Honor Council Abstract
Spring 1991

Greg, Martha, and Bill

SUMMARY

Martha confronted Greg when she saw him taking down a political display which she had helped create. During the confrontation, Greg continued to take down the display, and Martha felt physically threatened by Greg's behavior. After the confrontation, Martha talked to Bill, another one of the creators of the display. She then talked to a member of Honor Council who brought the matter to the Chairperson. Because the issue involved a possible violation of the standards expressed in the Honor Code, as well as wider community implications, Honor Council met and came to consensus that a trial was necessary. Meanwhile, Bill confronted Greg, and Honor Council met and reached consensus that Bill should also be present at the trial as a confronting party.

FACT-FINDING

The jury, Martha, Bill, and Greg and his support person arrived and the trial began with a moment of silence.

The confronting parties gave their accounts first.

Martha began:
While walking home from a party after midnight she heard someone loudly suggest destroying the display that she and a number of friends had erected with permission from the Deans' Office. She was incredulous, but she saw Greg (whom she did not know) taking down the display. She went up to Greg, and asked him what he was doing. The ensuing conversation lasted several minutes, with a great deal of repetition. Greg called the display "an eyesore." He described it during the confrontation as "ugly and obstructing my view," and thus he could "destroy" it. Martha asked Greg whether, if she was "ugly and obstructed his view," he could destroy her too; he said yes, he could. She offered to go some place else and talk about the display, but Greg didn't seem interested in much other than taking down the display, which he continued to do throughout the confrontation. Martha mentioned Honor Council and the possibility of some sort of facilitated dialogue, but Greg didn't respond. Martha walked away from Greg, and out of frustration, yelled "fucking asshole!" Very upset and shaken, she then went and talked to her friend Bill for more than an hour.

Bill then spoke, giving his account:
Martha had come to him very upset and in tears. She explained what had happened, and that she had felt physically threatened. Later, Bill talked with some of the other creators of the display, without mentioning Greg's identity. He felt that any action taken needed to address the concerns of the other members of the group; he felt that the implications of Greg's actions went beyond just Martha's confrontation with him, and thus he confronted Greg as well. The confrontation became an hour and a half discussion between Greg and Bill.

Describing his confrontation with Greg, Bill told the jury that he saw the main issues involved as 1) Greg's personal disrespect toward Martha, both his unwillingness to talk and his threatening behavior, 2) Greg's not making an effort to talk to the creators of the display before taking action (Greg had admitted that he had not known who they were, nor had he made any attempt to contact them), and 3) Greg's disrespectful attitude toward the creators of the display.
Bill said that what Greg had done was not an issue of free speech, as Greg had claimed during their confrontation, but was an anonymous and malicious act.

Greg then spoke:

The real issue, he said, was his taking down the display, and not how Martha felt about it. He said that he had not used the word "destroy," and that he had not threatened Martha, but rather that she had been "hysterical." He openly admitted that he had taken down the display, but said that while it may not have been "nice, it certainly wasn't anything to have a conniption over." He said that coming to Haverford doesn't mean "having to be nice to everyone all the time."

Members of the jury then asked clarifying questions.

One juror asked Greg for clarification about the confrontation itself. Greg said that Martha was yelling at him. He wanted to talk about the display, but she wanted to talk about the political meaning of it. Another juror asked Martha about the conversation. She replied that the first few minutes of it were somewhat meaningful, but that it quickly deteriorated. Realizing that they were not communicating at all, she left. She added that she had acted calmly throughout the conversation, although she had gotten progressively more frustrated. In response to further questions, Martha said that she may indeed have been speaking loudly, but she would not have called it yelling. Greg also said that he had taken her confrontation "not unseriously." He could not really remember specifics of the conversation, as he had been only "half-way listening, half-way not." He denied that he had said he could "destroy" Martha if she was "ugly and obstructing his view."

