robert Bennett '96, an organizer of the protest and active member of the AAM:

Our agreed-upon objective was to create enough disruption and chaos during the speech to compel the national news media (which we knew would be at the speech) to report on our protest nationwide, so that Black people nationwide would know that we, too, were committed to the then fierce struggle being waged across America against the racism and fascism that George Wallace advocated. (Thomas, 2019)

Meanwhile, campus staff and police were ordered to obstruct the protesters, including the confiscation of student placards and restraint of hecklers (Bennett, 2021; Rauner Library Archives and Manuscripts, 1967). As the protest gained momentum amongst the general student body, dozens of students rushed towards Wallace down the center aisle of Webster Hall. Wallace fled the building into his car, and a crowd of protesting students swarmed the vehicle (Figure 1). It took a total of 15 minutes for Wallace and his bodyguards to maneuver away from the scene (Rauner Library Archives and Manuscripts, 1967; Thomas, 2019). Later that night, Dean Thaddeus Seymour privately apologized to Wallace for the students' "misguided, undemocratic... offense against academic freedom" (Office of Communications, 1955–1990). That the Dartmouth administration's conception of "academic freedom" included the freedom to advocate for racial segregation exposes how political their boundaries of "freedom" could be.

The College was at a loss, though, for how to administer punishment to its offenders. The event was, according to Dartmouth Vice President George R. Colton, the "first time Dartmouth has had such a disorder" (Rauner Library Archives and Manuscripts, 1967). Lacking a formal disciplinary procedure, the administration simply requested that the demonstration's "overt participants" step forward and accept a penalty of "conditional suspension" (Heitzman, 1967). Needless to say, these participants were not eager to answer the College's request. None turned themselves in (Japikse, 1967).

Two weeks later, on May 15, College President John Sloan Dickey summoned a private meeting of the faculty to discuss a resolution endorsing statements related to the "Wallace Incident." One of these statements read as follows:

Figure 1
George Wallace Incident, 1967



Note. Students surround the car of George Wallace (Foss, 1967).

5. that the line between acts of protest and threats of violence is so narrow, that guidelines need to be drawn up which will safeguard freedom of dissent without condoning the violation of public order nor suggesting that violence should not be held accountable; and that the Faculty Committee on Nominations this day be directed to convene an ad hoc committee as early as possible to prepare a report... on the rights and responsibilities of all those involved in campus demonstrations.... (Dean of the Faculty Records, 1958–1968)

The formal resolution was defeated by a voice vote; however, a week later, on May 22, the faculty agreed to establish the aforementioned ad hoc committee, named the Student-Faculty Dissent Committee (Dean of the Faculty Records, 1958–1968). The purpose of this committee would be to “[identify the] problems associated with freedom of speech and expression of dissent” and recommend appropriate “guidelines for conduct” (Dean of the Faculty Records, 1958–1968). Foreshadowing the language of the 1970 Nixon report, the committee framed protest as the source of the “problems” rather than the College’s invitation of a pro-segregationist speaker. Their recommendations, deemed by Dean Seymour “urgently needed” (Heitzman, 1967), would be due six months later at the end of the 1967 fall quarter (Dean of the Faculty Records, 1958–1968).

By the conclusion of the Wallace Incident, an FED policy had yet to be formulated. Nevertheless, Dartmouth’s response to its students’ protests foreshadowed many of the rhetorical tactics that would frame the FED policy’s development. The weaponization of “academic freedom” to protect those with power, the depoliticizing regulatory focus on “campus demonstrations” (rather than their causes), the unquestioned invocation of a “public order” to be safeguarded—all would be teased out in the following decades, as protests against the Vietnam War and South African apartheid soared powerfully across the nation.

Birth of the Dartmouth FED Policy: Anti-War Protests in the Late 1960s

As the student-faculty committee set out to develop appropriate policy recommendations, opposition to the U.S.’s involvement in the Vietnam War mounted on campus. In particular, students directed their opposition at the

Dartmouth College's Reserve Officers' Training Corps (ROTC) program, which, as phrased by antiwar students and faculty, constituted an institutional and material allegiance to the "life-destroying" Vietnam War (Dean of the Faculty Records, 1958–1968). By 1967, military recruiting visits were synonymous with days of protest, as demonstrators relentlessly picketed, petitioned, and held peace vigils for the antiwar cause (Office of Communications, 1969; Singler, 1968). The presence of these protests was visible and impactful (Figure 2). As Dean Seymour recalled in a 2015 oral history interview, "being scared to death all the time about riots and building occupations and Armed Forces Day...became...a fact of life" (Seymour, 2015, p. 34).

Debates over the desirability of the ROTC triggered scrutiny over the core functions of the College. For example, Peter C. Sorlien '71, an ROTC resignee who joined the antiwar cause, called the program "totally antithetical to everything Dartmouth stands for,... namely, academic freedom, freedom of speech, and individual responsibility" (Thegze, 1968). Meanwhile, the Executive

Committee of the Faculty refused a public stance on the issue, arguing that the function of the "corporate faculty" was "educational..., not political" (Dean of the Faculty Records, 1958–1968). Dissenting from this decision included Professor John W. Lamperti, who argued that the ROTC program was necessarily political; the College was "[enlisting itself]...as a partizan [sic] on one side of the conflict" (Dean of the Faculty Records, 1958–1968).

