

## Statement of defendants

Since the fall of last year, Stanford Students for a Democratic Society has raised the issue of Stanford's military and economic involvement in Southeast Asia. The Stanford corporate-defense complex's involvement ranges from Chemical-biological warfare studies and counterinsurgency work at SRI, military electronics work on campus in the Applied Electronics Lab, faculty consulting for the Pentagon, to trustees' corporations supplying the War effort and holding major investments in SE Asia. Actions at SRI, AEL, and Pitzer's office this fall were directed toward keeping the issue of the human suffering in South East Asia before the University community.

Yawns.

Christmas vacation left a rapidly diminishing amount of interest in these issues. So Stanford SDS drew up a set of 9 specific demands directed towards getting Stanford out of SE Asia, and attempted to present them to the trustees and the community on January 14. These issues had to get out in public again. You see, the Vietnamese don't work on a quarter system.

Whatever their motivations, many of the Stanford trustees run corporations that inflict death on Vietnamese and support oligarchies which condemn people of the Third World to poverty, illiteracy, and early death. The Vietnamese and most of the people of the Third World have been denied the right of self-determination by such men as the Stanford trustees, and given the rapid growth of SRI, the Industrial Park, and the Schools of Engineering and Business since WW II, there can be little doubt that the trustees have consciously coordinated Stanford's development with the US's expansionist foreign policy. Here again they are responsible to no one but themselves.

We often hear that most social problems result from failures to communicate. Well, at their October meeting and on January 14, the trustees were asked to hold open meetings. They refused on both occasions. After the doors to the trustees' meeting room were opened, the students did not force the trustees to leave but instead asked them repeatedly to stay and discuss the University's involvement in SE Asia. Granted there was a lot of noise on and off (much of which came from red-faced trustees and administrators), it was clear that the major disruption was in the minds of the trustees, since they were getting uncomfortably close to a group of human beings who were raising the issue of their participation and Stanford's participation in the violence in SE Asia.



Placed within a context of the systematic violence practiced by the US and the Stanford defense complex in the Third World, placed within a context of our noisy presence at a trustee meeting devoted to business-as-usual, the recent trial of 29 students emerges as a travesty of justice. It's impossible to treat the SJC as a legitimate body when one sees that the trustees should have been put on trial along with us if the community is really interested in halting disruptive-violent acts (especially the latter). In its opinion, the SJC wrote that it "views as most serious those acts which, directly or by implication, threaten violence to any person." We agree. And we are especially worried about acts which do violence to other people.

Since the SJC derives its power directly from men whom it should be putting on trial under widely accepted moral standards, the Council's political function and its verdict can't be separated. The SJC is clearly not obligated to look into the workings of a repressive and violent status quo, both here and in Southeast Asia. Stanford's institutionalized racist admissions process and curriculum is a daily violation of human dignity, but it is a sure bet that the judicial process will latch onto property destruction in the bookstore rather than to the daily perpetuation of racism by the University.

Given Stanford's participation in violence abroad and its functionally racist policies at home, we feel that the University has no right to punish the Black Students Union for its response to administrative stalling any more than it has the right to punish SDS for its response to the trustees' unwillingness to confront basic issues of human suffering in Southeast Asia. If accepting the SJC's verdict would get Stanford out of SE Asia, we would gladly do it. But Stanford remains in SE Asia. We don't want chaos, but justice across the board.

We view the sentence imposed by the SJC as a clearcut act of political intimidation. Many people can agree that there are situations, especially in the most conservative country in the world, when normal channels for change don't work and when laws or campus rules must be broken to raise moral issues. The suspended suspensions imposed by the SJC are a clearcut effort to prevent people at Stanford from raising important moral and political problems and acting on them.

But we are not going to cry on the community's shoulder about the suspended suspensions. Stanford's judicial process is not the central issue. The next time we act, we

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## Open Meeting?

On March 4, a group of students, some in SDS, mailed invitations to the trustees for a community meeting on the Southeast Asia issues. Dinkelpiel was reserved from 1 to 4 on March 11.

