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Counter-Chronology

Although the following chronology may well stand alone as an account of the Old Union sit-in of Thursday, April 23, it is best regarded as a mirror reflection in the world of fact of the fictional chronology submitted to the Stanford community Friday, April 24, by "K.S. Pitzer, President."

At a 12:30 p.m. rally in White Plaza, the students voted to occupy the Old Union, and went there at approximately 12:45. The building was open, but entrance was barred by members of the Free Campus Movement and their supporters, who supplemented their linked-arm barricade by initiating physical attacks on the demonstrators. Thus, the first violation of university policy and the first act of violence of the day were perpetrated against the demonstrators by those associated with the FCM. It should be noted, however, that several scuffles occurred in the first few minutes of the occupation, and that the demonstrators may have started some of them.

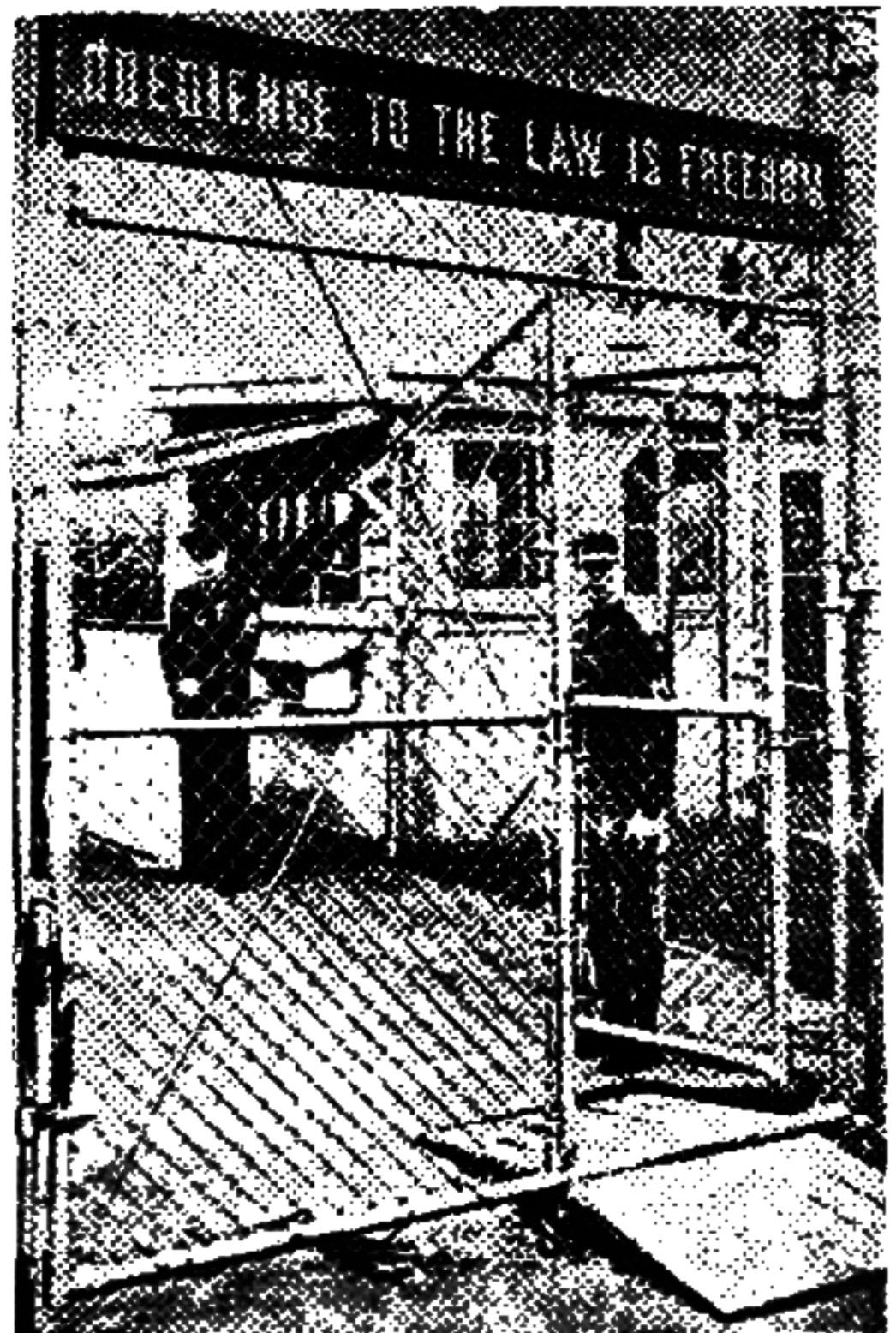
At no time before 5 p.m., the regular closing time of the building, did the administration label the sit-in a disruption. President Pitzer does claim that "it was impossible for the Office of Student Accounts to be open and to function normally," but no attempt was made to open those offices, despite the demonstrators' vote not to harass workers. President Pitzer declared the building closed at 5 o'clock and the demonstrators in violation of university disruption policy, even though the demonstration was non-violent, and that after five there was nothing and no one in the Old Union for demonstrators to disrupt.