Martha added more to her account, saying that the issue was not about hurting feelings but was about Greg's unwillingness to communicate. Bill said that they were not looking for Greg to be "nice;" rather, they were looking for respect, which he said is basic to living here at Haverford. He expressed his view that people have to be aware of how their words can affect others.

One juror asked both Martha and Greg if any alcohol had been involved, and both said that it had not. Another juror asked Greg if his act had been premeditated: Greg replied that it had been spontaneous. When asked about what was said at the confrontation, Greg recounted that he had said he was acting in counterprotest, and that the display was an "eyesore." Martha recalled Greg repeatedly saying of the display, "You can put it up, I'll take it down."

Greg made some final comments. He said that he admitted to taking down the display, and he gave as his explanation that it was a "viable form of political protest." He reiterated that he saw his action as a proper means of dissent, that this was the only issue, and therefore that what he and Martha said to each other was irrelevant. He called the display a "monument," not a protest, that the students involved had no right to put up. He called his actions a counterprotest that was "disruptive but not destructive." He did not feel that Martha had approached him with respect.

With that, the fact-finding portion of the trial was brought to a close, and the jury began to deliberate on whether a violation of the Honor Code had occurred.

**JURY DELIBERATION**

In order to clarify their thoughts, the jurors created the following outline of the issues involved:

Greg's physical action of taking down the display  
The implications of that action:  
  • Threat to Martha and by extension to the whole group  
  • Community implications (of appropriate forms of protest and counterprotest)  
The breakdown of communication (Greg not talking to group)  
Issues of silencing
The interaction between Greg and Martha:

- Verbal disrespect
- Breach of trust within the community — not just between Martha and Greg

Greg's arguments about free speech and counterprotest

One of the larger issues in the discussion was silencing. There was a great deal of discussion about just what silencing is, and one member of the jury put it this way: "if you constantly have to assert yourself to redefine your own space and identity, then you're being silenced." Another juror said that whatever Greg did, it was not a viable form of counterprotest, because it destroyed, and thus silenced, the expression of another's voice. Another juror pointed out that Greg's protest, rather than creating his own protest, was against "the icons of another protest."

The jury came to tentative consensus that Greg had violated the Honor Code, but agreed that further discussion was necessary to clarify the precise nature of the violation.

Several of the other issues brought up in further discussion were the disrespect during the confrontation, the threatening aspects of the situation, and the issues surrounding the idea of silencing. Several jurors felt that the violation was not in Greg's failure to talk to Martha, but rather in the disrespect inherent in the whole process. Others felt that Greg violated the Honor Code by refusing to respect the voices of both Martha and the creators of the display.

One juror suggested that the violation lay not in the taking down of the display, but rather in the refusal to take responsibility for it. Another felt strongly that the jury "cannot decouple the breakdown of communication and the action of taking down" the display. The display was more than just a display, a third juror argued. It symbolized far more than just the materials it was made of, and Greg's actions had implications beyond the mere act of taking down the display.

The jury began to write a statement of violation, and ran into a great deal of difficulty and confusion over incorporating the ideas of threatening and silencing. "Who was being threatened by what?" asked one jurors. Other jurors explained their reasoning: Martha felt threatened physically during the confrontation, one explained, and her rights of speech were not just threatened — they were violated because the display was actually taken down. Greg had to be held accountable for ignoring Martha's attempts to communicate, added another. One juror expressed his view that in taking down the display, Greg violated the right to free speech of a number of community members, inhibiting their sense of acceptance in the community, and threatening them in the process.

In the end, the jury reached consensus that a violation had occurred, and formulated the following statement of violation. One member stood outside of consensus with regard to the wording.

Greg's actions silenced both Martha and the participants in the display, threatening and marginalizing them as members of the community. His unwillingness to accept responsibility for his actions, his disregard for their effects, and his lack of respect for others' right to a voice breached the trust of the community, and violated the standards expressed in the Honor Code.