Did the College's core functions include preserving or foreclosing the presence of the ROTC? What qualified as an activity that was "educational" versus "political"? It is difficult to take the Executive Committee's claims to neutrality as commitments in good faith. In the 1960s, university administrators and faculty bore a clear financial and political interest in preserving the ROTC. The program appeased a staunchly pro-ROTC cohort of influential alumni,

Figure 2
ROTC Protests, 1968



Note. Dartmouth students protest ROTC members (Bouchard, 1968).

trustees, and state legislators, while strengthening the university's rapport with the military, a source of lucrative research contracts (Neiberg, 2001). The ROTC question invariably entailed non-neutral determinations of the College's priorities, which bore significant stakes for forthcoming developments of the FED.

It was amidst these debates that, in December 1967, the Student-Faculty Dissent Committee released its long-awaited report: "Guidelines for Dissent." After an introductory paragraph affirming Dartmouth's belief that "academic freedom [could] best be guarded by the college itself," the guidelines proceeded with section one (irrelevant sections omitted):

I. Speakers:

1. ...
2. There shall be no prior limitation or restraint upon the speakers who may be invited to campus, or upon the views they may express.
3. The responsibilities of the host individual or group include the following:
 - a. ...
 - b. Assuring public order will be maintained, including, if necessary, obtaining police protection;
 - c. Ensuring that the speaker will be permitted to express his views in an orderly fashion, including, if necessary, requesting police officers... (Office of Communications, 1955–1990)

Returning to the committee's original trigger—the Wallace Incident six months earlier—the committee's "findings" appeared to rebut the demonstrators' actions play-by-play, retroactively justifying the deployment of a police force to protect visiting "speakers" from disruption. Beneath the abstractions of its bureaucratic language, the College effectively sided with George Wallace's right to voice his pro-segregationist opinions, while constraining protesters' expressions of dissent to the boundaries of "public order."

Subsequently, the section offered "appropriate" forms of free expression and dissent for its faculty and students:

4. All members of the Dartmouth community have rights and responsibilities...
 - a. Those who may object to a speaker...may express their views...by means of discussion or statements following the speech, by distributing leaflets, or by non-disruptive protest. (See section on Written Expressions of Dissent, concerning leaflets.)
 - b. In an academic community, the most effective method of rebuttal to a controversial point of view is the presentation of competing viewpoints through other scheduled meetings or discussions. (Office of Communications, 1955–1990)

While there was “no prior limitation” imposed on “speakers” invited to campus, there were numerous limitations on *speaking* by demonstrators. In other words, the permissibility of “free” expression and dissent was circumscribed by its degree of institutional endorsement, begging the invariably political question of who the College’s podium chose to feature.

The subsequent recommendations offered by the College provided no further resolution. These encouraged protest only insofar as dissenters were separated from the object of their dissent; disagreement should only occur in “other...meetings” or “following the speech.” This was the purportedly “most effective” method of rebuttal, yet when the AAm protested outside the auditorium in 1963, they were confronted with nothing more than Wallace’s subsequent re-invitation (Thomas, 2019).

Six sections later, after concordant guidelines for other mediums of expressing dissent, the committee authored one of the most pivotal texts in Dartmouth’s history of FED policy development: “VII. Interviewing and Recruiting.”³ It is through this section that the College wrote the language that would be reused and recycled for the subsequent decades of FED policy enforcement. The relevant portion of the section reads:

Dartmouth College prizes and defends the right of free speech, and the freedom of the individual to make his own decisions, while at the same time recognizing that such freedom exists in the context of law of

³ “Interviewing and Recruiting” refers to on-campus interviewing and recruiting by the representatives of the U.S. military.

responsibility for one's actions. The exercise of these rights must not deny the same rights to any other individual. The College therefore both fosters and protects the rights of individuals to express their dissent against representatives of controversial ideas or policies. Protest or demonstration shall not be discouraged, so long as neither force nor the threat of force is used to restrain an interviewer or any person desiring access to him, and so long as the orderly processes of the College are not deliberately obstructed. (Dean of the Faculty Records, 1958–1968)

The College, departing from its traditional practice of neutrality, specifies the “interviewer”⁴ as the object of protection, and “protest” as the proximate threat to the College’s “orderly processes.” This frame, while couched in bureaucratically mundane language, was political. An alternative frame could have been, say, “Because military recruiters have brought disorder to Dartmouth’s campus, protest is necessary to restore the orderly processes of the college.” Nevertheless, the College chose to embody the subjecthood of the interviewer, enshrining the military mission in Dartmouth’s “academic” commitment to “prize and defend free speech.”

Eerily, the exact wording of the College’s 1968 recommendation deviates only slightly from the College’s present-day FED policy statement:⁵

Freedom of expression and dissent is protected by Dartmouth regulations. Dartmouth prizes and defends the right of free speech and the freedom of the individual to make their own disclosures, while at the same time recognizing that such freedom exists in the context of the law and in responsibility for one's own actions. The exercise of these rights must not deny the same rights to any other individual. The institution therefore both fosters and protects the rights of individuals to express dissent.

Protest or demonstration shall not be discouraged so long as neither force nor the threat of force is used, and so long as the orderly processes of the institution are not deliberately obstructed. Membership in the Dartmouth community carries with it, as a necessary condition, the agreement to honor and abide by this policy. (Trustees of Dartmouth College, n.d.)

⁴ An umbrella term that included military recruiters.

⁵ As of June 2024.

Written exchanges between the Policy Advisory Committee and President reveal that in the spring of 1968, the policy writers simply hand-crossed out the phrases “against representatives...” and “to restrain an interviewer...” (along with miscellaneous changes to verbiage and syntax) to formulate the College’s overarching FED policy (Office of Communications, 1955–1990). That only a few technical alterations were necessary to convert the institution from a protector of military recruitment to a protector of “[members] in the Dartmouth community” raises foreboding questions surrounding what the College believed “community” was. These questions would be continually unpackaged, obscured, and reopened into the next decade, as the College confronted an unrelenting, student-led anti-war movement.

