

STANFORD UNIVERSITY NEWS SERVICE
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EDITORS: See related story for early testimony in the hearing described here.

FOR IMMEDIATE RELEASE

STANFORD -- The Stanford Judicial Council early Thursday (APRIL 17) concluded a 10-hour fact-finding hearing into the Applied Electronics Laboratory sit-in on the campus.

After eight hours of testimony and two hours of deliberation by the faculty-student Council, Chairman Jack Friedenthal, professor of law, said a decision was being reached and "would be transmitted to President Kenneth S. Pitzer as soon as possible."

Witnesses who testified included AEL researchers, sit-inners, and Dean of Students Joel Smith.

Smith warned the Council that because of AEL classified material, which demonstrators have pledged they will not touch, there is the danger that Federal officials might come onto the campus.

"It is urgent that the Council assert its own jurisdiction and protect students' rights, and to assure that the system approved by the students and faculty will work in this instance," Smith said. "We have made a determined effort to use internal procedures, but evidence mounts this is not working. It is a very critical situation, which tests the capacity of the University to meet that situation."

"I haven't any confidence that the University can pass that test unless the Council is prepared to act."

Smith said that, as time goes on, "There is the risk of escalation by demonstrators, the risk of retaliation by self-appointed vigilantes, and the risk of police activity over which the University may not have control."

"Federal authorities have the unqualified initiative to take action without consulting the University. Police may have to come on the campus, not because the University wishes it, but the University may not be able to control it."

"This is an urgent and deteriorating situation, because of failure of other remedies. It is the belief of all that we can govern ourselves."

"It is compelling that the Council face its responsibility to recommend to the President something which I regard as our last effort. It is a desperate last hope against alternatives I regard as grim."

The demonstrators voted not to send any representatives to the Judicial Council, despite Friedenthal's request. He then appointed Richard Kuhns, 1967 Law School graduate and now a teaching fellow at the Law School, to represent the demonstrators' interests.

Kuhns offered three basic arguments:

1. If there has been a disruption at the laboratory, which he wouldn't concede, it would not be a violation of University policy because "what is being disrupted -- war-related research -- is not a proper University function or approved activity."

2. Students "got nowhere" in their long attempts to get the University "to come to grips with" the issues they had raised about war-related research. "The sit-in," Kuhns said, "was the only means possible and should not be considered a disruption."

3. The University policy sets up a "balancing test" between rights -- the rights to continue research, both war-related and other kinds; the rights of those affected by such research; and the rights of students who haven't gotten effective action. Balancing these rights, he said, must be done against a "slight disruption to see if University policy has been violated -- and it hasn't."

The hearing was called for the sole purpose of determining whether or not a disruption exists, and to decide what the Council's next steps should be.

At its afternoon session, the Council asked Kuhns to develop arguments on several possible sanctions, including a finding by the Council that there is a disruption and a request that the University President take summary action to assess interim penalties against persons within its jurisdiction.

At the evening session, Kuhns was given a proposed rule moments earlier by the Student Conduct Legislative Council saying no student may be subject to any disciplinary sanction ... without a Judicial Council hearing." Friedenthal called the SCLC action "a grave breach of the legislative process," and the Council ruled it out of order. It could not take effect until May.

"Any attempt by the SCLC to influence a judicial decision by such action is contemptuous of the proceedings of orderly government," Friedenthal said.

He later said the action "was even more serious since the Legislative and Judicial Charter of 1968 clearly gives no power to the SCLC to make rules reading the judicial procedure. Furthermore, the SCLC resolution is invalid to the extent that it conflicts with powers given to the President under the Charter."