CIRCUMSTANTIAL

Martha, Bill, and Greg and his support person returned and were officially presented with the statement of violation. The jury explained their reasoning behind the statement, and answered any questions that the parties had.

Greg had brought with him a prepared statement regarding the statement of violation. He spoke about the language of the statement of violation. He began by asking the jury what they considered silencing. One juror explained that the jury was looking at the display as an extension
of the voice of those who put it up, and that by taking it down, Greg silenced that voice. Another juror said that one voice is not allowed to stop another by "stomping on it."

Greg also pursued the issue of "taking responsibility." He felt that, by being at the trial itself, he was taking responsibility for his actions. Jurors responded that taking responsibility for one's actions is much more than simply "showing up" for a trial. It involves acknowledging the consequences of one's actions, and that is something that the jury did not see happening in Greg's case.

Greg continued, saying that taking down the display was a protest that was "disruptive but not destructive." He said that it was a physically harmless action that didn't "silence" anyone. He didn't hinder the display-creators' ability to put the display right back up. He expressed his view that his speech was being violated. A juror responded that the right to free speech does not extend to violating the rights of others.

In response to Greg's claim that the jury had misinterpreted his intentions, another juror pointed out that the jury had specifically cited Greg's actions in the statement of violation, and not his intentions.

The jury moved on to circumstantial questions.

One juror began by asking Greg what his motives were in taking down the display. Greg responded that he had explained them already. He went on to say that he had assumed that his action would be controversial, and he had expected people to complain about it. What surprised him, he said, was that so many people were angered. He said that if he had put up the display, he wouldn't have felt that his free speech had been violated.

Another juror asked Martha and Bill if they had felt silenced. Martha replied that she did feel that he hadn't been listening, and she broke off the confrontation when it seemed obvious that it wouldn't help to talk any longer. Martha said she was reluctant to use such a loaded word as "silencing" to describe Greg's actions. Bill added that Greg's actions were an attempt at silencing - and that they wouldn't allow it to succeed; they wouldn't give Greg the power to silence them.

Greg was asked whether he had considered talking to the creators of the display before taking it down; he replied that he had not, because the means he chose were "more effective and more efficient." Another juror asked Greg why he thought what he did was not silencing, and Greg responded by reiterating his position that what he did was a disruptive, not destructive, protest. Silencing, he said, is an "overt, oppressive act," and he didn't see what he did as threatening.

One juror asked Greg how he saw his responsibilities as a member of this community. Greg said that he was here to get an education. He went on to express his concern for social and academic freedom of expression, and expressed that he obviously saw the line between acceptable and unacceptable behavior as a lot less restrictive than did the jury. He cited the CIA incident at Bryn Mawr last year as seemingly being "within the boundaries of acceptable behavior." He assumed that such disruptive behavior was acceptable to most people, because nothing happened to the protesters in that case. Greg said that he was obviously wrong about what is acceptable in this community, and that he would "tailor my behavior to fit your norms." When asked what "tailoring his behavior" meant, Greg said that it meant refraining from his chosen methods of expression. Greg said that he would choose not to express his ideas at all if he could not use his normal methods.

When asked about how she felt, Martha said that she was concerned at the lack of trust between Greg and herself. She didn't trust him, and didn't feel that he respected her or the protest of the display.

A juror asked Greg if this process had helped him understand where the jury's reasoning behind the statement of violation. Greg said "My suspicions have been confirmed." He added that he would abide by the resolutions, despite his disagreements with them.

As the jurors had no further questions, the confronted and confronting parties were asked to present suggested resolutions.
Greg suggested that he talk to all the people involved in the display, specifically about his and their views.

Bill concurred with that suggestion, and in addition suggested a mediation. Another suggestion he offered was that Greg should write a statement to the community explaining his reasons for taking down the display. Samantha agreed with Bill's suggestions.

