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### Becoming Steve Bright

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# Becoming Steve Bright

**Robert L. Tsai<sup>†</sup>**

Now some folks they call me a coward  
'Cause I left her at the drive-in that night  
But I'd rather have names thrown at me  
Than to fight for a thing that ain't right

—John Prine, *The Great Compromise*

It was May 5, 1970. University of Kentucky students sat cross-legged in their t-shirts and blue jeans, sprawled across the hallways of the Patterson Office Tower, outside the room where the board of trustees held quarterly meetings. With the end of the term just around the corner, students would normally be studying languorously in various corners of the campus or hunting for summer jobs. But this was no ordinary time.

One day earlier, 28 members of the national guardsmen had opened fire on unarmed students at Kent State, killing 4 and wounding 9. The massacre had left UK students

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frightened and angry, demanding that school officials assure their safety and help deescalate American aggression in Southeast Asia. President Richard Nixon's tone-deaf response made things worse—he said the killings “should remind us all once again that when dissent turns to violence it invites tragedy.” That same evening, Spiro Agnew, Nixon's pugnacious Vice President, described the shootings as “predictable and avoidable,” blaming the actions of “tomentose exhibitionists” on college campuses. Mainstream news coverage echoed these themes, casting even peaceful events as “student violence.”<sup>1</sup>

Kent State lit the flame of student protests, but the ongoing military conflict in a faraway land supplied the kindling. On April 30, 1970, President Nixon had announced that American forces would begin bombing Communist bases and training sites inside Cambodia despite that country's policy of neutrality in the Cold War. 2,000 Kent State students amassed in opposition to the war before the national guard moved in and the shooting began.<sup>2</sup>

The young people who came of age by organizing protests around the country would not be the generation that saved the world by fighting in a war; instead, they aspired to be the generation that saved the world by fighting against the tendency to wage war. At the University of Kentucky, a group of 500 students congregated in front of the student

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<sup>1</sup> Robert B. Semple Jr., “Nixon Says Violence Invites Tragedy,” *N.Y. Times*, May 5, 1970, 17; “Student Violence: Into A More Dangerous Era,” *U.S. New & World Report*, May 18, 1970, 28-31; John A. Farrell, *Richard Nixon: The Life* (2017).

<sup>2</sup> President Richard Nixon, Speech on Cambodia, Apr. 30, 1970; HOWARD MEANS, 67 SHOTS: KENT STATE AND THE END OF AMERICAN INNOCENCE (2016).

center after the Kent State massacre and approved a resolution calling for the impeachment of the president over his undeclared war against Cambodia.<sup>3</sup>

On May 5, UK students met on the campus lawn at 1 p.m. to rail against America's expansion of hostilities, call for the disarming of police officers, and urge fellow students to boycott classes. Everywhere they looked, adults appeared insufficiently outraged by President Nixon's incursion into Southeast Asia and the suppression of protest at home.

At about 1:45 p.m., roughly 175 students then entered the building and rushed up 18 flights of stairs. Police officers chased after them and blocked the elevators. Once inside, the students demanded an audience with school officials. "Move or go to jail!" university officials shouted back.

University President Otis Singletary tried to give his presentation to the trustees but complained that the students were too noisy. The director of campus safety conferred with Steve Bright, the Student Body President. When Bright stepped outside the room, students instantly began heckling and swearing at him. Yet the hostile reception didn't seem to bother him in the slightest. After some conversations, he agreed to take the protesters' concerns to the trustees if they calmed down.

Bright had an easy, but serious demeanor. Students weren't always sure what to make of him. Guy Mendes, founder of *The Blue-Tail Fly*, an underground newspaper, sized him up this way: "I just can't figure him out—He looks so damn straight. But he's been

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<sup>3</sup> Mitchell K. Hall, "A Crack in Time": The Response of Students at the University of Kentucky to the Tragedy of Kent State, May 1970, *Register of the Kentucky Historical Society*, vol. 83, no. 1 (Winter 1985), 41; Frank Ashley and Richard Wilson "ROTC Annex Burns at UK After Day of Protests," *Courier-Journal*, May 6, 1970, 1-2.

there all the time, at all the demonstrations, even if it is in his bush jacket and tie. He's on my side."<sup>4</sup>

Promising to return and give the protesters an update, he then rejoined the meeting. The major item on the agenda that day involved amending the Student Code of Conduct, which Bright opposed because the changes made it easier for school officials to drum students out of school based on vague allegations. The changes prioritized "order instead of justice," he told the board.

All of 6 foot 2, Bright rose again to speak when asked about the state of student unrest. He wore a dark suit and tie, white shirt, and horn-rimmed glasses. His red hair was cropped short and parted to the side. If you didn't know him already, you'd think he worked for the administration.

Then he opened his mouth: "Many of us have been involved in opposition to the war for months or years." Bright could hear the students chanting and shouting outside the room. "The death of four students at Kent State comes as a shock to the academic community." It was a "deplorable event," he insisted, gesturing with his fingers pinched to emphasize the point. He wanted the adults to understand UK students "felt a certain kinship there with the students who were shot." They worried that "the same thing could occur on our campus."<sup>5</sup>

Bright made several demands on behalf of students beyond the student code: condemn the slayings at Kent State, grant a moratorium on classes, and ban guns from campus. Then he sat down.

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<sup>5</sup> Hall, *ibid.*, 42. J. Patrick Mathes, *Bright Condemns Security, Criticizes Police Action*, KY. KERNEL, May 6, 1970.

But the Board took no action and soon adjourned, with trustees scurrying down a back stairwell. Worse, a trustee punched one student on his way out. A.B. “Happy” Chandler, a former governor, was a trustee who had no patience for student activists. As he exited the meeting, a young sophomore named Judy Schroeder demanded that he and the rest of the board condemn the expansion of the Vietnam conflict. Chandler patted her on the cheek, saying, “Honey, I’d stop the war in Vietnam tomorrow if I could.” Mike Greenwell, another student, then touched Chandler on the cheek, mimicking his gesture.

Chandler grabbed a hold of Greenwell by the hair and decked him in the mouth. Campus police stepped between the two. Chandler was hustled down the stairs. He would later apologize while implying the student deserved it, saying, “some of those students shouldn’t be at this school—they’re filthy and dirty and have long hair.”

Students scattered to organize the night’s protest. That evening, they would march along the street and confront police and national guardsmen called in by Governor Louie B. Nunn. Over the course of the next few months, Bright would become awakened to the enormous damage that could be done when politicians pit people against one another for electoral gain. During this volatile period, a Lexington newspaper dubbed Bright “the most controversial student body president UK, and perhaps Kentucky, has ever seen.”

For as long as possible, Bright would try to play “a bit of both roles”: a mediator to facilitate dialogue and defuse crises before the worst could happen, but an activist when it came to voicing the grievances of his generation. He would learn that during a crisis the ground could shift under your feet. If that happened, you might have to take one side or another—or else get out of the way.

*From Boyle County Rebel to Kentucky Wildcat*

Bright entered the University of Kentucky in the fall of 1967, with a plan to become a journalist. Born in 1948, he had grown up on a farmhouse 30 miles away, in Danville. As a child, Bright and his younger siblings—Katie, Sallie, and James—roamed the area freely. Most of all, the children dreamed of what lay beyond their little corner of the universe.