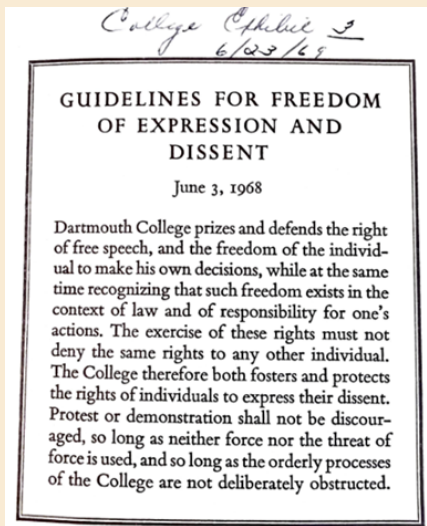
On June 3, 1968, the Freedom of Expression and Dissent policy was formally adopted by the Board of Trustees (Dean of the Faculty Records, 1958–

1968), promulgated in the following academic year’s student handbook as an enforceable “regulation” rather than “guideline” (Committee Advisory to the President [CAP], 1966–1970; Trustees of Dartmouth College, 1968–1969; Figure 3).

Up to the end of the 1968 academic year, internal administrative meetings had dedicated minimal airtime to considering the substantive demands of student activists. The College had occupied itself with discussing *how* students protested the ROTC, while losing sight of *why* the students demonstrated with such fervor. The January 1968 Tet Offensive issued over 12,000 casualties to U.S. and South Vietnamese troops and civilians, with tens of thousands to follow in

Figure 3

Guidelines for Freedom of Expression and Dissent, 1968



Note. First student handbook (1968–1969) to include guidelines for the freedom of expression and dissent (Trustees of Dartmouth College, 1968–1969).

the subsequent six months (Encyclopedia Britannica, 2025; Tucker et al., 2011). As U.S. troop and casualty levels approached the Vietnam War's peak (Tucker et al., 2011), students observed how Dartmouth's ROTC participants became frequent candidates for deployment. The war converted the ROTC into a matter of life or death, unifying anti-ROTC, antiwar, and anti-draft movements towards an urgent call for the ROTC's immediate abolition (Betzer et al., 2023; Seymour, 2015). Still, the disorder caused by the ROTC program had fallen to the administration's wayside, not in the least incompatible with Dartmouth's "public order."

The "public order"—a phrase enduring from the 1967 guidelines to Dartmouth's 2024 FED language—unleashes another central question surrounding Dartmouth's FED policy enforcement: what constitutes the administration's invocation of "order" versus disruption? While the College sought to cling onto the term's discretionary flexibility, the next year of anti-ROTC demonstrations would pull back the curtains, forcing institutional specifications of what exactly "order" meant.

Boredom as a Tactic: Administrative Slog in Response to Free Expression

Throughout 1968, the administration expended substantial resources to ensure the compliance of anti-ROTC demonstrations with FED guidelines. Most significantly, in anticipation of protests against the Armed Forces Day ceremony on May 15, the College formed an ad hoc student-faculty committee to mediate demonstrations on site, announced to students that "campus police [would] be present," and preached that "a "personal commitment for...any particular issue [would] not abrogate one's responsibility to abide by the common restraints inherent in social order" (Dean of the Faculty Records, 1958–1968).

Despite the College's steadfast commitment to the right to free expression, Dartmouth would spend the following year disregarding the demands of its FED-abiding students. On October 31, 1968, an ad hoc subcommittee of the Committee on Organization and Policy (COP)—formed on May 9 to "study ROTC questions"—returned to the Executive Committee of the Faculty with the following findings:

1. ROTC considered an *important* and *justifiable* source of officer procurement for the services.

2. As a *method of recruiting*, ROTC not compatible with the purposes of liberal education at Dartmouth nor with the responsibilities of higher learning in a democratic society.
3. Questioned the presence of military units as academic departments granting degree credits for courses and the appointment of officers as members of the faculty.
4. Urged that ROTC be changed to *extra-curricular status* over a period of three years.
5. Because such a relationship was not permitted by law, urged that Dartmouth collaborate with other institutions to *work with the Defense Department* toward a change in regulation making extracurricular ROTC permissible.
6. Meanwhile, recommended that degree credits be given only to two ROTC courses per student and faculty status be limited only to the commanding officer of each ROTC unit during the three-year period proposed for negotiation.
7. Recommended an ad hoc committee to be formed to implement the recommendations. (Office of Communications, 1969, emphasis added by author)

By opposing the ROTC's recruiting function but affirming its fundamental militaristic mission, the report decoupled students' anti-recruiter demonstrations from their broader ideological opposition to the ROTC as an immoral, war-embracing program. Rather than heeding to student demands for complete abolition, the report called for the ROTC's shift to extracurricular status. This shift would generate justification for renewed relationships with the Department of Defense (DOD)—now tactfully distanced from the College's "liberal education" mission.