As Greg, Bill, and Martha had nothing more to say, the circumstantial portion of the trial was brought to a close, and they left.

JURY DELIBERATION

The jury discussed possible resolutions. Several suggestions were offered, including: writing a letter, doing community service, writing a paper on issues of silencing, writing a paper explaining his own interpretation of the Code, analyzing other abstracts, and meeting regularly with someone to discuss the trial and the issues raised in it.

Other resolutions were also offered. A mediation between Greg and Martha, to be handled by two members of Honor Council not on the trial, seemed almost a given, considering the lack of trust between Greg and Martha. It would address the issues surrounding the confrontation, and would not be specifically aimed at any broader issues. A facilitated dialogue between Greg and the other creators of the display, to be handled by Communication Outreach, was also a possibility, since it would address a wider group of people affected by Greg's actions.

One juror said "Quite frankly — what about separation?" Separation was immediately rejected by several jurors, many of whom felt, however, that it would probably be the most appropriate thing that could be done in this case. These jurors agreed that Greg did not seem to understand what it means to be part of this community, but felt that there was not enough justification for separation. Others felt that separation would not be beneficial, either to Greg or to the community.

While discussing the idea of having Greg perform community service, it was brought up that this could be paired with having Greg talk to Marilou Allen at regular intervals about the community service and the issues raised in the trial. (She is currently the EEOC officer.) It was suggested that this community service be in an area relating to freedom of expression. The details were left for later discussion.

The jury discussed mandating that Greg write a paper or some sort of letter. Several jurors felt strongly that, while the jury should not (and could not) silence Greg, they were under no obligation to give him a forum for his views in the form of a letter to the community attached to the abstract. Others felt that such a letter could give Greg a valuable chance to receive community feedback about his actions. A problem raised about having him write a letter, however, was that he could easily write a meaningless letter, merely writing what others wanted to see. And even if he wrote a sincere one, it would not have an interactive context; it would merely be his own thoughts on the subject. One juror suggested that if the jury did mandate a letter, that they mandate that Greg attend the lunch discussion about the abstract as well.

One of the jurors who felt that a letter could be constructive argued that Greg claimed he was being silenced by the trial process, and this was a good way to address that. Another juror felt very strongly that the jury should not give Greg a forum, but he proposed encouraging Greg to write and explain his views in a forum of his choice.

The jury returned to the discussion of separation. Several members of the jury argued strongly for separation. Others pointed out that the effects on the community of Greg's actions were not incredibly large, and that his intentions in his actions were unclear. Another juror said that Greg might in some way enjoy getting separated, to "go out in a blaze of glory." One of the jurors favoring separation cited the clause at the beginning of the Honor Code which states that withdrawal from the commitment to the Honor Code will result in separation from the community. This juror offered his view that Greg's actions represented the most serious social situation that an Honor Code jury would ever deal with; anything more severe would go directly to the Deans.
Some jurors were concerned about how far they could trust Greg. One specifically said that he would trust Greg a lot more if he had gone away and come back. Another juror suggested that Greg could be required to re-sign the Honor Pledge, because it would confirm that he has committed himself to live by the Honor Code, whether he believes in it or not. The jury talked about the difference between making Greg sign the Pledge again and separation. One juror wanted to say that Greg would be separated from the College at the end of the semester, but could return in the fall if he re-signed the Honor Pledge. Others felt that the word "separation" should not be used. Greg would, they argued, be away from the College for three months, and making his signing the Honor Pledge a prerequisite for his return would make it a significant. Another juror said that calling it separation when Greg would be merely going home for the summer and deciding whether or not to re-sign the Pledge was empty posturing. The first juror felt that the symbolic distinction was a major one. Another member of the jury suggested that Greg write a letter accompanying his re-signed Honor Pledge.

