

## Dissent from Professor Peter Golder

The work of the Committee on Institutional Statements is largely premised on the view that institutional statements should not crowd out diverse viewpoints. For example, the committee's rationale for "general restraint in issuing institutional statements" is "[t]o provide space for diverse viewpoints to be raised and fully considered." This dissent is offered in that spirit.

The majority report of the Committee on Institutional Statements is based on a policy of restraint. While this policy might be reasonable if restraint means moderation in issuing statements, it is not reasonable when restraint largely means preventing the issuing of statements. Overall, I disagree with the narrow circumstances in which the majority report allows university leaders to issue statements. More specifically, the primary point of my disagreement with the majority report is that it does not include meaningful exceptions to a general policy of restraint. Without these exceptions, a policy of restraint becomes, in practice, a policy of silence on most topics and thus implies neutrality outside of very narrowly circumscribed exceptions. Currently, the majority report allows for institutional statements only on "issues directly relating to Dartmouth's mission." The report's examples include only "eligibility criteria for membership in Dartmouth's community, educational opportunities, as well as support for research, creative expression, and civic engagement" and "when external events have a direct impact upon the relationship of the institution to its members."

This restrictive interpretation of a restraint principle is inconsistent with embracing and expressing Dartmouth's core values, including:

- Dartmouth "embraces diversity,"
- Dartmouth "instill[s] a sense of responsibility for each other and for the broader world."

Dartmouth's policy on institutional statements should allow Dartmouth's leaders to speak when they choose to do so on events that are either consistent or inconsistent with Dartmouth's core values. Such a policy would not require Dartmouth's leaders to speak nor prescribe the content of that speech, but neither would it preclude them from speaking as the majority report does (except under a narrow interpretation of Dartmouth's mission as noted in the majority report's few illustrative examples quoted above).

Dartmouth and its faculty, students, and staff have encountered many momentous events throughout our College's long history. Had the majority report's policy been in effect throughout this time, it would have called for Dartmouth's leaders to be silent on all the following events. The Committee on Institutional Statements had the opportunity to include any of these events in their majority report as examples of exceptions to their policy of restraint but chose not to do so.

Bill of Rights

Fugitive Slave Acts

Trail of Tears (Native American Removal Act)

Dred Scott decision

Emancipation Proclamation

13<sup>th</sup> Amendment/Abolition of Slavery

Chinese Exclusion Act

Plessy v. Ferguson

Jim Crow laws and practices

Woodrow Wilson's racist policies and resurgence of Ku Klux Klan  
19<sup>th</sup> Amendment/Women's right to vote  
Stalin's forced starvation policy  
Pearl Harbor  
Japanese Internment  
Holocaust  
Brown v. Board of Education  
Civil Rights Act  
Voting Rights Act  
Assassinations of John F. Kennedy and Martin Luther King, Jr.  
9/11  
Charlottesville Rally  
US Capitol Insurrection.

Since the majority report's policy would have called for institutional silence on all these past events, it now calls for institutional silence going forward on all similar future events. Dartmouth has taken a clear position on its core values; some events require giving voice to those values in order for them to have meaning and relevance. Therefore, Dartmouth's policy on institutional statements should include more guiding examples of events when speaking would have been better than staying silent, so Dartmouth's core values of "embrac[ing] diversity" and "instill[ing] a sense of responsibility for each other and for the broader world" will continue to be embraced and expressed.

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