Their father Robert, who had inherited the farm from his father Robert, raised cattle and grew tobacco. Patricia, their mother, made sure that the children were fed and cared for. In his spare time, Bright wrote for the newspaper, *The Advocate-Messenger*. He covered sports and attended city council meetings. The job allowed him to “get into everything” around town.<sup>6</sup>

Bright had been fascinated by politics since he was a child. He loved everything about it: the energy of the crowds, the soaring oratory of the most practiced speakers, and way that well-formed sentences could move people to action. Bright’s earliest memory of attending a political rally was when Edward “Ned” Breathitt, a Democrat, ran for governor in 1963. Breathitt came to speak in Danville, and the courthouse was “packed to the rafters.”<sup>7</sup> Bright had been transfixed as Breathitt played to the crowd— “everything he’d say, there’d be a big roar of applause.”<sup>8</sup>

As an underdog, Breathitt went on to upset former Governor Chandler for the Democratic nomination and then eke out a win over Republican nominee Louie Nunn. “I will leave the racial issue where it belongs: in the hands of the legislature, not the mobs,” Breathitt promised, parting ways with Southern demagogues who stoked white anger. As

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<sup>6</sup> Stephen Bright interview, Apr. 25, 2020.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

governor, he prodded the legislature to enact a civil rights law. He also worked tirelessly with other governors to reduce defiance of judicial orders integrating all-white schools.<sup>9</sup>

After finishing at Boyle County High, Bright traveled down US-27 to Lexington for college. It's difficult to overstate just how hopeful many young people felt in 1965. Starting in 1961, brave Freedom Riders had descended upon Southern states. A biracial coalition of students led the way, as organizations such as CORE and SNCC organized sit-ins and demonstrations to help galvanize the country to see the inherent brutality of racial apartheid. All of this had sparked a moment of moral reckoning, leading Congress to enact the landmark Civil Rights Act of 1964. After defeating conservative Barry Goldwater in a landslide, Lyndon B. Johnson promised to build the Great Society.

Then came the beating and gassing of civil rights protesters at the Edmund Pettus Bridge by Alabama state troopers on March 7, 1965. That moment lay bare that racial segregation was premised on violence, and that the coercion lying at the heart of American apartheid had to be met with the full force of law. The administration seized the opportunity to press for the passage of the Voting Rights of 1965. On August 6, LBJ signed that bill into law, flanked by Martin Luther King, Jr., and other civil rights figures.<sup>10</sup>

In Kentucky, race relations changed for the worse with Nunn's election in 1967. The first time Nunn had run for governor against Breathitt in 1963, he had tried to stoke anti-black sentiment, calling the Governor Bert T. Combs's desegregation order "a dictatorial edict of questionable constitutionality" and evidence of Kentucky's subservience to Attorney General Bobby Kennedy. At the time, the Kentucky Constitution

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<sup>9</sup> Transcript, Bright, Feb. 1, 1977, Louie B. Nunn Center for Oral History, University of Kentucky Libraries; Interview with John W. Oswald, Aug. 11, 1987, Nunn Center for Oral History.

<sup>10</sup> ROBERT A. CARO, *THE YEARS OF LYNDON JOHNSON: THE PASSAGE OF POWER* (2012), 562-70; KYLE LONGLEY, *LBJ'S 1968: POWER, POLITICS, AND THE PRESIDENCY IN AMERICA'S YEAR OF UPHEAVAL* (2018).



limited a governor to a four-year term, so Breathitt was ineligible to run. This time, riding a wave of unhappiness with LBJ's policies, Nunn defeated Democrat Henry Ward.

By then, citizens began tiring of the tumult associated with civil rights activism. America's involvement in Vietnam increasingly divided the country, especially young people who were asked to bear the brunt of Cold War policy in a faraway land. As student protests spilled forth, Governor Nunn backed Nixon's "law and order" approach by accusing "professional demonstrators" and outsiders of wanting to destroy Kentucky's way of life.

Nunn's rise to the height of executive power coincided with Bright's own ascendance as a student leader. By his sophomore year, he decided to shelve his original plan of becoming a journalist. He switched to political science. He also threw himself completely into student government.

In May 1968, Bright became active in the UK Young Democrats. That year, he won reelection as a student government representative by leading a field of 47 candidates, defeating his closest competitor by 200 votes. He also attended the Democratic National Convention in Chicago as an honorary page.<sup>11</sup>

Bright's initial dip into campus politics showcased his flair for attention-grabbing issues. He waded into two issues involving race: Confederate imagery and segregated fraternities. As Speaker, he sponsored the "Dixie Bill," which would have required the university to play the song at all athletic events "because it has been a tradition." The Black Student Union vehemently opposed the measure, arguing that the song had racist overtones

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<sup>11</sup> *Steve Bright to Serve as Page*, ADVOCATE-MESSENGER, Aug. 12, 1968; *Boyle Boys Team Up In Taking Smashing Election Win at UK*, ADVOCATE-MESSENGER, May 7, 1968, 1; Bright interview, Apr. 25, 2020.

and that, when sung by white students on campus, “usually encourages further insults” of black students.

The bill came out of committee on a close 3-2 vote. But the opposition coalesced. When Bright expressed confidence about the bill’s chances on the floor, an opponent replied, “They have to decide whether they want a fight song or a fight.”<sup>12</sup>

On Thursday evening, October 3, 1968, some 80 people piled into a classroom for the debate on the Dixie Bill. A group called Students for Action and Responsibility (SAR) joined BSU in leading the opposition. “There are several black athletes on the football team,” said James Embry, president of BSU. “They don’t wish that the song be played.”<sup>13</sup>

Joe Macguire, a member of SAR, criticized the student government for focusing on trivial matters. “The ‘Dixie’ issue is one which pits two segments of the University in a confrontation of a racial nature,” he said. Thom Pat Juul, another SAR member, moved that a secret vote be taken, which failed.

At that point, Macguire sought to amend the bill to require other songs to be played: “We Shall Overcome,” “Yankee Doodle Dandy,” “The Battle Hymn of the Republic,” and the Eyes of Texas Are Upon You.” Bright banged his gavel and ruled the motion “frivolous and out of order.” Juul then tried to amend the bill to include “America” and “America the Beautiful.”

As things threatened to spin out of control, Juul moved to allow members of BSU to sing the Black National Anthem. A few students obliged and began singing.

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<sup>12</sup> Guy Mendes, *BSU-SG Battle Shapes Up On “Dixie” Bill*, KY. KERNEL, Oct. 3, 1968, at 1; *CARSA Calls ‘Dixie’ Racist*, KY. KERNEL, Oct. 4, 1968, at 1.

<sup>13</sup> Transcript, Bright interview; Larry Dale Kealing, *Student Gov’t Defeats Bill To Play ‘Dixie’ At Games*, KY. KERNEL, Oct. 4, 1968, at 1.