Months of student protest followed the COP report, including continued attempts to physically block visiting military recruiters, mass refusals to register for the 1969 winter term, and speeches for abolition at open faculty meeting sessions (Office of Communications, 1969; Figure 4). At the same time, antiwar faculty members voiced their dissent in internal faculty debates. In a written letter read to the Executive Committee on November 26, 1968, Professor of History and Chinese Jonathan Mirsky mocked the report as a call "[to] get rid of the ROTC, but not quite!" (CAP, 1966–1970). Mirsky questioned the extensive

lengths the College took to preserve the scraps of the ROTC program, including developing a relationship with the ROTC currently “not permitted by law.” He continued:

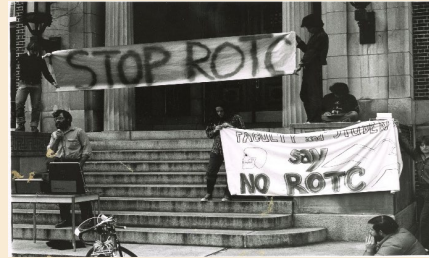
[The] Army wants...to assist in deforming, bending, and twisting young men until they are willing to commit acts unnatural to their inclinations and upbringing. Where then is “defense”? Where lie “the needs of our society”? How can we not “make judgements”? (CAP, 1966–1970)

Meanwhile, the COP’s recommendations squeezed through the cogs of the administration’s slow-moving bureaucratic structure. One month after the report’s release, on December 2, 1968, the Executive Committee recommended the formation of an ad hoc committee on ROTC affairs to enact its findings. Subsequent faculty meetings deferred further action until almost two months later, when on January 31, 1969, the faculty rejected a watershed motion to “end [the] ROTC as soon as possible” but voted to form the Committee on ROTC affairs to, once again, “study the issue.” Finally, after forty days of deliberation, on March 10, the Committee on ROTC affairs released its culminating statement, calling for the “gradual reduction of ROTC course credits” until their complete elimination by 1972 and the transfer of “all military instruction to summer camps” (Ad Hoc Committee on ROTC, 1969–1975; CAP, 1966–1970). In other words, half a year after the COP’s initial report, the College managed to develop a mere reiteration of its 1968 rendition, depoliticizing the ROTC as an issue of invalid course credit.

It was against this unsatisfying deliberative backdrop that student activists chose to escalate their methods of anti-ROTC protest. At every turn, the College had converted student dissent into motions for delegation and deferral—subcommittee after subcommittee, study after study—all while refusing to even discuss immediate ROTC abolition. As abolitionist Dylan

Figure 4

Anti-ROTC protest on the steps of Parkhurst Hall



Note. Banners expressing student-faculty opposition to the ROTC (Dartmouth Library, 2017).

Rodriguez keenly commented at a 2024 teach-in, “boredom is a tactic.... They get paid to negotiate, we don’t” (D. Rodriguez, personal communication, May 24, 2024).

But if the administration’s aim was to trap student momentum in the unsexy entanglements of bureaucratic procedure, their months-long neglect for student demands achieved the exact opposite. An April 7 student-led forum featured widespread criticism of the committee’s resolution, which had failed to acknowledge the “political issue” of the ROTC’s complicity in the Vietnam War (CAP, 1966–1970). Six days later, on April 13, 1969, the Students for a Democratic Society (SDS) announced their intentions to conduct a sit-in at Dartmouth’s Parkhurst Hall on April 22 to increase pressure on the College for the complete, immediate termination of the ROTC program (Office of Communications, 1969).

FED as Riot Control: The 1969 Parkhurst Uprisings

In response to the SDS’ announcement, the Executive Committee of the Faculty convened to discuss potential tactics for “[maintaining] the planned demonstration...within the boundary of the guidelines on dissent and to otherwise maintain order” (Dean of the Faculty Records, 1958–1968). At this juncture, the faculty consulted the Committee on Freedom of Expression and Dissent (CFED) for guidance, which had incubated alongside the FED policy to “help in the communication and interpretation of this policy” (Dean of the Faculty Records, 1958–1968). Within four days, the CFED returned to the Executive Committee with a written memorandum of FED policy clarifications, who promptly disseminated the memorandum to the Dartmouth community thereafter (Faculty Executive Committee, 1968–1970). The memorandum formalized two updates to the permissibility of “non-obstructive sit-ins”: they should not prevent “a clear passage into and to any part of the building” nor interfere with the “normal activities or movements in a building” (Office of Communications, 1955–1990). To minimize room for misinterpretation of these clarifications during the April 22 sit-in, the Committee on Dissent⁶ moved to station a small group of its members on-site to make “spot interpretations of

⁶ A larger student-faculty committee formed in the fall of 1967 (Dean of the Faculty Records, 1958–1968).

guidelines where necessary” (Office of Communications, 1969). In contrast to the years-long deferral of action on the anti-ROTC protesters’ demands, the College had managed to respond to the SDS’ announcement unprecedentedly expeditiously. The robust policy and administrative infrastructure that enabled this response reveals how their slow-moving procession of calls for ROTC abolition was a choice, not a procedural obligation.

Amidst this series of policy updates, the Committee on ROTC Affairs took a drastic step backwards in negotiations to phase-out the ROTC. In an open hearing on April 17, the committee clarified that they had called for an “end (by 1972) to all military training on campus but *did not intend to phase out ROTC*” (CAP, 1966–1970, emphasis added by author). This sudden and arbitrary distortion of the committee’s March affirmation of the “gradual reduction of ROTC course credits” only further emboldened the SDS as they planned the forthcoming sit-in.

On April 22, as promised, the SDS led a three-hour sit-in on Parkhurst Lawn, protesting the College’s refusal to dissolve the ROTC program. The sit-in was appropriately “non-obstructive” as delineated by the College’s newly brandished guidelines. However, during the sit-in, the SDS published another statement directed towards the administration: “[If]... demands are not met by...Monday April 28, 1969, we shall return to Parkhurst Hall... to engage in an act of civil disobedience” (CAP, 1966–1970).

Swiftly after receiving the SDS’ statement, the President convened an “emergency” faculty meeting to cement the FED policy as a “civilized and responsible statement of ‘how to play the game’” (CAP, 1966–1970). That the College considered the students’ revolutionary cause a “game” (a playful activity amongst opponents), offers a useful frame for understanding its responses to the following weeks of protests.