The jury talked for a time about whether or not a letter should be required along with the re-signed Honor Pledge. One juror questioned whether it was the jury's place to "make Greg think." After discussion, the jury reached consensus, with that juror standing outside, that Greg would write a letter to the Dean, to accompany the re-signed Honor Pledge. However, the jury would not mandate the contents of the letter.

The jury then wrestled with the details of the community service resolution. Would this be just forcing Greg to "do penance"? One juror suggested that it would be very helpful in putting Greg in a situation where he had to think of others, thus making him think of himself in relation to a community. Another pointed out that Greg would probably take it as punishment anyway: "Honor Council made me do it." In addition, this seemed to be the only resolution that addressed the larger community.

After quite a bit of heated discussion, the jury came to consensus, with one standing outside, that Greg should perform 10 hours a month of community service over the next semester.

The jury then reached tentative consensus on the following resolutions:

1. Greg and Martha will take part in an Honor Council Mediation with two trained members of Honor Council who did not serve on the jury.

2. Greg, Bill, and other interested participants in the display will take part in a facilitated dialogue with the help of Communication Outreach.

3. For a semester, Greg will perform 10 hours of community service per month. The EEOC officer will work with him to find community service in an area relating to freedom of expression and/or civil liberties. (One juror stood outside of consensus with regard to this resolution.)

4. Greg will meet regularly with the EEOC officer to discuss the issues raised in the trial and by his community service.

5. The jury strongly suggests that Greg share his views with the community in the forum of his choice, in order to voice his opinions of the issues surrounding the trial.

6. Greg's return to Haverford next semester will be contingent on his re-signing of the Honor Pledge, thereby reaffirming his commitment to live under the Honor Code. This will be accompanied by a written statement explaining his reasons for doing so. This will be sent to the Dean of the College, and will remain confidential. (A different juror stood outside of consensus with regard to this resolution.)
The jury then took a day to rest and reflect upon the resolutions.

PRESENTATION OF THE RESOLUTIONS

When the jurors returned, they again reached consensus on the resolutions, and re-worded the statement of violation to clear up some of the misleading language in it and address concerns raised by Greg and jurors. The jury as a whole reached consensus on the new statement of violation:

Greg's actions silenced both Martha and the participants in the display, threatening and marginalizing them as members of the community. His disregard for his actions' effects on others, and his lack of respect for others' right to a voice, breached the trust of the community, and violated the standards expressed in the Honor Code.

Martha, Bill, and Greg and his support person then arrived, and the resolutions, as well as the new statement of violation, were formally presented. The jurors took some time to explain the reasoning behind each resolution, and answered questions about them.

Greg was angry about the community service resolution, saying that he had no time to do such a thing, and if he did, he would spend it working to make money so he could afford to attend Haverford. One juror pointed out that there are several organizations that could pay him for community service. Others added that the community service was not just for him; it was to address the community as well.

Martha voiced a concern that Greg would violate the confidentiality of the trial by revealing her identity. Greg said that he had no interest in doing so, and promised that he would not.

At the end of the discussion, the Chairperson explained the appeals procedure to Greg.

After the discussion, the confronting and confronted parties left, and the jury discussed the resolutions for the last time. They reached final consensus on both the statement of violation and the resolutions, and the trial came to an end.

APPEAL AND ADMINISTRATIVE CHANGES

Greg filed an appeal to the President with the Dean of the College, specifically appealing the requirements of community service and discussion with the EEOC officer.

The Dean made a recommendation to the President of the College that the requirement that Greg do community service be removed. He explained the change by saying that he wished to protect the College from possible civil-liberties lawsuits. He did not feel that this case would hold up to outside scrutiny as a free-speech case, and the requirement that Greg's community service presented it as such a case.

Members of the jury met with the Dean before he presented these recommendations to the President. Several were very upset by his proposed amendments. They explained that the community service requirement was one of the major resolutions, and one that had enabled the jury to reach consensus.

The dean made his recommendations to the President of the College, who accepted them. The community service requirement was removed from the trial resolutions.