At long last they took a vote on the Dixie bill. The assembly deadlocked 15-15. After much suspense, the bill had failed. Four Greeks had broken ranks and voted with opponents of the bill. President Kirwan eventually ordered the marching band to stop playing the song at ball games.<sup>14</sup>

The issue had been resolved. But for Bright, the entire episode was a political miscalculation. Battles over such cultural symbols did not yet occur to him as raising a question of justice. Years later, he better understood that the song “had a lot of symbolic significance far beyond—as so many things do—what appeared there on the face of it.”<sup>15</sup> His views shifted as he realized how certain things like a song or a flag could acquire racial connotations as well as the power to move people to do good or evil. One day, decades later, Bright would challenge the Confederate flag flying in a courtroom while his black client was on trial for his life.<sup>16</sup>

Yet even at an early age growing up in a segregated society, Bright understood the more tangible aspects of the color line. In Danville, his parents participated in efforts to integrate barbershops and schools. On June 11, 1963, when Governor George Wallace stood at the doors of Foster Auditorium to bar the entry of two black students, Robert told Bright that Wallace’s racist actions were an outrage. “They should put him jail for defying that court order.”<sup>17</sup>

Although UK had desegregated after the *Brown* decision, it was still a mostly white institution into the early 70s. This was especially true of its Greek system. Bright tried to

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<sup>14</sup> Guy Mendes, “Dixie” Nixed, But Backlash Loud and Clear, KY. KERNEL, Oct. 7, 1968.

<sup>15</sup> Bright interview, Feb. 13, 2020.

<sup>16</sup> Robert L. Tsai, *After McCleskey*, 96 So. Cal. L. Rev. 1031, 1051 n. 77 (2023); see also WILLIAM S. McFEELY, PROXIMITY TO DEATH (2000); Moore v. State,

<sup>17</sup> Bright interview, Feb. 13, 2020.

get his fraternity Sigma Nu to admit black members, but his efforts fell short against a process that allowed a single objection to keep someone out. The only thing that came out of Bright's efforts was that the house permitted foreign students to board.

In October 1970 he gave a speech urging the inter-fraternity council to take concrete steps to integrate. "It seems to me the houses must open their doors," he told the assembled fraternity leaders. "I just don't see how we can ignore this any longer." Without compulsory power, however, Bright could never quite figure out how to make it happen.<sup>18</sup>

### *The Activist President*

In the spring of 1970, Bright threw his hat in the ring for SGA president. Bright and his running mate Skip Althoff earned the endorsement of the campus newspaper. What a difference a year made. In the spring of 1969, when Bright ran for vice-president, the editorial board had called him "a very serious and straight-forward individual but who has the drawback of having a very unenlightened attitude." While noting his skills as a debater, the board warned that "students cannot expect creative leadership from him." The paper endorsed his opponent. Bright lost that race.<sup>19</sup>

In a turnabout, the editorial board now praised Bright, calling him "the best chance of leading Student Government out of its stagnant stance" because of his "experience, creativity and interest." Evidently he had worked hard to mend fences and listen to others. The paper pointed out that Bright "has been directly involved in virtually every piece of progressive legislation that has emanated from an otherwise inefficient Student Government." Branding Bright's chief rival for the presidency, Ched Jennings, a "weak

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<sup>18</sup> Dale Matthews, *Greeks Told to Integrate: Bright Speaks to IFC*, KY. KERNEL, Oct. 13, 1970, at 1.

<sup>19</sup> "Why Not?," KY. KERNEL, Apr. 8, 1969, at 4.

candidate” put forth by “the prevailing machine,” the *Kernel* urged students to cast a vote for the Bright-Althoff duo.<sup>20</sup>

On the evening of March 29, Bright and Jennings faced off in a debate. Jennings had run on the slogan, “Unite the Campus,” believing there were “too many problems common to all students” for the SGA to become “enmeshed” in factionalism and divisive issues. During the debate, Jennings spoke of the need for more student involvement in campus life, yet many of his examples were trivial concerns.<sup>21</sup>

Bright, on the other hand, ran against student government itself as having “dealt too long” with “petty and insignificant” matters. He hoped to elevate the seriousness of the issues in which the council got involved. “I think it’s vital that students not only have a voice but that they have votes to back up that voice.” Positioning himself as an outsider, he remarked, “I don’t take directions from anybody.”

When Jennings said that students should make fewer demands on the trustees so they might be more thoughtful in considering student ideas, Bright leapt to exploit his mistake. He reminded those in attendance that amendments to the code of conduct ushered through by the trustees were “sorry” and “unfortunate,” proof that students needed a vocal leader, not one who just played nice.<sup>22</sup>

Bright ran from Jennings’ left by not only taking on the administration, but also seizing on the fact that a mysterious flyer had been mailed out on SGA letterhead touting a Greek slate, from which he had been excluded. This showed Bright was an independent figure rather than a tool for traditionalist forces or school officials. He also found a way to

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<sup>20</sup> *Bright, Althoff, Are The Best Qualified Candidates*, KY. KERNEL, Apr. 6, 1970, at 4.

<sup>21</sup> Tom Bowden, *SG Candidates Launch Campaigns*, KY. KERNEL, Mar. 27, 1970, at 1.

<sup>22</sup> Jean Renaker, *Candidates, Brando Vie for Attention*, KY. KERNEL, Mar. 30, 1970.

win over former progressive critics, such as Juul, who also published a letter touting Bright's ability to "cause positive change, solve problems, and truly meet the growing needs of students." The former adversary now lauded Bright's "directness and his willingness to compromise on issues and not principles."<sup>23</sup>

Students nearly set a record for turnout on April 8. Voters elected Bright to the presidency by a whopping 500 vote-margin in a race that matched him against four others. In defeat, Jennings ruefully acknowledged that he had been thrashed by a more organized and experienced candidate.

"We had an uphill battle to climb and we have climbed that hill," Bright shouted during a brief victory speech. "It will never be that hard to climb again." His supporters threw him up on their shoulders and marched around in celebration. This moment—Bright in a pinstriped suit jubilant, one arm raised in victory, carried by well-wishers—was captured for posterity and appeared on the front page of the *Kernel* as well as his hometown newspaper.<sup>24</sup>

"Those who voted for us were asking for a radical change in student government," he declared in his inaugural address on April 14, 1970. "The University exists for students, not faculty members of administrators. We should not adjust to this university, it should adjust to us!"<sup>25</sup>

To promote "a peaceful revolution," he promised to "confront the faculty and administration with new ideas and new proposals" even though he might "endure hostility,

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<sup>23</sup> *Id.*

<sup>24</sup> J. Patrick Mathes et al., *Bright Wins SG Presidency By 883, Kentucky Kernel*, Apr. 9, 1970.

<sup>25</sup> Angela Mueller, *Bright, Althoff Sworn In; Peaceful Revolution Urged*, KY. KERNEL, Apr. 15, 1970; Robert B. Semple, Jr., *Judge Blackmun of Minnesota Is Named to Supreme court Seat by the President*, N.Y. TIMES, Apr. 15, 1970.

shake traditions and challenge the status quo.” Some ideas in his platform were tepid—such as reducing the student-faculty ratio—while others no doubt raised eyebrows among administrators—such as student review of faculty promotions and the elimination of compulsory class attendance.