Throughout the next month, the College commenced a series of policy revisions that would expand the FED’s enforceability and reach. First, based on the April 18 “experience” of the committee members sent to “interpret” the permissibility of the sit-in, the Committee on Dissent determined that the FED guidelines should be further clarified to prohibit “unauthorized entry into, or occupation of, a private office” (Office of Communications, 1955–1990). At the same time, the faculty published a resolution to all undergraduates of the following: “While the faculty is sensitive to...the College’s place in society, it is

clear that the interests of the College as a whole are best met through *orderly processes*, no matter how cumbersome and inefficient they may appear to be” (CAP, 1966–1970, emphasis added by author). The College and its faculty had, once again, upheld the sanctity of its “orderly processes” while debasing students’ political, anti-war praxis into a mere impatience for the “cumbersome” work of administrative deliberation. It is with the institutional memory of 1968, though, that we might come to understand administrative inaction as more than just “cumbersome.”

As the cherry on top to this FED renovation, on April 26, President Dickey commenced communications with a local judge to render the policy enforceable by law. As reported by the Committee Advisory to the President (1966–1970), Dickey requested that the court “make its rules the rule of the land” such that the College could issue an injunction against the next “invasion [of Parkhurst].” The judge informed the President and faculty that the institution could request a restraining order upon valid grounds, which would enable an individual’s arrest and a court hearing “if compliance does not result.” The President was enthusiastic to receive such information. “If it had been available” to him during the earlier April 22 sit-in, he mourned, he would have initiated a restraining order (CAP, 1966–1970). However, when Dickey requested the faculty’s endorsement—such that the College could feign a “positive posture” towards its students—the faculty expressed strong opposition and voted down the relevant motion. After rounds of bureaucratic back-and-forth, though, the faculty’s dissent was transmogrified into the following resolution: “The Faculty of Dartmouth College expresses its confidence in...the President...to preserve its institution as a place for free and open discussion...committed to orderly processes” (CAP, 1966–1970).

What was said of the ROTC during this time? Two weeks after the sit-in, in accordance with the results of a student referendum on the desirability of the program, the Committee on ROTC Affairs released a new set of recommendations. The May 2 report conceded the termination of all ROTC units by June 1973, but recommended renewed “relationships with the DOD” to convert the ROTC into a “peacekeeping program” (CAP, 1966–1970; Dean of the College, 1972–1986). While this revised report partially appeased students’ anger at the committee’s reversal of ROTC phase-out, the four-year plan did little to address the SDS’ call for immediate abolition. According to the SDS, the

difference between phased and immediate abolition was existentially stark: 1973 meant four more years of enabling slaughter in Vietnam, and four more years of risking the lives of fellow Dartmouth students (Office of Communications, 1969).

Alongside these recommendations, the report revealed for the first time since the start of ROTC protests that there were no legal obstacles to the termination of the ROTC by June 1970. This pivotal finding, inconveniently released after the referendum, nullified one of the primary speculative concerns regarding immediate abolition: that the College could not legally interfere with the contracts of existing ROTC students. A massive student-led campaign picked up in the following weekend, collecting over nine hundred signatures in support of a 1970 deadline for termination (CAP, 1966–1970). Nevertheless, a faculty meeting on May 5 reaffirmed the committee’s original decision, voting down 1970, 1971, and 1972 propositions (CAP, 1966–1970).

On May 6, in response to the “complete inadequacy of the faculty action,” around 80 students united to orchestrate the 1969 Parkhurst Hall Occupation (Figure 5). As the group filed into Parkhurst Hall, leaders announced into a bull horn that “all college personnel inside the building were to leave immediately” (CAP, 1966–1970). One of these hailed upon personnel was Dean Seymour, who exited his office and defiantly announced that the protesters were “in violation of the College Policy on freedom of expression and dissent” (including the now convenient clause that prohibited interference with a building’s “normal...activities”) (CAP, 1966–1970). The SDS proceeded with the sit-in regardless, and within 45 minutes, all personnel inside Parkhurst were ushered outside the building (CAP, 1966–1970). According to Jeff Eagan ‘70, a member of the SDS, this eviction was done so “in a nonviolent way, despite the dean’s efforts [Dean

Figure 5
Parkhurst Hall Seizure, 1969



Note. Participants of the 1969 Parkhurst Hall Occupation hold up peace signs against the Vietnam War (Keral, 1969a).

Carroll W. Brewster] to portray himself as somehow being violently pushed by students” (Eagan, 2017).

A few hours later, as rehearsed, the College obtained an injunction from the Grafton County Superior Court against its students, which restated the guidelines for non-obstructive sit-ins of Dartmouth’s freshly updated policy (CAP, 1966–1970). Following students’ refusal to remove themselves from Parkhurst, nearly 90 riot-equipped New Hampshire and Vermont State police descended upon the occupiers. Protesters were sprayed with mace, violently removed from the building, and promptly arrested (CAP, 1966–1970; Miller et al., 2024; Figure 6).

