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JUN 12 2000

Vice President and
Secretary of the University

MEMORANDUM

TO: Board of Regents

FROM: Lee C. Bollinger *Lee*

DATE: June 12, 2000

SUBJECT: Tobacco Stocks

I write to endorse the recommendation of the Tobacco Advisory Committee that the University divest itself of tobacco stocks. I should say at the outset that I view this as a significant and difficult issue, not to be regarded as part of the day-to-day business of the University, and one on which reasonable minds may differ. This, especially, is a matter for individual conscience.

The Report and other related documents lay out the arguments pro and con on the issue of divestment, and I will not repeat them in detail. I would just like to add a few points of context.

First, this proposal emanated from within the University. It has come to us by way of an initial faculty recommendation, which was then considered patiently and carefully by every part of the institution over several years. We in the University administration played the role of neutrally insisting that the elaborate process for divestiture decisions, laid out by the Regents over two decades ago, be followed to the letter. The spirit animating this time-consuming and multi-layered process is the same that James Madison described as the reason behind the principle of separation of powers in the U.S. Constitution: To better insure that "reason" would win out over the "passions" of the moment, it was thought necessary to create a system of "successive filtrations" that would "refine" opposed views and make it harder for any single ideology to dominate. That has, I believe, occurred here, where no single perspective, ideological or otherwise, underlies this recommendation.

Second, it is important for us to be clear about the risks involved in making the divestiture decision. The legitimate concern here is not financial but rather maintaining an atmosphere within the University free of what we often call "politicization." This is a complex subject, which I want to address broadly in another context. I do, however, want to isolate the fundamental concern behind the danger of politicization, because I think it is helpful in seeing how

this particular issue before us does not, in my judgment, pose a serious threat in this regard. Academic communities in this country are committed, as an ideal to live by, to a principle of open inquiry and investigation of different perspectives, ideas, and ways of understanding the world. Truth is our aim, but the sheer multiplicity of plausible and reasonable angles of view on the largely mysterious world we inhabit make the metaphor of exploration an equally powerful description. To be sure, universities do not exist in a moral or ethical or standardless vacuum, but it is fair to say that the degree of openness is and must be greater than that expected of us in the neighboring sphere of politics.

Given this basic characteristic of academic communities, we can understand why we should not as a university take stands on the great political issues of the day, unless they relate to the core functions of the university. Pressures to become politically engaged are a perennial problem for universities, just as it is for the arts and intellectual communities in any society. People are always trying to enlist them in efforts, whether good or bad, to reform the world. Yet the academy generally insists on a stance of independence from political involvements, for two basic reasons. The first was expressed many years ago, in the 1970s, by a well-known committee set up at the University of Chicago to consider whether the university should take a position opposing the war in Vietnam. No, said the committee, because a university statement on such issues might "chill" members within the university from participating in the special and fragile atmosphere of open thought. But the opposite may also occur: rather than being "chilled," people may be stimulated to take hard-edged ideological positions, turning the intellectual environment of open inquiry into a legislative arena.

All this is important to keep at the forefront of one's mind, but we also must not fool ourselves into thinking that the University is a complete island set apart and remote from the society in which we live. Certainly, no reasonable person would take the position that the University must have no moral or ethical scruples, or that we must never look at the broader political world in deciding what subjects to teach or what research to conduct. Complete and total separation is neither feasible nor desirable.

What we are left with, I believe, is a delicate and complex process of judgment we must make again and again. In the specific area of financial investment policy, we have decided as an institution to refrain from taking ownership of organizations whose practices are fundamentally at odds with our own mission of education and research and with generally accepted standards of behavior. As stated, this policy calls for truly exceptional circumstances, which I believe the University community in this case has considered carefully, rendered judgment on, and demonstrated in the ad hoc committee report.

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In real life we are called upon to make decisions where lines are inevitably imperfect and predictions about the future meanings of those decisions necessarily uncertain. Indeed, to seek perfection in disentanglements or in the long term implications of our judgments can be not only futile but also destructive of the very values with which we began. Likewise, to refuse ever to act because perfection is impossible is equally futile and disabling. The recommendation before us seems modest on this scale too.

I, therefore, recommend that the Regents accept the recommendation of the Advisory Committee, which reflects the broader sentiment of the University community.

cc: Executive Officers