Conservatives on campus despised Bright. One group, called the “Student Coalition,” identified him as public enemy number one. Its members established a newspaper dedicated to criticizing Bright’s stances. The group accused him of donating student government funds to the National Association of Black Students for “reparations.” “A pack of lies,” Bright retorted.

Adults were also wary. K.T. Woodson, a prominent member of the UK Alumni Association’s executive board, was also so shocked by Bright’s general insubordination that he remarked, “In my day no one would have dreamed of questioning the university president. If anyone had, he would have cracked him over the head with his cane.”<sup>26</sup>

School officials found Bright to be a headache and “PR problem.” “Ninety percent of our alumni in the state have heard of him,” one dean reported. “but they don’t like him.”<sup>27</sup>

### *Crackdown*

Everything came to a head the night of May 5, after the board of trustees meeting adjourned. At first, protesters who occupied the Office Tower refused to budge. Bright brokered an agreement allowing 10 students to meet with President Singletary if the rest would clear out.

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<sup>26</sup> Bill Peterson, *Straight Radical*, COURIER-JOURNAL, Nov. 15, 1970.

<sup>27</sup> *Id.*

Bright issued a statement asking “all members of the faculty” to “respect the personal convictions of those students who participate in the student strike.”<sup>28</sup> He understood that most students would choose to continue their studies, but left no doubt that he sympathized with the protesters. “I feel that these considerations are secondary to the overriding importance of the influence of the expansion of the Southeast Asian conflict and the Kent State incident.”<sup>29</sup>

That evening, several hundred students marched through the north part of campus. Escorted by police, they carried 4 caskets in honor of the students killed at Kent State. Students walked solemnly side by side, often with arms linked. Others spilled out of the dorms to join them.

By the time the procession arrived at Buell Armory, it had ballooned to 1000 strong. Campus police were already present. There, confusion reigned. People shouted over one another. A few rocks were thrown at the Armory and police.<sup>30</sup>

As he watched the student protests grow steadily, President Singletary experienced “mixed emotions” over how strongly to respond to the student protests. But Governor Nunn settled the matter by calling in the state police with riot gear. On his order, nearly 100 state and local police officers assembled in a nearby parking lot.<sup>31</sup>

Dean of Students Jack Hall pleaded with students to disperse. Bright understood that tensions were now getting too high. He also urged fellow students to go home. Some students wandered away, but about 500 remained.

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<sup>28</sup> J. Patrick Mathes, *Bright Condemns Security, Criticizes Police Action*, KY. KERNEL, May 6, 1970.

<sup>29</sup> *Id.*

<sup>30</sup> Ron Hawkins, *AFROTC Building Burns; Student Charged*, KY. KERNEL, May 6, 1970.

<sup>31</sup> Louie B. Nunn interview, June 5, 1990.



At 11:15 p.m., Burch told the crowd that remained that it now constituted an unlawful assembly and would be arrested. State police and guardsmen in riot gear sprinted toward the students. The police were armed with automatic weapons, billy clubs, shotguns, and tear gas. Suddenly, a repeat of Kent State seemed possible.

At that moment, “a huge fireball” shot into the sky. Everyone raced in the direction of the billowing smoke, followed by about half of the police force on hand. They discovered the Euclid Avenue Building, which once housed the Air Force ROTC, going up in flames.

The night’s events pushed the community into separate camps. Some felt that the conflagration was “unfortunate,” but “the tragedy of Vietnam was worse.” Others believed things had endangered the lives of students living in a nearby all-women dorm. For his part, Bright was incensed that a more deadly end to the evening was barely averted. People in the streets were calling for an end to war through non-violence. But now the state was becoming part of the problem rather than part of the solution.<sup>32</sup>

That night, Bright told reporters: “I think President Singletary made a big mistake by letting Joe Burch, director of Safety and Security, make the decision to use the police.” He blamed “suppressive action and lack of patience on the part of University and police officials.”

Governor Nunn, who watched the events unfold from a parked car, put the National Guard on alert at 2:30 a.m. the next morning. He deplored “the unprovoked, premediated,

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<sup>32</sup> Martin Luther King, Jr., “Beyond Vietnam,” Riverside Church, New York, Apr. 4, 1967; Martin Luther King, Jr., “The Three Evils of Society,” The Hungry Club Forum, Atlanta, May 10, 1967; TAYLOR BRANCH, *AT CANAAN’S EDGE: AMERICA IN THE KING YEARS, 1965-68* (2006); DAVID J. GARROW, *BEARING THE CROSS: MARTIN LUTHER KING JR., AND THE SOUTHERN LEADERSHIP CONFERENCE* (1986).

senseless action” by the students and vowed that destruction of property and other violations of law “*would not be tolerated.*”<sup>33</sup>

Kentuckians awoke to the governor vowing that the state police and guardsmen would stay as long as needed “to keep the campus out of the hands of that small group who promote violence and destruction.”<sup>34</sup> He declared: “These decisions come at a crucial turning point in American history. The time has come for this nation to decide whether our educational institutions shall survive as free, rational communities, or whether they shall succumb to the paralyzing effects of violence, intimidation, and anarchy.”<sup>35</sup> In resisting “the tide of campus violence which has been swelling the land,” Governor Nunn “proudly” offered Kentucky’s law-and-order response “as an example to the nation.”<sup>36</sup>

As some 250 national guardsmen arrived, students packed the Student Center to hear from President Singletary. In front of 1,500 students, he called the events of the previous night “irrational and meaningless.” Singletary declared a “state of limited emergency.” He announced that all student gatherings after 5 p.m. that day would be prohibited. After finishing his remarks, Singletary quickly departed.<sup>37</sup>

Bright strode to the podium and spoke next. He pushed back against Singletary’s portrait of disorder. No serious breach of the peace had occurred until the police arrived, he insisted. “The dangerous people here are not the students,” Bright stated. Instead, he

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<sup>33</sup> Louie B. Nunn, Address Concerning University of Kentucky Campus Disorder, Lexington, May 6, 1970, in Robert F. Sexton (ed.), *The Public Papers of Governor Louie B. Nunn, 1967-1971* (1975), 352; Louie B. Nunn, Statement, May 7, 1970.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> “*Deplorable Acts of Violence*”: *Student Meetings After 5 Prohibited By Singletary*, KY. KERNEL, May 6, 1970; Frank Ashley and Phil Norman, *Guard, Police Enforce Curfew on UK Campus*, COURIER-JOURNAL, May 7, 1970.

took aim squarely at Governor Nunn for “exploiting the students to save a dying political career.”<sup>38</sup>

If Nunn and Singletary thought their coordinated law-and-order reaction to students assembling out of doors would bring the younger generation into compliance, they were sadly mistaken. To the contrary, the crackdown brought fresh reasons to fight back, as the emergency policies raised serious constitutional issues: the right to protest peacefully as well as the power of a governor to declare martial law.<sup>39</sup>

A rally was scheduled that afternoon to test Singletary’s curfew. Students gathered near Buell Armory steadily throughout the afternoon, until about 1000 were present. They sang “My Old Kentucky Home” and “America.” Someone recited the Declaration of Independence.