In the aftermath of the Parkhurst Hall Occupation, 56 students received thirty-day sentences to jail time, while two faculty members, Professors Dona Strauss and Paul Knapp, faced two-year suspensions. The charges against these students did not in the least contain accusations of inflicted violence; they merely cited “contempt of court” for initially resisting the President’s FED injunction (CAP, 1966–1970; Miller et al., 2024). Further, while Professors Strauss and Knapp were

not held liable to the Grafton County injunction, having “left Parkhurst before the forcible eviction of its occupiers,” the College charged them internally with violating the “unwritten principle of academic freedom” (CAP, 1966–1970). When a crowd of 800 protesters interrogated Dean Seymour on this subject, the Dean merely recited to his students an all-too-familiar mantra: “this college will continue to remain loyal to order” (CAP, 1966–1970). The arbitrary, “unwritten” nature of these charges debunks the College’s claim to have prioritized “safety” above all. Instead, the institution committed an act of defensive retaliation, as the mere presence of uncompromising student and faculty demonstrators threatened its monopoly over permissible free expression. As best

Figure 6

Parkhurst Hall Seizure Arrests, 1969



Note. Student upholds peace sign as they are arrested by the police during the Parkhurst Hall Occupation (Keral, 1969b).

contextualized by class of 1971 anti-war activist David Aylward, “[The president and governor] were so offended, morally...by that behavior.... [The charge] was the biggest sham job legally” (Aylward, 2020).

While the 1960s student-led Free Speech Movement invoked the first amendment as the protector of civil disobedience across public institutions of higher education, the university sought to build its own vocabulary surrounding free expression and dissent. From protecting military recruiters to criminalizing “contempt,” the FED policy was warped and twisted to counter student movements at every site of protest.

So, what say Dartmouth College about the meaning of “public order”? As anti-war and anti-segregationist movements probed the institution’s politics, the administration was forced to reveal that the “public order” was a messy concept. Interpretable on-site, contested by its students, and built to enable suppressive responses to protest, the historical instability of the College’s “orderly processes” should draw scrutiny towards their valorization in the present political environment.

Resolving the FED Legitimacy Crisis: The Obfuscation of Disciplinary Power

Two decades later, as the oppressive conditions of South African apartheid came to the forefront of political consciousness, students voiced immense criticism of Dartmouth’s apartheid-dipped financial investments. At the climax of their protests, on November 15, 1985, a coalition of 30–50 students, faculty, and townspeople erected two shanties on the Green to illustrate the living conditions of Black South Africans and demand immediate divestment from apartheid-complicit corporations (Office of Communications, 1970–1990).

On November 17, Dean Edward Shanahan wrote a private letter to the group, now known as the Dartmouth Committee on Divestment (DCD), assuring the DCD that the Board of Trustees was “cognizant of [their] protest” and “[shared their] deep concern.” However, “[the DCD would] receive no specific response from the Trustees” and should remove the shanties by the end of the day, lest they be eliminated by the College (Office of Communications, 1970–1990). Unaltered by this threat, the DCD added two more shanties to the Green in the following days, and 90 faculty members signed a statement of

solidarity (Office of the President, 1985–1986; Figure 7).

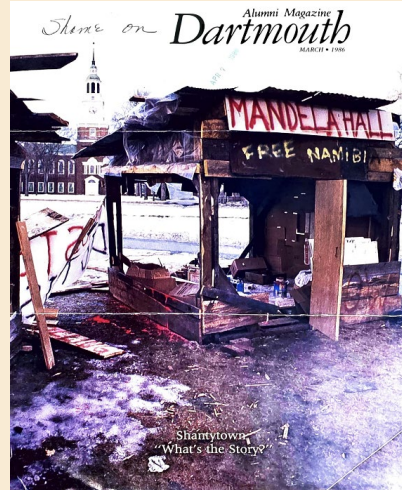
Following this response, the administration appeared to reverse their position on the DCD's protest. Four days later, on November 21, President David McLaughlin issued a statement that while "[he] would prefer that the structures not be on the Green,... [as] long as [the shantytown] is maintained as a center of honest dialogue, then [the community] should, if not encouraging them, at least be participating in the spirit of their activities" (Office of Communications, 1970–1990). The President's endorsement of the shanties was, at least, a positive deviation from the administration's historical disapproval of "obstructive" forms of protest.

At the same time, though, behind the scenes, his disdain for their location on the Green manifested in far more than a mere "preference." Earlier that month, the President had privately requested that the College develop a policy regarding "the use of College property for the purpose of demonstrations." As a result, the administration set to work in formulating a policy that granted the College, as described by Dean Shanahan, the "type of control [it was] looking for" (Dean of the College, 1985–1986b).

As the College's policy rearticulations churned in the background, intra-student tensions produced an FED legitimacy crisis. On Martin Luther King Jr. Day of January 21, 1986, 17 students approached the Green with sledgehammers and destroyed three of the four shanties (the fourth spared only because it was occupied with two sleeping students). Referring to themselves as the "Committee to Beautify the Green Before Winter Carnival," the goal of these students was to restore the "pride and sparkle of the college [they loved]" (Hornblower, 1986). Of course, this unprecedentedly violent assault on a

Figure 7

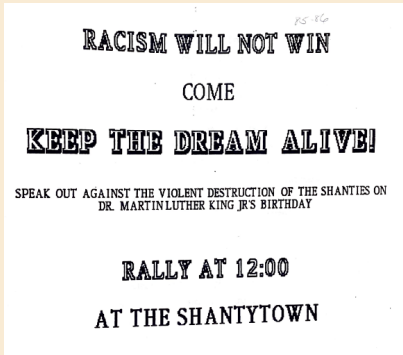
"Shantytown, 'What's the Story?'"



Note. Shantytown by the DCD on the cover of the March 1986 issue of the Dartmouth Alumni Magazine (Office of the President, 1985–1986).