The trustees were caught in a bind. If they accepted the polite and open-ended invitation, they would be legitimizing the efforts of SDS; besides, the format might make it impossible for them to dodge the crucial issues. If they refused, it would again demonstrate their lack of interest in the community's concerns.

Conveniently, Pitzer and his Trustee Advisory Committee (five members of which are trustees) decided to make separate arrangements. It was agreed that the five trustee committee members would appear at Memorial Auditorium, also on March 11, but at 4 p.m.

W. Palmer Fuller, III, chairman of the Board of Trustees, stressed through his representative, Kenneth Pitzer, that the trustees will speak only as individuals. So it's a forum, not a meeting.

Public meetings with the trustees are long overdue. We may be having this one because of what happened on January 14, rather than an administrator's spontaneous inspiration. The issues in the nine SDS demands are everyone's. It's our university.

Changing the location to Mem Aud was the administration's idea. Mem Aud is bigger, but it's a sure bet that the greater the distance between students and trustees, between reality and theater, the more the trustees can relax, and debate the issues, rather than confront them.

In addition to the five trustees, the students on stage will be Paul Report, Jeanne Freidman, Dave Pugh, Pat Shea, Mike Weinstein, and Bill Klingel. Doron Weinberg, of the Law School, will moderate.

It's everyone's meeting, and everyone can speak. Stanford is still in Southeast Asia. Maybe we can change that.



## Where were you on the afternoon of January 14?

(The following is a condensed version of the defense statement of Doron Weinberg, counsel for the 29 defendants from the faculty-club demonstration, given before the Stanford Judicial Council February 13.)

# THE DEFENSE

During the last couple of days and perhaps during even the last hour here we've argued many legal points, we've argued many factual points, we've bored ourselves, we've reiterated the same points and I think we have been left in a fairly uniform state of confusion. I'd like in this statement to talk about two things. I'd like first to talk about the question of violence.

The suggestion that violence characterized the gathering of students, that violence was perpetrated by anyone at all, and the specific suggestion that one member of the group of defendants, Fred Cohen, threatened violence. I'd like to refer briefly back to some of the testimony that's been given here. We have had in evidence the series of photographs which surely indicate clearly that all the motion, at the time of the opening of the doors, was a motion outward: motion directed by the trustees, administrators, and members of the faculty out toward the students.

And those photographs indicate no motion whatever, no aggressive force whatever directed by the students inward towards the people in that meeting room. We have Dean Smith's clear testimony that in the specific case of Mr. Glover and the trustees and administrators surrounding him, they were applying force. Mr. Glover clearly fell because a force he had been pushing against ceased resisting.

We have, on the other hand, evidence that Mr. Glover was pulling on students; the photographs show that, in the series from 29 to 34. We have evidence that Mr. Pearson kicked a student. And yet none, none of these people are here. None of these people have been called and questioned and brought to trial for the violence that they have perpetrated, for the violence that they directed at students. Rather we have a group of students here to defend themselves against the charge of defending against violence.

I ask you to look at that in relation to two points. First, in relation to the fairness of a hearing in which only students can be brought to trial for defending against violence, while the trustees and administrators who perpetrated it cannot. And secondly, in relation to the parade of witnesses who have consistently singled out certain individuals as leaders, frequently individuals who were not familiar to them until they were pointed out that day. Clearly there seems to be a desire, a need, to isolate leaders. Why?

Let me put that in the context of Mr. Beyers, if I may. In his testimony as Director of the News Service here at the University, he said that he tries to take down newsworthy statements. What are newsworthy statements? Newsworthy statements are statements made by leaders. Who are leaders? People that he knows. Why? Because they're present at other activities on this campus. Essentially because of their political position.