Once it became clear the students were refusing to heed the university-imposed curfew, Governor Nunn then declared martial law on the UK campus, darkly blaming “dangerous outside agitators” and citing “bomb threats and evidence of further plans of destruction.”

Nunn imposed his own curfew on the UK campus from 7 p.m. until 6:30 a.m. the next morning. He announced that state police and national guardsmen “with mounted bayonets and live ammunition are being moved onto the campus.” Nunn stressed that the officers “are under orders to use such force as is necessary” to protect students and university property.<sup>40</sup>

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<sup>38</sup> Ashley & Norman, 4; Hall, 52.

<sup>39</sup> Bill Peterson, *UK Action Like Determined Outing*, COURIER-JOURNAL, May 8, 1970, at 14.

<sup>40</sup> Hall, 52-53.

At a quarter to 6 p.m., Colonel C.B. Crutchfield joined state police at the door to the armory and read aloud Governor Nunn's emergency order. Students jeered state officials. Yet amongst themselves, they discussed in worried tones what to do if shots were fired. Jars of Vaseline were passed around in case troops used tear gas.<sup>41</sup>

As the 7 o'clock hour approached, about 1,200 students gathered in front of the law school. As the men in riot gear advanced, students walked across Limestone Street on to the grounds of the Lexington Theological Seminary. They began chanting, "Guns off campus!" followed by lyrics from "America the Beautiful" and "The Star-Spangled Banner."<sup>42</sup>

Thursday morning, Bright held a news conference where he blamed the media for blowing the students' protests out of proportion. "Students have been depicted as the instigators when they have actually been the victims," he explained. Charging at unarmed students "with mounted bayonets and live ammunition" was "a ridiculous overreaction to a peaceful situation."<sup>43</sup>

About 300 activists rallied at the student center patio at 12 p.m. when Dean Hall declared it an illegal meeting. Students were ordered to disperse, and about a half hour later, state police charged the area, swinging night sticks and seizing key figures.

Bright had just advised fellow students to "move out" when he became the first one to be grabbed brusquely under his right armpit and paraded through the crowd. Wearing a faded khaki colored jacket, dark tie, and giant grin, he made the peace sign with his left

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<sup>41</sup> *Id.*; Sexton, 353.

<sup>42</sup> Frank Ashley and Richard Wilson, *Faculty Urges Closing of UK; Curfew Pressed*, COURIER-JOURNAL, May 8, 1970.

<sup>43</sup> *Id.*

hand as police led him away. Others were hauled away more roughly, by the hair or the scruff of the neck. Thirteen arrests were made in that sweep.

At 2:30 p.m., 800 people returned to the student center to defy Governor Nunn's order. Without issuing a warning, police began spraying tear gas at the crowd, while state policemen and national guardsmen cleared the area.<sup>44</sup>

That evening, the university's faculty senate passed two resolutions, one calling on the governor to remove all police and guardsmen, and another recommending the closure of the university for the rest of the year. The SGA also met and passed a resolution condemning Nunn for the crackdown. "Most of these kids haven't done anything wrong, but they've been beaten, tear-gassed and some have been sent to jail," Bright told a reporter. "I'm not afraid of the students. I'm afraid of the National Guardsmen and the governor of Kentucky."<sup>45</sup>

Meanwhile, J.W. Patterson, a UK English professor and president of the local chapter of the American Association of University Professors (AAUP), issued a resolution expressing alarm at the number of armed police on campus, calling the overreaction "inflammatory" and "oppressing." He informed reporters that a group of faculty members would seek a judicial decree to overturn Nunn's emergency order. Bright lent his name to the cause.

The battle lines were now drawn: on one side, the protesters and the Constitution; on the other, the defenders of law and order.

### *Putting the State on Trial*

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<sup>44</sup> *Id.* at 24; Hall, 55-57.

<sup>45</sup> Peterson, 14.

On Thursday afternoon, May 7, Bright and other plaintiffs asked a judge to issue a temporary restraining order seizing “weapons of violence” from police officers and guardsmen on campus. They argued that no “clear and present danger” existed. According to their attorney, William Hampton Allison, the governor was merely “playing politics. It was a bad faith effort on the part of the governor in declaring an emergency.” The real motive was to suppress dissident speech.

Judge Mac Swinford heard arguments politely, but declined to grant a T.R.O. “I am sure the governor was thoughtful” before declaring a state of emergency, he said. It would be “unjustifiable for this court to overrule the governor” especially based on news accounts. Judge Swinford set the matter for a full hearing the following Monday.<sup>46</sup>

By 4 p.m. Friday, troops began withdrawing from campus. Students had finished final exams and packed their bags for the summer. On Monday, May 11, the hearing began. Bright was the first witness called by William Allison. As Nunn and Singletary looked on, Bright recounted how he had witnessed the police and guardsmen surround the students and engage in mass arrests without no provocation.

President Singletary was then called to the stand. Asked whether he had any evidence the burning of the ROTC annex had anything to do with the protest, he answered, “None whatsoever.” But he insisted that the university had received at least three bomb threats.<sup>47</sup>

The climax of the hearing came Wednesday, when Governor Nunn appeared. He was grumpy, having been forced to cancel a trip to Washington to meet with Nixon. Under

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<sup>46</sup> Associated Press, *Judge Refuses to Disarm Police and Guard at UK*, COURIER-JOURNAL, May 8, 1970.

<sup>47</sup> Sy Ramsey, *UK President Testifies He Didn't Ask For Guardsmen To Be Sent To Campus*, PADUCAH SUN, May 12, 1970.

oath, Nunn admitted that no single incident prompted him to call in the national guard, but that preemptive action was still justified because “cowards and arsonists hide in the shadows of darkness.”<sup>48</sup>

“Did you have any evidence that the fires were set by students before you sent in the troops?”

“No,” Nunn responded, “but when the groups met and threw rocks at the police, that’s when it all started.”

Allison pressed him harder. “But why did you think the fires had anything to do with the student protests? You didn’t have any evidence the fires were planned by students, did you?”

“I only know this. Last Friday night the group met and we had fire. Monday the group met and there was fire and Tuesday the group met and there was fire.”

Allison then inquired about Nunn’s public statement claiming to have information about “eight to 15 dangerous outside agitators armed the dynamite, Molotov cocktails and guns.” Under oath, Nunn admitted only being told by state police that “nine or 10 dangerous persons” were on campus and being shown photographs but knew of no other “documents” or “dossiers.”

“Did you ever consider sending police and guardsmen without firearms or live ammunition?” Allison asked. Nunn shot back: “They carry weapons everywhere they go—even UK sporting events. No one’s ever asked that they be disarmed.”

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<sup>48</sup> Frank Ashley and Richard Wilson, *Nunn Tells Why Guard Sent to UK*, COURIER-JOURNAL, May 14, 1970; Sy Ramsey, *Court Case on UK Disturbance Resumes*, DANVILLE ADVOCATE-MESSENGER, May 12, 1970.