Figure 8

Rally Flyer for the Shantytowns, 1986



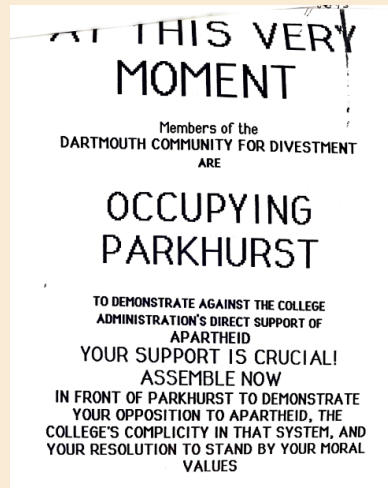
Note: Flyer for impromptu rally in reaction the January 21 attack on the shantytowns (Office of the President, 1985-1986).

The College's insensitive reticence to condemn the shantytown attackers contrasted its eagerness to vilify the Wallace protesters of 1967 as "misguided" and "undemocratic." With the history of FED policy enforcement in mind, the destruction of the shantytown could surely have been considered a rules violation by the Dean. The College had affirmed the shantytown as an "encouraged" form of free expression, and the use of sledgehammers was certainly more violent than the students' heckling in 1967. On January 22, the day after the Dean's response, over 200 students conducted a Parkhurst Hall sit-in to express their dissatisfaction (Figure 9). The students' demands were two-fold: that the 17 students be immediately suspended and that the College hold a

College-endorsed structure drew mass outrage from the student body and surrounding community. In an impromptu rally only nine hours later, up to 350 people gathered on the Green to condemn the act as "racist, and offensive to the entire community" (Office of Communications, 1970-1990; Figure 8). Meanwhile, the Dean conveyed the College's "grave concern" over the act, but announced that there remained "no decision about whether the students would be disciplined" (Office of the President, 1985-1986).

Figure 9

Parkhurst Sit-In, January 22, 1986



Note: Flyer for the January 22 Parkhurst sit-in in reaction to the January 21 attack on the shantytown (Office of the President, 1985-1986).

moratorium on classes to reflect on the event (Office of the President, 1985–1986). Finally, the College surrendered to a partial compromise with the students’ demands. While the College could not guarantee immediate suspension, the Committee on Standards (COS) would hold a hearing for the shantytown attackers in accordance with due process. The College warned, though, that the students conducting the January 22 sit-in may have made themselves similarly eligible for suspension. The sit-in extended overnight to January 23, until the faculty held an emergency meeting to receive the students second demand: a class moratorium. Finally, the protesters vacated the building and gathered in self-organized committees to plan their next course of action (Office of Communications, 1970–1990; Office of the President, 1985–1986).

Over the course of the next four months, the COS issued a series of rulings that generated a “perception on part of many that the College’s disciplinary system dispenses justice with an uneven hand,” as observed by McLaughlin (Office of the President, 1985–1986). First, 121 of the students involved in the January 22 sit-in were found guilty of “violating the College’s orderly processes” and given reprimands⁷ by the Dean’s office. Later, when 22 students occupied the Baker Library bell tower to continue their push for divestment, all but one were charged with an FED policy violation, which brought withholden diplomas for one year and \$100 fines (Office of the President, 1985–1986). Meanwhile, the highly anticipated ruling for the shantytown-attacking students resulted in suspensions of less than two terms, “softened” relative to the standard penalty due to the “significant hardship as a result of national publicity surrounding the incident” (Office of Communications, 1970–1990; Office of the President, 1985–1986).

The College’s inconsistent enforcement of the FED policy drew criticism from both anti- and pro- shantytown constituents, as each side argued that the College had insufficiently imposed charges upon the other (Office of the President, 1985–1986). The irony that the students’ sit-in violated “orderly processes” when they were demanding that the College apply its “orderly process” of discipline to the shantytown attackers was not lost on the campus. At the same time, the College’s decision to “soften” penalties for the shantytown

⁷ A written notice to a student for a “more serious” violation of the Standards of Conduct, which is not recorded on the transcript but may be considered in any future disciplinary proceedings (Committee on Standards, 2021).

attackers followed unprecedented and unwritten principles of evaluation. The Parkhurst Occupation of 1969 certainly also received national attention (Special to *The New York Times*, 1969), yet no discussion of amnesty for its participants ever came to fore. The two-day-long moratorium that followed dramatized the issue, as students and faculty spent hours discussing the question: “What constitutes an appropriate expression of dissent?” (Jones Media Center, 1986a).

It was in the midst of this FED legitimacy crisis that, in March 1986, the College bombarded the student body with a new web of academic regulations under the College’s Standards of Conduct. These regulations restated the FED policy guidelines almost verbatim. The central clause, titled “Disruption of the Orderly Processes of the College,” parroted the 1969 FED clarifications, prohibiting “unauthorized entry into, or occupation of a private office [or] work area...” (Trustees of Dartmouth College, 1986–1987; Trustees of Dartmouth College, 1987–1988). The FED policy itself, meanwhile, was stripped bare of its 1969 clarifications and reverted to its 1968 two-paragraph form. As explained by Assistant College Counsel Sean M. Gorman in an internal memo, the purpose of these developments was to “make clear that a disruptive student [was] violating the Code of Conduct, not the Principle of Freedom of Expression and Dissent” (Dean of the College, 1987–1988). Exactly why the administration initiated this regulatory relocation is unclear, but we might infer its relevance to the intense politicization of FED preceding the College’s announcement. By decoupling the requirements of “conduct” from the guidelines to FED, the College might police students’ methods of protest without tainting its “prized” commitment to free expression and dissent.

