

Campus Activism and Foreign Students

by Eugene H. Smith

"It is my strong feeling that the university should unhesitatingly and actively encourage its foreign students to participate as they wish in all forms of lawful political, social, and university activism."

During the past several years American university and college campuses have been the scenes of political and social activity by students and young faculty members on a scale unprecedented in the history of American education. Such activity has been common in foreign universities in many countries for many years, but it is only since 1964 that American students have joined their foreign brethren on any significant scale in engaging in political activism. The Free Speech Movement in Berkeley in 1964 appears to have set the precedent and in many ways to have set the style and tone of subsequent political activity by students. That activity has ranged from orderly participation in political campaigns of presidential candidates through mass demonstrations opposing the war in Viet-Nam to the extreme tactic of actually making it impossible for the academic institution to function. All of these processes, orderly and disorderly, peaceful and violent, lawful and unlawful,

are often lumped together under the term "campus activism."

We who work with foreign students need to examine the position of the foreign student and visiting foreign scholar in such social and political activity. What are the legal rights of foreign students and the restrictions governing their participation? More important, what *should* be the role of foreign students in campus activism and what *should* be the university's attitude toward their participation? These questions are becoming increasingly important, and I hope that this article will stimulate thought

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and lively discussion in the "Letters" column of *Exchange* magazine.

ACTIVISM CAN BE CONSTRUCTIVE

Parenthetically, I would emphasize that we must first of all recognize the fact that student activism takes many different forms and is directed toward many different goals. Too often we identify student activism as consisting of only those sensational items such as the closing down of Columbia College which received broad—and not always accurate—press coverage. We tend to conclude that, since activism takes such disruptive and destructive forms, it is a negative force on our campuses and in our communities.

Since we do not read so much in the press about the more constructive types of activism, we tend to ignore these and the desirable results they often obtain. For example, the inclusion of students on faculty committees to give students a voice in the operation of their universities is only now coming about as the result of steady and often uncomfortable pressures brought by students upon faculties and administrations. Tutoring projects in ghetto areas, community service projects, participation in political campaigns, support of civil rights activities, and "free university" projects on many campuses are all examples of positive, orderly, and constructive activism. My point here is that the student activist movement is diverse, heterogeneous, and generally a mixed bag, and that we must be cautious in making generalizations about it.

Let us return to the first question: What are the legal rights and re-

sponsibilities of foreign students in the area of campus activism? The basic fact is that the Constitution of the United States applies equally to aliens and American citizens, to foreign students and American students. Thus the foreign student's right to freedom of speech and expression is guaranteed by the first amendment just as is the American student's. The foreign student's right to due process of law is guaranteed by the 5th and 14th amendments just as yours and mine are.

VISA RESTRICTION

There is one law, however, which applies only to the foreign student. Assuming that he is on a student or exchange visitor visa, the foreign student must retain his student status to remain in the United States. If he violates university rules and is expelled, he is no longer a student. He then is not fulfilling his obligations under the Immigration and Nationality Act and may be asked to leave the United States voluntarily or, failing that, may be deported. It must be clearly understood, however, that his being required to leave the country in such a case results from his losing his student status and not from his involvement in campus activism. With this one important exception, the laws governing the participation of foreign students in campus activism are the same as those governing American students, and the sanctions for violations of the laws are also the same.

Another aspect of this problem concerns the attitude of the institution. What should be the policy of the university toward a foreign

student's participation in political and social activity? What is the role of the foreign student adviser in guiding the foreign student?

It is my strong feeling that the university should unhesitatingly and actively encourage its foreign students to participate as they wish in all forms of *lawful* political, social, and university activism. In fact, the university should encourage an interest in such activities where none exists among its foreign students. I believe that the university should urge them to make their voices heard, even if—or perhaps especially if—we do not like what they have to say. We should encourage our foreign students to tell us publicly, loudly, and forcefully, from their point of view, what they believe is wrong with our academic institutions, what is wrong with our communities, and what is wrong with our nation. We should encourage our foreign students to participate in all lawful attempts to right those wrongs, to change those things which need change, and to speak and act in concert with our own American campus activists.

WE CAN PROFIT

Is this an extreme position? I believe not. It is consistent with all of the precepts which guide our welcoming of foreign students to our campuses and communities. We are constantly attempting to engage foreign students in the mainstream of campus life so that they may learn to know American students; in what better way can they do this than to work together toward worthy and important goals? We want the foreign student to learn to know the Ameri-

can community and American institutions; there is no more direct method to learn than through active involvement in attempts to change and better those institutions.

We invite foreign students to our campuses so that our American students and local citizens can get to know and understand them and their cultures and so that Americans can profit from the points of view of other cultures; political and social activism is a valuable means for foreign students to bring their differing points of view to bear on our customs and institutions. We can profit immensely from listening seriously to their evaluations and criticisms of our society. It will profit us little to pay attention to them only when they agree with us.

Some may object that political and social affairs in this country are not the business of foreign students, and that foreign students should confine their attention to their studies. Others will object that foreign students are guests here and therefore should be courteous and refrain from criticizing us and our institutions. Still others may go so far as to say that the United States extends many privileges to foreign students in the form of academic and financial benefits, and therefore they, the foreign students, had better be grateful to their generous American hosts and not say anything bad about us.