Outside of the courtroom, Nunn doubled down, telling the media that the “Weatherman” militant group and other “outsiders, professionals” had stoked unrest. Asked about peaceful protest, he tried to make it about civility. “You can dissent and still be a lady or gentleman—you don’t have to use four-letter words, filth, or smut, . . . rocks or Molotov cocktails.” Nunn raised the specter of permissive cultural influences, saying that parents should “take a long hard look at those your youths are associating with [and] at some of the philosophies that are being taught.”<sup>49</sup>

After two and half days of live witnesses, Judge Swinford delivered his ruling to a hushed courtroom. After saying that the use of force was regrettable, he sided completely with Nunn and Singletary. The defendants had “acted properly and well within the law.” He offered his sympathy to state officials for encountering a tough situation: “I am convinced that had they not acted as they did, they would be subject to criticism. We should give thanks for the action that was taken.”<sup>50</sup>

Much of Swinford’s ruling seemed to be a lecture directed at the young people who filled his courtroom. “You are our chief and most valuable asset. . . many times I feel the older generation has suppressed [your] rights.” While he described the rights to free speech and assembly as “cherished institutions,” he nevertheless found that the university had adopted “reasonable” regulations on speech and enforced them. State officials had acted properly because “the Constitution . . . doesn’t guarantee freedom of assembly to invade the rights of other people.”

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<sup>49</sup> *Nunn Orders Guard, State Police to Begin Withdrawing From UK*, COURIER-JOURNAL, May 9, 1970; *C-J Editorial, Coverage at UK Assailed by Nunn*, COURIER-JOURNAL, May 9, 1970.

<sup>50</sup> Bob Cooper, “Court Dismisses Case Opposing Use of Guard,” *Messenger-Inquirer*, May 15, 1970; Scott T. Wendelsdorf, *Constitutional Law—The Power of a Governor to Proclaim Martial Law and Use State Military Force to Suppress Campus Demonstrations*, 59 KY. L.J. 547 (1970).



In fact, he went out of his way to reject the analogy that a university was like a town square. Without making any distinctions between public spaces on campus and classrooms or administration buildings, Judge Swinford broadly found that the University of Kentucky “is not a public commons but a place where an institution has been created by law and is sustained, developed, maintained, and supported for an expressed purpose.”<sup>51</sup>

Judge Swinford made a hash of the First Amendment by further suggesting that somehow other students’ constitutional rights had been violated by the demonstrators. He blamed the protesters for the delay of commencement after “young men and women spent four years and significant sacrifice” to walk the ceremony.

Bright found the judge’s decision “preposterous,” especially Swinford’s implication that “perhaps all of Lexington might’ve burned down” had Nunn not reacted with an immediate show of force.<sup>52</sup> At that point, the faculty members who had signed on to the case decided to step away even though the ACLU decided to sponsor further litigation. Bright was the only one willing to press on.<sup>53</sup>

While the case was on appeal to the Sixth Circuit, university sanctions still loomed. Thirty-one students—including Bright—faced 104 charges in university disciplinary proceedings. Just as Bright had predicted months before, the revised student code was now being used to punish dissident speech.

On the eve of the hearings, Bright and ten fellow students returned to court and asked Judge Swinford to block further university proceedings, at least until the fall term. Their lawyer, Robert A. Sedler, argued that they “cannot have a fair trial” with witnesses

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<sup>51</sup> Richard Wilson and Frank Ashley, *Use of Police, Guard at UK Was Justified, Judge Rules*, COURIER-JOURNAL, May 15, 1970.

<sup>52</sup> Cooper interview of Bright.

<sup>53</sup> *Id.*

scattered around the country. Bright took the stand and testified that two individuals who could help his defense were in Texas and two other witnesses were in Europe. He also testified that Dean Hall told him if his case wasn't adjudicated right away, he would not be allowed to return to school.<sup>54</sup>

But Judge Swinford was unmoved. He called due process violations "imaginary."<sup>55</sup> He refused to strike down the code and said that students had to "comply with the rules." If they didn't like them, they "ought to go to some other college."<sup>56</sup>

Over the summer, Bright kept up a public relations blitz. In July, he appeared on a television show in Louisville. In the interview, Bright accused the university of discriminating against students who had "leadership roles" in the protests. He also denounced the choice to conduct disciplinary hearings during the summer as an effort to "railroad" them.<sup>57</sup>

In the end, most students were acquitted before UK's Judicial Board, or given inconsequential sentences. Bright's case was handled by a talented third-year law student, Sheryl G. Snyder, who filed a flurry of pre-trial motions. Dean Hall's office threw the book at Bright, charging him with five violations of the student code, including being in an unauthorized location in violation of Singletary's curfew, participating in an unauthorized campus gathering, and being convicted of a state crime. The university dropped a 5th charge for "induc[ing] other students to commit violations of state law" through his May 7 speech.<sup>58</sup>

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<sup>54</sup> Philip Norman, *UK Students' Plea Rejected by Court*, COURIER-JOURNAL, June 11, 1970.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Bright Accuses U.K. of Discrimination*, ADVOCATE-MESSENGER, July 1, 1970; Sy Ramsey, *Bright Says UK Unrest Misunderstood by Public*, COURIER-JOURNAL, July 25, 1970.

<sup>58</sup> *Bright's J-Board Sentence Has No Practical Impact*, KY. KERNEL, July 9, 1970.

Right before his hearing began, Bright called the proceedings “nothing more than an attempt by the University to suppress and intimidate legitimate and peaceful manifestations of student concern for issues of local and international significance.” After deliberations, his peers acquitted him of three charges but convicted him of a single count: violating university rules “regarding the use of university property” for not complying with the curfew. Bright was given an undated suspension until October 1, without restrictions—which meant probation without having to relinquish elective office.<sup>59</sup>

Snyder sought an immediate appeal before the UK Appeals Board. Invoking the U.S. Constitution, he argued that the entire prosecution against Bright was “a ruse to unconstitutionally punish an unpopular speech, an attempt to make an example of a student leader whose crime is unpopular political tactics.” He warned that the unduly vague student code gave officials power to suppress unpalatable expression.

Sheryl also raised the possibility that Bright had been singled out as a “political example,” treated differently from other students who had done exactly the same thing. Selective prosecution claims were exceedingly difficult to make when someone was prosecuted criminally, but perhaps the argument would fare better in the university setting. After all, Bright was the only one of 700 students prosecuted for violating curfew.<sup>60</sup>

On November 23, Bright learned that he had won his appeal. The Board voted to overturn his conviction on the ground that the Judicial Board failed to consider the student code’s guarantee of “freedom of expression.”<sup>61</sup>

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<sup>59</sup> Jean Coady, ...*While Others Stayed Home But Joined in the Protest . . .*, COURIER-JOURNAL, Jan. 25, 1973.

<sup>60</sup> Ron Hawkins, *Bright Seeks Reversal of J-Board Conviction*, KY. KERNEL, Sept. 16, 1970.

<sup>61</sup> James M. Miller, *Board Upsets Ruling Against Bright*, COURIER-JOURNAL, Nov. 24, 1970.