In addition to the Standards of Conduct, the College proliferated a slew of other regulations that obscured the FED’s disciplinary power. The “Events Planning and Facilities Use” section was amended to mandate permit applications for any outside activity in Hanover “anticipated to attract 50+ people.” Further, for unaffiliated organizations, there could be “no signs, banners, posters, handouts, sound speakers, or other materials relating to the event...placed on College property...” (Trustees of Dartmouth College, 1986–1987; Trustees of Dartmouth College, 1987–1988). Most critically, it was at this time that the administration fulfilled President McLaughlin’s request to regulate the “use of College property for the purpose of demonstrations.” In 1986, the College promulgated the Usage of the Green policy, which prohibited

"[temporary] structures," on the Green, "including tents" (Dean of the College, 1985–1986b).

These regulations were rhetorically abstract—no "interviewer," no "protest"—yet each new specification seemed to target the tactics and principles embraced by the past decades of free expression. Furthermore, as protest-pertinent restrictions proliferated across clauses, it became just as likely a protester was violating policy as an act of civil disobedience as it was that they had done so by accident. In effect, the College had laid out a network of regulatory tripwires, capable of "rationally" funneling protesters from dissent into discipline. In a private letter to Dean Shanahan, Dartmouth's legal counsel Cary Clark described the schema best:

While "disruption of the orderly processes of the College" may be the most likely violation to result from protest activity, it may not be the only one. Among those that could well be triggered are "disorderly conduct," "display of objects from College buildings...", "harassment, violence" etc., "projectiles" and—lest we forget—"use of the College Green and College Grounds!" (Dean of the College, 1987–1988)

Alongside the creation of the Code of Conduct, the College developed a robust infrastructure of protocols to enforce it. On May 19, 1986, in a letter to the Board of Trustees, Dean Shanahan outlined the administration's elaborately developed "readiness profile" for "managing" "disruptive demonstrations." The report began with a section titled "Distant Early Warning," which affirmed that all staff had been trained to remain "vigilant" for "indices of trouble." These included "congregations of small groups of students during the late night hours in closed meetings, posters on campus, [and]...various kinds of 'preparations' for events." The following section, titled "Bases for Action," reassured the Trustees that they had "systematically tidied up...written policies," including the expansion of the Code of Conduct and the production of a distributable version of the FED (Dean of the College, 1985–1986a; Figure 10).

Upon violations of these policies, the report discussed, the College would "mobilize" all of the preparations necessary for implementation, including contacting at least the College President, town police, College Proctor, Dean of the College, College Counsel, the COP, and the Director of News Service. The Director of News Service in particular was responsible for "[managing] members of the media" to prevent the "escalation" of the

demonstration (Dean of the College, 1985–1986a).

This report, couched in profuse military rhetoric (“readiness,” “early warning,” “bases,” “mobilization,” “escalation”) provides an apt summary of the culminating product of the FED policy after decades of its refinement. Along with relevant conduct regulations, the FED policy generated not only the legal foundations for regulating protest but also the ideological and material infrastructure

necessary to naturalize it. Regulations were fruitless without the means to enforce them; so came the unending stream of personnel contacts, trainings, committees, surveillance tactics, and protocols—which were also long-term relationships, paid work contracts, technological and financial investments, and codified documents. All greased the wheels for Dartmouth’s decades-long “public order” mission, though simultaneously challenged by students’ relentless demands to change it.

Policies as Politics

Given the historical lineage of the FED and conduct policies’ development, it’s no coincidence that meaningful protest today triggers a slew of policy violations. First codified to defend the pro-segregationist views George Wallace, now invoked to protect Dartmouth’s Israel-tied financial investments, the FED policy and other disciplinary levers persist to enforce the “public order” deemed sacrosanct by the College. At the same time, by symbolically “prizing” the freedom of expression and dissent and claiming “pride” for the “nonviolent resistance...at [their] institution” (The Dartmouth Senior Staff, 2024), the College deflects scrutiny over their capital and political allegiances.

Figure 10

Freedom of Expression and Dissent Flyer

"Freedom of expression and dissent is protected by College regulations. Dartmouth College prizes and defends the right of free speech and the freedom of the individual to make his or her own disclosures, while at the same time recognizing that such freedom exists in the context of the law and of responsibility for one's actions. The exercise of these rights must not deny the same rights to any other individual. The College therefore both fosters and protects the rights of individuals to express dissent.

"Protest or demonstration shall not be discouraged so long as neither force nor the threat of force is used, and so long as the orderly processes of the College are not deliberately obstructed..."

(Statement on Freedom of Expression and Dissent, p iii, Student Handbook).

**Failure to do so could result in
College discipline and/or arrest.**

Note. Distributable version of the FED policy included in Dean Shanahan’s “Demonstration Protocols” report to the Board of Trustees (Dean of the College, 1985–1986).

The archival account reveals that Dartmouth's FED stipulations and conduct regulations are political choices rather than neutral indicators of permissible behavior. These policies were crafted in real-time to restrict undesirable protest, an ever-evolving substitute for receiving criticism of the College's "core functions." Today, colleges across the nation continue to "play the game," as students' pro-Palestine encampments prompt mass revisions to free speech rules (The Associated Press, 2024). While Dartmouth has not divested from U.S. weapons manufacturers tied to the genocide in Israel, the College has commenced a "Freedom of Expression Advisory Program" to "respond as needed to events on campus" (Azrin, 2024). As the next wave of policy reforms sweeps higher education, a vigilant focus on systemic transformation remains ever so important. As incisively stated by one member of the DCD at the 1986 campus-wide moratorium,

Organization is necessary, but let's not organize an elite to fight racism and oppression. Let's not committicize this thing. President McLaughlin talked about the need for "institutionalized" change. I think that should be changed: we have the need for "institutional" change, not institutionalized change. (Jones Media Center, 1986b)

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