With that, the trial process ended.
Questions:

Please write down any and all responses, and put them in the Honor Council box in the mail room. Thank you!

1) How do you feel about the Dean's amendments?

2) How do you feel about the fact that the Dean made amendments in a social case?

3) Does Haverford need a policy like other schools' regarding acceptable forms of protest and counterprotest?

4) Any other comments?

(This abstract will be re-released in the fall, and there will be a lunch discussion dealing with the issues raised in the trial. It is being released this semester both because it raises many important issues for the community and because both confronting and confronted parties wished to see it released this semester.)
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The Dean made a recommendation to the President of the College that the requirement that Greg do community service be removed:

"I have read through the trial documents, and I have also had an interview with Greg. I believe that Greg's actions were highly inappropriate, actions that had unintended consequences. Greg wanted to remove what he believed was an "eyesore" on campus. His "a-political" intentions led to actions that were interpreted by the [creators of the display] as "political." (Please refer to the section of the trial document that recounts the interaction between Martha and Greg: in the heat of the exchange, Martha and Greg completely misunderstood each other's comments and intentions.) Thus, the issue became one of free expression.

"It is clear to me that Greg's actions were inappropriate. Greg should have found out who had put up the display and simply asked them to take it down because it was "an eyesore." Should the creators of the display have disagreed, further dialogue could have been facilitated through Communication Outreach. If, indeed, the issue became one of political import, then a larger debate could have occurred in all of the appropriate forums. This community depends on personal and civil discussion, something which Greg ignored in his actions.
Thus, I believe that Greg engaged in inappropriate behavior but did not intend to abrogate another's right to free expression. He should be held responsible for acting in a manner that was thoughtless.

When the Dean met with members of the jury before presenting these recommendations to the President, he explained that he also wished to protect the College from being accused, in turn, of abrogating civil liberties. He did not feel that this case should be seen as a free-speech case, as the requirement that Greg do community service presented it. Several of the jurors were very upset by his proposed amendments. They explained that the community service requirement was one of the major resolutions, and one that had enabled the jury to reach consensus. The Dean made his recommendations to the President of the College, who accepted them. The community service requirement was removed from the trial resolutions.

With that, the trial process ended.

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2) How do you feel about the fact that the Dean made amendments in a social case?

3) Does Haverford need a policy like other schools' regarding acceptable forms of protest and counterprotest?

* These last four paragraphs have been amended due to feedback from the Dean.
TO: Anna Blau
FROM: Matthews M. Hamabata
SUBJECT: 'Greg, Martha, and Bill' Abstract
DATE: May 10, 1991
COPIES: Tom Kessinger

I just read through the recent abstract, and I found the section on the administrative appeal troubling. It reads as if my only concerns were threats of litigation, when in fact, my findings were that this case did not involve issues of free speech. If you would refer to my letter of April 16, 1991, my findings were: "Thus, I believe that ______ engaged in inappropriate behavior but did not intend to abrogate another's right to free expression. He should be held responsible for acting in a manner that was thoughtless."

I think that it is important to present the Dean's findings in an accurate manner. Perhaps in the future, the Dean would be allowed to review the part of the abstract that concerns appeals and administrative changes. At the very least, the abstract should adhere to the official findings and documents.

Thank you.
May 11, 1991

TO THE COMMUNITY:

I'd just like to clear up a slight confusion regarding the "Greg" abstract. Regarding the Administrative changes to the resolutions:

Dean Hamabata did not feel that the issue which had to be addressed was that of freedom of expression. He found that Greg had engaged in "inappropriate behavior," and he was very concerned with that, but Matt said that the issue was not protest or counter-protest or free speech or anything like that. Therefore he recommended that the community service resolution be removed from the final resolutions. I just want the community to realize that he wasn't just out to "protect" the college from lawsuits. He really didn't agree with the jury's findings.

Thanks for reading.

Anna Blau '93