Unhappy that so many students escaped punishment, the board of trustees pushed through another round of changes to the disciplinary code, taking cases involving charges of interfering with university functions completely away from the all-student Judicial Board and lodging them instead in the Appeals Board, which was populated by six faculty members and three students. This proposal allowed university officials to suspend a student for up to 7 days without a hearing and recognized new authority to declare a state of emergency, ban mass meetings, and “impose upon any person such temporary sanctions as are considered necessary.”<sup>62</sup> All members of the board voted to approve the changes. Bright, as a non-voting member, registered a lonely dissent.

Bright knew from the start there was little he could do to stop the amendments from being approved, and so he denounced them before the assembled trustees voted. Signaling the importance of the code revisions, Governor Nunn decided to preside over the board meeting. Looking Governor Nunn right in the eye, he told the adults in the room: “We are fooling ourselves and becoming the victims of an unhealthy paranoia when we pretend that there are large numbers of people, within or outside the University community, determined to physically destroy the University or to cause injury to individuals on this campus.”

Though he didn’t personally worry about threats from fellow students, Bright did fear something: “Our experience last May indicates that these new provisions will be used against that group of students who love and support this institution and who have dedicated a great amount of their time and energy to work for positive, constructive change.”<sup>63</sup>

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<sup>62</sup> Frank S. Coots III, *Trustees Modify Student Code*, KY. KERNEL, Sept. 3, 1970.

<sup>63</sup> *Student Body President Responds to Revised Student Code*, KY. KERNEL, 4; Minutes of the Special Meeting of the Board of Trustees of the University of Kentucky, Aug. 13, 1970; Richard Wilson, *Some of Activist Students at UK Find Trustee Contact in Tommy Bell*, COURIER-JOURNAL, Aug. 16, 1970.

Turning to the specific amendments, Bright minced no words. “Much of what is being adopted here today is an insult to all students.” He singled out the move to sideline the all-student judicial board for “the most important disciplinary cases.” “How else can this be interpreted except as a clear lack of faith in students?” he wondered. “What else could the adoption of this provision be called except a denial of trial by one’s peers?”

He turned to another provision, one that prohibited “outsiders” from membership in student organizations. Bright decried “[t]he myth that students are all very passive and can be led around by persons from off the campus.” It is an “insult to the adults receiving an education here” to deprive them of agency and reason.

In that moment, Bright brought criticism of these two amendments together thematically by showing that they reflected the use of law to dehumanize others. “In the adoption of these two provisions you fail to recognize the student as a human being,” he asserted. “I view this as the most serious shortcoming of any.”

Rarely could a young person address such an array of powerful figures as a captive audience, and Bright did not let the moment pass. “There is only one group of outsiders with the power and authority to consistently delve into the internal affairs of this University and spark something which students would not have put together themselves.”

“Gentlemen, I regret to inform you that you are that group.” Deftly, he turned the governor’s own us-versus-them strategy against him. Peaceful activists were not the problem. Rather, the real threat to free thought and democratic renewal came from the governor and his allies.

Movement rhetoric permeated Bright’s message. Shared responsibility is meaningless, he insisted, “without the concept of ‘shared authority.’” He reminded the

trustees that “when we deny the rights of a few, we have denied everyone their rights.” Finally, he said, “when faced with regulations which are neither legitimate or just, the society has but one alternative: It must resist.”

Bright ended his oration by expressing “utmost confidence in our students,” while pointing out the tyrannical quality of the Board, “a collection of businessmen and politicians, . . . about to hand down regulations that will affect some 17,000 adults.” As a matter of “moral responsibility,” he explained, “We must resist. Gentlemen, we will resist.”

About 50 students and faculty members were permitted to attend the board meeting and observe from the back of the room. As Bright finished his remarks, they broke out in applause.<sup>64</sup>

### *Aftermath*

A majority of Kentuckians backed the strong-arm tactics of the state. In one poll, 96% agreed the governor’s use of the National Guard. One letter writer, F.A. Henriott, applauded the university for kicking Bright out of the ROTC program, though urged that the punishment for protesting be ratcheted up further. “Expulsion, not amnesty,” the author demanded, objecting to taxes “being used to support these leftist radicals.” He asked, “Where are the 90 per cent who do not favor Bright?”<sup>65</sup>

Bright received hate mail during this time and dutifully kept them in a file. “Boyle County and Danville students, the people of Danville, are ashamed of you,” wrote one resident.<sup>66</sup>

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<sup>64</sup> Frank Ashley & Richard Wilson, *UK Trustees Adopt Stiffer Student Code*, COURIER-JOURNAL, Aug. 14, 1970.

<sup>65</sup> Hall, 62; F.A. Henriott, Letter to the Editor, COURIER-JOURNAL, Aug. 26, 1970.

<sup>66</sup> *UK Student Leader Dropped by ROTC*, COURIER-JOURNAL, Aug. 13, 1970.

As students returned to campus in the fall of 1970, the administration worried there would be a repeat of the spring protests. Governor Nunn sent a letter to all students within the state warning that “disruptive” demonstrations could destroy higher education.

Bright fired off a blistering statement, accusing the Governor of engaging in the “political exploitation of students” and appealing to “fear rather than intelligence.”<sup>67</sup> He decried the Governor’s “careless rhetoric keyed to fear, mistrust, and frustration.”<sup>68</sup> Bright then dropped his own warning: if Nunn continued to “incite” suspicion through his inflammatory appeals, the governor would be responsible for “an even greater backlash.”<sup>69</sup>

Although both sides expected the worst, things began to die down in Lexington, the spring of 1970 becoming more of a memory of what could have been rather than the spark of successive rounds of protest.<sup>70</sup>

In September, Bright received a phone call from a booker with the David Frost Show inviting him to fly to New York City and debate Vice President Agnew. When he got there, he found himself surrounded by others. Five of them ended up sharing a stage with Frost and Agnew: Bright, Gregory Craig of Yale Law School, Richard Silverman of University of Washington, Eva Jefferson of Northwestern University, and Craig Morgan of Kent State.

Craig started off by accusing Agnew of “slandering established respected public servants” who opposed the war and said, “we can’t afford the kind of emotionalism and clouding of reason through rhetoric.” When it came to the topic of campus unrest, Jefferson, the only black student on stage, told Agnew that he misrepresented what young

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<sup>67</sup> Philip Norman, *Nunn Accused of Appeal to “Fear” in His Letter*, COURIER-JOURNAL, Sept. 8, 1970.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Threats Won’t Calm Campuses*, Editorial, COURIER-JOURNAL, Sept. 10, 1970.

people said about violence in society. “You’re doing us a great disservice because you’re making people afraid of their own children,” she said. “The way you talk about students is as though they are people from another planet who were dropped down on college campuses with no more intention than to just blow up buildings.”<sup>71</sup>

Agnew was well prepared and used every opportunity to parry the students’ complaints. He mentioned a speech he gave in Saginaw, where he was “shouted down by a bunch of people who had no idea of what they wanted to say to me, except they didn’t want me to be heard. Now that’s repression of my right to express myself.”

He also shrewdly argued that unlike black civil rights activists’ direct action on buses and at lunch counters, the student anti-war movement was disorganized and “unrelated to the subject matter.” He said that occupying university buildings as “guerrilla headquarters for the protesters,” tying up traffic, “the types of disruption that are involved in activities that affect people who are not the object of the protest, even though nonviolent, are not permissible.” Worse, their message “is not understandable.”