Pitzer defends his closing of the building by reference to the interim policy adopted by SCLC April 19, yet he failed to comply with the regulations of that legislation, since he did not provide "designees...who shall be stationed at an entrance or entrances to the building, [to] authorize and regulate access to the building to categories of persons publicly designated by the president" (Daily, Wednesday, April 22).

Four policemen informed demonstrators at six p.m. that they were in violation of regulation 602(1) of the California penal code, a trespassing law which prohibits "entering and occupying real property or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof." The administration's use of this law demonstrates that ownership of the university does not reside with the people who live and work there - works, students, and faculty - but with the Board of Trustees and their agent, President Pitzer.

President Pitzer reports "a steady deterioration in the climate of non-violence" between six p.m. and one a.m. Even if this were true, it would not explain the decision to bring police on campus, since that decision was reached before the "deterioration" took place. But the statement is false. The interruption in power service which Pitzer cites was clearly not the work of the demonstrators, who wanted the lights to stay on. Nor was it the first such interruption of the day, for, in the "non-disruptive" period before five, power service was also cut off. The attempted fire bombing of the FCM headquarters of course has no bearing on what went on inside the Old Union, and in fact the purpose of the Old Union sit-in was to provide an alternative to just that sort of political activity. Obscenities scrawled by "high schoolers" were few in number and, Pitzer's assertions to the contrary, in no way constitute acts of violence.

According to Pitzer, police authorities, in consultation with university officials, planned their arrests for one a.m., partly in order "to provide an opportunity for those who wished to leave to do so." Yet everyone who wished to leave did so by six in expectation of an imminent police action. The so-called "clearing" of the building - seven hours later - occurred almost exactly an hour after students began preparing to spend the night, and was designed to catch as many demonstrators as possible in their sleeping bags. As Assistant to the President Willard Myman noted, "The police intent was



to do something meaningful daily. Friday, April 24).

At one a.m., when police finally did enter the building to make arrests, no designated faculty observers were present. This enabled policemen to club demonstrators, several of whom were lying in their sleeping bags. One person may have been knocked unconscious by such a blow, though this report is unconfirmed.

As a final act of political repression, sometime between 4:30 and 8:30 a.m., the sound equipment which was left behind in the building was severely damaged. The only persons who had access to the building during this time were police and authorized university personnel. -W.C.

No More H-S

One Major Escape Hatch: ROTC

President Nixon's draft reforms spell bad news for university students here and around the country. Suddenly, college men must face the prospect of losing their student deferments, the last barrier between them and the uncertainties of the draft.

Nixon's plan includes three major provisions. By executive order, he has wiped out all new occupational and paternity deferments. He has also asked Congress to approve an order that would eliminate all new student deferments; all students not holding existing 7-S deferments will be subject to the draft according to their lottery positions. College students, though, will still have one major escape hatch: ROTC. All ROTC students will be able to postpone military service until they have graduated.