I have little patience with such views. First of all, university affairs, political matters, and social conditions are the business of foreign students just as they are the business of all of us. Foreign students

are a part of the university, of the community, of the world, and of the human race. University policy affects them in their everyday lives. Community affairs concern them, for they live in the community. Our national policies affect the entire world, so it is ridiculous to claim that they are not the business of foreign students. Finally, all human beings are obligated to do their part in bettering the human condition, and the human race knows no national boundaries in that sense.

Yes, foreign students are guests in our country, and I would hope that they are courteous guests, but that does not mean that they must be toadying sycophants who know only praise and approval for their hosts. Yes, foreign students do receive many privileges and benefits from America, but their constructive criticism and active involvement in our affairs help to repay their host country for its investment of educational resources in them. Certainly they should not be expected to give blanket approval of everything American in return for these benefits, as some would like them to do. That would be paternalism of the worst kind—an attitude completely unworthy of the high ideals and goals of international exchange.

ENCOURAGING LAWFUL ACTIVISM

Lest I be misunderstood, let me stress once again that I would encourage only *lawful* activism on the part of foreign students—as I would for American students also. I do not condone violation of the law or of university rules. When such laws or rules are breached, the person involved must pay the price.

The penalty should be the same for all students—nationality should have no bearing on the disciplinary or legal proceedings brought against the violator.

It is true that the foreign student may have to pay the additional price of departure from the United States if he is dismissed from his university, but this should not be a consideration in disciplinary cases. The foreign student must be aware that he takes this additional risk if he violates regulations or laws, and he must be prepared to pay this secondary price, which is only indirectly related to his offense.

This brings us to the final consideration: the obligations of the university, or specifically of the foreign student adviser, in counseling foreign students regarding campus activism. Though the adviser should encourage such activity, he must make a special effort to insure that the foreign student understands what he is getting into, what he may do safely, and what prices he may be expected to pay.

First of all, the foreign student adviser must carefully explain the law. This does not mean that he must be a lawyer, but simply that he must be able to explain the laws regarding political activity, picketing, demonstrations, public gatherings, and the like. He must also understand and be able to explain the consequences of possible violations of the law, the procedure of arrest and prosecution, and the penalties if convicted. In the event of such a necessity, he must be sure that the student is aware of and benefits from his right to counsel in any legal proceedings.

Second, the foreign student adviser must explain university regulations. He must be sure that the foreign student understands the possible penalties for violating the rules, including the ultimate possibility of suspension or dismissal which may result in loss of his student status and his having to leave the United States.

Third, the foreign student adviser has an obligation to review with the student the attitude of the student's home government toward his political activity in this country and the possibility of sanctions from that source of authority. Some governments take a dim view of a student's engaging in campus activism, and the student should consider carefully the results of such activities on his relationship with his home government and on his future career.

Fourth, the adviser and the student must consider the attitude of the student's sponsoring agency, if he has one. Some agencies have at times looked with disfavor upon any activity of a student other than that directly related to his academic work. I believe that attitude to be wrong, but it must be faced realistically by the student and his adviser. I further believe that the adviser should be prepared to come to the defense of the student *vis-a-vis* his sponsoring agency if he thinks the agency is being arbitrary or unjust in bringing sanctions or pressures to bear upon the student.

Fifth, and finally, the adviser and the student must understand and accept the fact that activism is likely to make the student unpopular in some circles. Some individuals may react negatively to

the student's activity, and he may thus suffer personally. That possibility is, of course, common to all mortals, since any of our actions can offend someone. However, the area of political and social activity is one that especially inflames some persons, and the student must understand that against the ire of the self-righteous there is no legal or official defense.

If the student understands these various restrictions and sanctions, he is well armed to survive the activist wars. Of course, a complete understanding may discourage him from taking part in political activity. In discussing such matters, the foreign student adviser must be careful not to imply that he is doing so to discourage the student from becoming an activist. It must be clear that the purpose of the discussion is to assist the student in making an informed and intelligent choice as to whether or not he should engage in any specific activity. If the student understands his rights and the restrictions placed upon him; if he accepts the fact that official and unofficial sanctions may be brought to bear upon him; and if he is still willing to speak and act, then he should have the blessing of his foreign student adviser and of his university. Furthermore, the university should consider itself blessed to have such a student on its campus, and, parenthetically, to have a foreign student adviser who is skillful enough and courageous enough to encourage activism in spite of its dangers and problems.

WHAT WILL BE THE OUTCOME?

If we are successful in encouraging foreign students to be activ-

ists, what will be the outcome? Some results will surely be negative, seen from the short-run point of view. Irate citizens will be unhappy about "those ungrateful foreign students meddling in our affairs." University administrators may tend to become uneasy about all the agitation. Certainly tempers will be inflamed and foreign student advisers will get a few more gray hairs.

The positive results will, however, far outweigh the negative. American institutions and individ-

uals will profit from being examined and analyzed from a fresh and different point of view. American students will learn foreign ways of approaching social and political problems. Foreign students will have had the invaluable experience of participating in the democratic process. And, most important, it will be right, for it will emphasize to the foreign student, and strengthen our own convictions, that our Constitution and Bill of Rights mean what they say, and that the American political process is open and free.

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