Agnew had come prepared for the inevitable moment someone accused him of fomenting violence. When Silverman called him “perhaps the greatest precursor of violence in this country,” Agnew pounced. “Long before I became a household word, violence was rampant in this country. The Berkeley campuses exploded when I was still back in county government... And yet you say my rhetoric has caused the violence.”<sup>72</sup>

Bright barely got a word in edgewise. He felt that the forum did a disservice to the students’ goals because it was loosely structured, with Agnew as its focus, and the students had come without a plan of attack. The opportunity had been wasted, he later wrote in the

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<sup>71</sup> *Agnew’s Talk With 5 Students*, Oct. 12, 1970.

<sup>72</sup> *Id.* at 98.



*Blue-Tail Fly*. Agnew “was much more careful in the television appearance,” and did not repeat “various phrases he has used in the past which imply that they are traitors.” Nor did he “lump everyone from the middle to the extreme left into criminal status,” as he usually did in speeches. As a result, Agnew “came off looking good.” But make no mistake, Bright warned: “the real Spiro Agnew is an unpleasant and unfortunate personification which some of man’s most cherished ideals must contend with in the 70’s.”<sup>73</sup>

There was an anguished quality to Bright’s self-diagnosis for why “[t]he students failed to bring out the worst in the Vice President.” He kicked himself for not seizing advantage of his moment on television. “I failed because I said very little.”

But there was plenty of blame to go around: “As a group we failed because we did not move the conversation to areas which were new to Agnew,” thus allowing him to comfortably respond to “old arguments and old issues.” This observation was on the mark, for the White House deployed Agnew generally to accomplish two objectives: “appeal to that ‘great silent majority’ the President talks about,” and “try to hold the South for Nixon” by speaking to “the forgotten American.”<sup>74</sup>

Bright’s tenure as Student Body President during a time of national tumult taught him many valuable lessons. Wrestling with the urgent issues of the day, he felt, was an admirable and morally rich existence. He had learned how to build coalitions, mend political relationships that became frayed, and deal with hostile officials. Drawing from movement ideology and his own experiences challenging authority, he had begun to

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<sup>73</sup> Steve Bright, *One Debating Spiro Agnew*, BLUE-TAIL FLY, No. 8.

<sup>74</sup> *Agnew’s Language...and The Storm It’s Causing*, U.S. NEWS & WORLD REPORT, Nov. 17, 1969; JUSTIN P. COFFEY, *SPIRO AGNEW AND THE RISE OF THE REPUBLICAN RIGHT* (2015); STEPHEN E. AMBROSE, *NIXON, VOL. 2: THE TRIUMPH OF A POLITICIAN, 1962-1972* (1989).

formulate a critique of how political and legal systems can degrade human beings and lock everyone else in a cycle of recrimination and violence.

With graduation in the spring of 1971 came a yearning for something bigger, more challenging. Bright enrolled in law school, yet feared the law would not be it. On September 24 came word that the federal appeals court had upheld Judge Swinford's decision. "There was not a scintilla of evidence that either Governor Nunn or President Singletary acted in bad faith or that they were motivated by politics," wrote Judge Paul Weick for the three-judge panel.<sup>75</sup> Instead, the judges went out of their way to praise the government for acting "with courage and dispatch" in order to "quell the disorders, to save lives, and to protect property."<sup>76</sup> To add insult to injury, Judge Weick quoted Bright's speech to students that "they should be thankful for the burning of the building," as part of the evidence supporting martial law, even though what he meant was that "it was preferable for the building to be burned rather than for the students to be injured."<sup>77</sup>

The panel also refused to declare the emergency orders a violation of the First Amendment. Instead, the judges vindicated a strong vision of emergency governance: "good order on campus . . . cannot be accomplished if students are permitted to flout their teachers and disobey lawful orders issued by the state's highest officer during an emergency."<sup>78</sup> It was a total victory for the university and the governor. With no one interested in taking the case higher, this chapter of the spring demonstrations was now closed.<sup>79</sup>

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<sup>75</sup> Bright v. Nunn, 448 F.2d 245, 248 (6<sup>th</sup> Cir. 1971).

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 249.

<sup>79</sup> *U.S. Appeals Court Backs Swinford Ruling on 1970 UK Trouble*, COURIER-JOURNAL, Oct. 20, 1971.

“I want to get out of the South for a while,” Bright started telling people. His goal all along as a student leader was to “make the university treat students as human beings rather than machines.” He had prevailed in some scrapes, but emerged worse for the wear after others.

When George McGovern’s presidential campaign beckoned, Bright was grateful for the excuse to drop out of law school. At that moment, state politics didn’t seem like the best path to transformative change and his legal studies too removed from the action. For the idealistic, national politics still held out the promise of a just society. Ever since Bright had heard McGovern speak in Chicago, he had stood out as America’s best hope to end intractable military engagements abroad.

McGovern hailed from South Dakota, voted for civil rights and programs that helped the poor. An early opponent of America’s military entanglement in Vietnam, McGovern’s June 1967 speech had riveted his listeners. “I do not intend to remain silent in the face of what I regard as a policy of madness,” McGovern began, electrifying anti-war forces with his appeal to conscience. From beginning to end, Vietnam policy represented “the most tragic diplomatic and moral failure in our national experience.” If we did not find a way to extricate ourselves, and did it quickly, he warned, “our dreams of a Great Society and a peaceful world will turn to ashes.”

McGovern’s campaign came along at the right moment: it offered Bright a chance to live with purpose, to act on his anti-war principles, and to learn what it takes to participate in national politics. Bright packed his bags and headed to Florida, excited to learn how to be a speech writer.

But the candidate who called for an immediate cessation of hostilities lost in a landslide, winning a single state—Massachusetts—plus Washington, D.C. Nixon, with his message of “peace through honor,” won every other state.<sup>80</sup> After that disappointing experience, Bright returned to Lexington to finish law school. He decided that the itinerant political lifestyle did not suit him after all. After graduation, he did a stint as a staff attorney at the Appalachian Research and Defense Fund founded by John Rosenberg working on class action suits to help poor Kentuckians receive benefits. Then came training at the Public Defender Service for the District of Columbia and his first exposure to the criminal justice system as an advocate, before heading to Georgia to revive the predecessor organization of the Southern Center for Human Rights.

Yet these formative years at the University of Kentucky had already set Bright on a path to one day emerge as a cause lawyer. He had become increasingly skeptical of majoritarian politics while cautiously hopeful that the rule of law, properly interpreted and enforced by judges, might curb democracy’s excesses. He would continue to learn from his experiences and eventually become one of the nation’s most ferocious critics of the justice system’s treatment of poor people and racial minorities.

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<sup>80</sup> Nixon rejected a unilateral ceasefire, and vowed to continue bombing North Vietnamese installations, gradually withdrawing American troops, and insisting that Communist forces come to the bargaining table. President Richard Nixon, Address to the Nation on Vietnam, Apr. 26, 1972.