We contend that Mr. Beyers probably thought he was being objective. We contend that Mr. Beyers perhaps may have

leaned over backwards to be objective. But we ask you to consider the context in which he thought of himself as objective. We ask you to consider the context of the University and its news representative to whom there is a clear advantage in painting any action or movement of students as being not mass opposition, not mass dissent, but as being attributable to a small handful that is directing others, leading others, perhaps misleading others. To look at that in the context of an effort, of a reasonable effort, probably Mr. Beyers thought it an objective effort, to identify our position, to limit it, so that it can be pointed to, so that it's safe, so that it can be dealt with.

In essence I really think that you have to understand that many of the people are



Weinberg for the Defense

talking about the SDS, and many of those defendants here are being tried as members of SDS, as members of a political body, as people who have a particular political opinion. And having identified them, having identified these people as such, the members of the administration, the members of the faculty and the board of trustees create a sort of a ladder on which they build. You have identified your threat as a group of particular people, but then that group of people presents a more immediate threat. And it keeps building on itself.

Most importantly of all, I'd like to talk about this concept of leadership, the idea that there are leaders. As it happens, this particular group, both within itself and as a group that consists largely of members of the SDS, happen not to have leaders. It happens to be an anti-leader group, a group which is democratically run. Indeed the testimony of the witnesses, every witness out in that hall, was that the students were participating in a meeting. A meeting as to what they were going to do. It was a collective action, it is a free-flowing, unstratified, collective group of people.

But I submit that the members of the administration here cannot understand that. Because of their own situation, because of their own position, because they are part of a hierarchical structure, they learn to think in those terms. They know when orders come from above. They recognize

what above is and they know that they are below. And when, for example, Dean Smith dictates a memorandum to his secretary as to the proposed operation of the dean of students' office, it may be circulated. It probably will be. He may ask for comments. He may even get a comment or two, but because of the nature of that organization there is no doubt that it is viewed as an authoritative suggestion. That's not the case with this group. It's not the case with the political perspective that these people represent.

We have an example of that hierarchical mentality in testimony here. Mr. Beyers somehow received into his possession a document written by three members of SDS suggesting certain proposals, certain policies for action. Mr. Beyers took that and circulated it, because in his opinion those were orders from the leaders, suggestions from the leaders as to what the direction of SDS should be. In fact, many of those demands were rejected, many of those suggestions were never accepted. But because of the position of the members of the administration, the position of the faculty members in a structure that is stratified and in which authority comes down from above, they cannot understand the concept of a free mind, of an unstructured, an unstratified collective group, such as, for example, the group that we're fighting in Vietnam, the NLF, which we insist on looking at as led from Hanoi, and refuse to accept the possibility that it's an indigenous movement. The same kind of a mentality, the same kind of mentality that insists on finding that things are ordered and directed rather than being collectively arrived at.

Now, I'd like to reach the second point. What was the allegedly disrupted university function? The university function was a meeting of the trustees, various members of the faculty, and various members of the administration to discuss whatever it might have been they were discussing. What were the students doing? The students were there to open the meeting. The students were there to join that meeting. The students were there to bring to the attention of the campus and to the trustees and to the university community and to the larger community some very crucial issues. They were not there to prevent or disrupt, they were there to make that meeting more effective in the only way that meeting could have been made more effective than it was, and that was by opening it.

Now what did we have under the question of disruption of that meeting? First, no effort on the part of the Council -- and I don't say this accusatorily -- just factually; no effort on the part of the Council to determine by any extrinsic standard or by any objective standard whether there was in fact enough noise and enough disturbance to create a disruption. All we have had is two witnesses, both of whom very carefully refused, very clearly refused to set the

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noise level to a high point, and both of whom carefully selected a sort of medium level.

And what do we have in addition? We have testimony to the effect that much of the time the students were out there they were having a meeting. An orderly meeting. No more than one, or at some points perhaps two students, were speaking and addressing a group of only 25 or 30 people. In fact the only loud noise that's been referred to was a specific request made to the trustees with the use of a mechanical device, a bullhorn, directed in an appropriate tone of voice, to the trustees suggesting that the meeting be open, suggesting that certain demands be considered; and it happens that trustee Dean Watkins said he didn't even hear it. All we have is the testimony of the Dean of Students that certain members of the Board of Trustees felt disrupted. They felt that they could no longer go on with the meeting. I ask you first whether the Council is going to accept the standards that disruption is constituted any time someone feels disrupted. And then I ask you why the people in this particular instance felt disrupted?

We have a group of trustees and faculty members and administrators meeting about what to do about the disruption. We have them breaking up their own meeting before any disruption occurred. They thought they were going to be disrupted. Why? Because it's a group of students and perhaps they don't like groups of students. Because it's a group of students representing a particular political perspective, a political perspective which represents a threat to them, hierarchically within the university, and in larger terms, as a material threat. Now they felt a threat, but not a threat of disruption, not a threat of noise, not a threat of bodily harm, but a threat to their political and material position. It is something that they understand and it's something that they know quite well. We have and we submit a statement by one of the trustees, Mr. Ducommun, made to one of the defendants here, that "our differences will have to be settled by force."

What this speaks to is again the point that the threat of disruption itself had nothing at all to do with the reality of disruptive noise or disruptive action; it had only to do with the confrontation of ideological positions; one that they were not prepared at that time to have. Now you know as well as I do, as well as we all do, that the simplest way to prevent that meeting from being disrupted was to open it and continue it. And that's what the students wanted and what they were there for: to open up and discuss and ventilate for the entire community very important issues.

And it's not such an unreasonable request -- it's been done before. Scheduled university meetings, scheduled university functions have been opened to students; their direction has been changed by students; for example, at the meeting conducted last year by Provost Lyman to discuss the issues arising out of the Old Union sit-in, and again at the university convocation following the assassination of Dr. King. It's a question of the trustees not being prepared because of the opposition of -- clearly ideological views to let these students speak.

Now all that is based on a set of perceptions, on a set of preselected assumptions that the trustees share in common, and it's a set of preselected assumptions that this Council shares, it's a set of



Jack Friedenthal: "Let them eat cake!"

preselected assumptions shared individually and exhibited by the very fact that you've been sitting here for the last three days listening to these charges. Because it requires you to have made at least the following assumptions: to sit here in judgment of these students requires you to assume that the trustees could have closed meetings on campus, that the trustees can eliminate students from those meetings, that the trustees can refuse to deal with, or in any way reasonably consider a request and a demand by students to have an open meeting and to enter a meeting, and it requires you to accept the assumption that only students can be brought to trial, that only students can possibly be guilty. The trustees, who may have perpetrated violence, the trustees and administrators who may have violated the policy and the procedure of the university, the trustees who may have denied students their rights, the trustees who may be doing all sorts of incredible things to this university cannot be brought to trial. But students may. For wanting to open a meeting.

All these ideological assumptions have been operating throughout this hearing. And they've been operative in the clear approach of this Council to witnesses. It is the as-

sumption that the trustees, the administrators and members of the faculty are to be believed, and students are to be examined, are to be interrogated and are to be doubted. And it is in the assumption that this court is required to function as both the prosecutor and as hearing examiner, so that your role puts you in a position antagonistic to the students and defensive of the faculty, the administration and the trustees. You stated clearly in court that they, the students, have an interest in their testimony, never realizing for a moment that the members of the administration have an interest in their testimony and their university, members of the Board of Trustees have an interest in having their way, members of the faculty have an interest in having their way and all of those interests were operative in their testimony. And the very fact of your having made that statement indicates your acceptance of a preconceived set of notions which is positively contrary to any possibility of these students getting a fair trial.

And we have it again in the questioning of hostile witnesses, where when the Council repeats over and over the same questions, that's fine, that's clarification, but when the defendants ask, when the defen-

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## "The law is not neutral"

(Doron Weinsberg's statement Feb. 21)

I would like to talk to you for a moment about the law, because I am supposed to be a lawyer, and this is supposed to be a legal proceeding. The idea of the law is quite seductive -- the Council sees itself as applying blind justice, as applying the law which stands above trustees and students and judges fairly between them.

But we have shown and we have seen that the law is in fact no more value free than anything else in this society. The law is in fact the tool of the trustees.

Let's understand that. We've talked a lot about democracy, and you probably haven't understood that. You've said to yourself that we have a democratic system. But we're not talking about the same democracy. What we have in the United States is an oligarchy of education, wealth and power: an apathetic populace and a responsible elite.

Democracy in this country is a fraud; and we want true democracy in which people really control the decisions which affect their own lives. This country is a society of inequalities, and in such a system the

law is merely the instrument by which those inequalities are institutionalized. It was perhaps best stated by Anatole France in his observation that "the law in its majesty decrees that neither the rich nor the poor shall sleep under bridges."

That the law is truly objective is not only a myth, but in the context of this trial and this society it is a dangerous lie.

You must be clear on that. We are not disputing the concept of law. Everyone favors law and order. It is a false issue raised only to instill fear. But we are talking about a truly representative law, arising out of a truly democratic system. Not the law of trustees Arthur Stewart and Charles Ducommun, designed to protect their existing interests, but a law which reflects human values.

And you must be clear on the fact that in viewing your responsibility as being to uphold "the Law" as it is, you have already put yourself on the side of the trustees and against the students. And if you don't want to be there, if you don't want to see yourselves that way, then we can speak to you, and we can say, "If that's the law then, yes, we broke it; but join us, break it with us, because that's where justice is."



# Why Panthers?

SDS is raising money for the Black Panther Party, and refusing to pay the \$1850 fine leveled against its members to the University-controlled Martin Luther King Fund.

Supporting the Panthers is a step, if a small one, toward building a real solution to the problems of black people. The main thrust of the Panthers' work is building a spirit and organization in the ghetto so that individuals do not step on their brothers in order to individually succeed.

Capitalism (whether black, Chinese, white, Irish or Jewish) has historically meant ghettos divided against themselves, with certain community people gaining just a bit more economic and political power than the mass of their brothers, and consequently using that power to oppress their own people much as the white, privileged sector oppresses the whole race or group.

SDS realizes that the King Fund does precisely what the Panthers oppose -- train and give privileges to only a few Blacks, chosen by Stanford administrators, not by ghetto blacks.

Though certain black students may give advice on these few admissions, ultimate power to allocate the Martin Luther King Fund legally rests with the university.

Last year, the Martin Luther King Fund was ostensibly created to finance minority group projects, not only the scholarships for blacks. Seeing that the university could afford to reallocate its funds to admit more blacks if it changed its priorities, some people earmarked their contributions for the East Palo Alto Teen Project and the Black Panthers.

The administration did not allow this, saying that these were not legitimate programs for Martin Luther King Funds because Stanford was not "involved in" (controlling) them.

We continue to reject the administration's efforts to "earmark" funds away from projects that really meet the needs of black people.

## Defendants' statement . . .

(from page 1)

once again will raise the real issues of violence both in the Third World and in the urban colonies rather than the false issue of violating a campus policy on disruptions. This is hardly a threat--rather it is a statement of moral principle.

In light of the SJC's failure to examine acts of corporate violence by the trustees, we have decided not to pay to the University the punitive \$1850 fine levied by the SJC on the defendants. It is very likely that the University will not let us register next quarter if we do not pay the fine. With community support, we feel that registration will not be withheld.

However, we thank the SJC for reminding all white people of our responsibility to support the black liberation movement. We feel that the money should go where it's needed most and that black people should control the use of the funds instead of the Stanford administration. In addition, we feel that it is grossly hypocritical for the Martin Luther King fund. The BSU fought

dants repeat, they're badgering. We have the Council approaching this audience which it could be approaching as a perfectly unbiased group recognizing good points when they're made, rather we have the Council approaching them as an antagonistic group.

I suggest that the members of the Council consider in the context of all of these, and in the context of the assumptions that are absolutely necessary for you to have made to be sitting here in judgement of these students, whether you do not in fact share before you walk into this room all the basic assumptions, the preselected biases as we call them, or the perspectives, at least, of the witnesses who testified against these defendants. And in view of that question, whether these defendants can possibly be getting a fair trial.

Now, it has never been contested that the students were in Bowman Alumni Hall, that the students were in the Faculty Club, that the students here were there to open that meeting and wanted to enter that meeting room. The students here did make gestures and speak words of anger or frustration in response to whatever lack of attention they received. None of this is being denied. You have your facts if you want them. But what's important is what they were doing there. What's important is what their purpose was and whether it was, not in fact the refusal of the trustees to permit them to have a clearly reasonable open meeting which has brought about this whole thing in the first place. The students all agreed that they did go to that place, that they did want to enter that meeting and have an open meeting and ventilate important issues that were not being brought to the attention of the campus community, that were not being brought to the attention of the larger community. And that they all, they all, collectively share responsibility for that.

And to the extent that this Council is willing to find those set of facts sufficient to constitute a violation of anything at all, then they are all collectively responsible. Yes, they did have the demonstration, and yes they did it together. And the only thing that I find objectionable is that they weren't allowed to go in and talk to the trustees.

the University to direct this money into the last spring and is fighting now to force the University to direct its ample funds into more financial aid for black students. Our \$1850 will simply release an equivalent amount of the University's money to go elsewhere.

Instead, with the support of the BSU, we have decided to raise as much money as we can from ourselves and the Stanford community for the Black Panther Party. Along with their ongoing need for legal defense funds, the Black Panthers are running a free breakfast program out of Oakland churches for black children, and are planning to set up free health clinics and liberation high schools in Oakland. We urge the community to support both the BSU's demands and the Black Panther Party's community organizing.

In view of the human sacrifices made by the Vietnamese people and the black people of this country, we can hardly let the threat of suspension or expulsion halt our struggle. We feel it is your struggle too. Join us.

# We demand!

We believe that no university can realize its true potential as a critical institution as long as it allies itself with forces and agents of imperialism, oppression, and destruction.

We, the members of Stanford SDS and other concerned members of the community, demand that all members of the university community--trustees, faculty, SRI, and administration--halt all economic and military operations and projects concerned with Southeast Asia. As a first step towards meeting this basic and just demand, we make the following specific demands.

- 1) that trustee Roger Lewis resign from the Board of Trustees or from the presidency of General Dynamics Corp., which was the largest defense contractor in fiscal 1968;
- 2) that trustee William Hewlett resign from the Board of Trustees or from the Board of FMC Corp., which makes lethal nerve gas and anti-personnel bombs used in Vietnam;
- 3) that trustee Tom Jones resign from the Board of Trustees and the Electrical Engineering Advisory Council or from the presidency of Northrop Corp., which makes F-105's and CN tear gas;
- 4) that SRI cease all chemical and biological warfare studies now and in the future;
- 5) that all faculty resign from Defense Department boards, and that no faculty be hired who serve on DOD boards;
- 6) that the SRI Counterinsurgency Office in Thailand be discontinued;
- 7) that development of "people sniffers", presently being conducted at SRI, be discontinued;
- 8) that studies of armor-plating for helicopters, presently being conducted at SRI, be discontinued;
- 9) that military-electronics research, including electronic counter-measures, presently being conducted at AEL, be discontinued throughout the university and its subsidiaries (especially that this work not be simply transferred to SRI).

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 Noon Tuesday, White Plaza  
**RALLY** High-ranking BLACK PANTHERS  
 will be guest speakers.  
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 SDS Meeting, Mar. 10, 8 pm, Tresidder  
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 Donations to Black Panther Party can  
 be sent to SDS, Box 7333, Stanford.  
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 Thanks to the PENINSULA OBSERVER  
 for help in producing this paper.  
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