The loophole in the new draft system will undoubtedly give ROTC a big boost. Kenneth Pitzer and Howard Brooks had such a possibility

in mind when they pushed the new ROTC program through the Academic Senate. On January 17, 1970, Pitzer joined other members of the Board of Directors of the American Council on Education in recommending the abolition of all new student deferments. As the Council's statement reasoned, "The available pool of draft eligible men is so large as compared with the numbers likely to be called into service that a termination of student deferments cannot seriously affect the regular flow of highly educated manpower. Thus the question of national welfare is no longer at issue. At issue is the question of equity." On campus, however, Pitzer faced another issue: how to reopen the escape hatch for any highly educated Stanford men who might want to fight the war from the officers' club instead of the front lines.

Contrary to popular belief, ROTC

is not dying a slow death. It is an integral part of the designs of manpower planners. Nixon plans to continue the draft (and undoubtedly the war) through 1973; he and his advisers expect that ROTC programs will continue to supply a large portion of the Army's officers. Even if the Nixon administration chooses to follow through on its promise to end the draft, ROTC will be an important program. The President's Commission report recommending an all-volunteer military assumed that ROTC would be a major source of officers for the Army and Air Force. The Gates Commission also urged that more money be allocated for ROTC scholarships and that the program establish regional training centers to serve smaller colleges where individual ROTC detachments might be uneconomical. (Stanford already has moved along these lines -- only 50% of its ROTC contingent are Stanford students.) If the planners get their way, ROTC will be with us forever.

What They're Up To

Administration's Strategy of Repression

(Editor's note: The following article by Fred Cohen and Bill Evans consists of notes toward an understanding of the present political and social repression at Stanford and in American society and a consideration of possible seeds of liberation.)

Around one o'clock, Friday morning, Santa Clara sheriff's deputies busted the anti-ROTC movement's peaceful sit-in at the Old Union. The Daily in its news story likened the police action to a "hitlerkrieg," the swift, violent invasion tactic which the German army used for surprise attacks during World War II.

It is important to understand that this police onslaught was an integral part of a strategy of repression which is emerging in the minds of Stanford administrators. Although there are internal differences within the administration as to the most efficient way to eliminate the political activity of those Stanford radicals whom the administration describes as "hard core," both doves and hawks among administrators have taken part in the development and implementation of a strategy which manifested itself concretely in the last early Friday morning.

At the time of the sit-in at the Applied Electronics Lab last spring, the administration position was reminiscent of the University of Chicago administration the time it wanted out a sit-in. Right now the Stanford administration stance is more like S. I. Hayakawa's "big it at the bad" style. Evidence of this still lies in the chargeover from Bill Wyasse last year to Rob Rosenzweig this year. As key adviser in crisis situations, there has been a considerable change in the membership of President Pitzer's Faculty Consultative Group on Campus Disruptions. Last year's time was one of mobilization and resistance, this year's is one of low-key reform.

There is a two-level pattern of alignment with the administration. A general differing opinion is held by all. All members of the administration, however, share an allegiance to the ideological function of the university in American society. For this reason they tend to view all protest not in terms of violence or non-violence but rather in terms of whether the explicit or implicit demands of the protest challenge the basic role of the university. If the protest does present a challenge to the administration's vision of the orderly fulfillment of the tasks of an American university, then the administrators must defend their positions. One can recognize from this that the administration perceived the threat of a mass movement associated with a peaceful sit-in as greater than the threat of rock-throwing and therefore brought in relatively greater police forces to close down the sit-in.

Clearing the Old Union was a gesture from the administration's point of view. A sit-in is a campus emergency on its first day. If students wake up the next day, and the sit-in is in progress, then the sit-in has become a campus insurrection and something much more difficult for the administration to proceed. If a sit-in becomes viewed by the campus community as an ongoing, established entity, there exists a prime fact danger to the administration that the political demands of the protesters will be regarded as legitimate by people in general and that the small group involved in the protest will grow to a mass level.

University administrators see their function as the perpetuation of a stable process, controlled from above, which is called education. Concrete expressions of a university like Stanford fulfilling its ideological role in the main theme of the American system can be seen in the classroom and among the faculty members as they climb the organizational ladder of success.

Generally, Stanford university, which takes place in Stanford classrooms is characterized by an authority relationship between teacher and student. The resulting norm is obedience rather than the challenging of assumptions. The goal in the classroom is not the common pursuit of knowledge, which is what scholarship is all about. Instead, one finds a rivalry among students for rewards dispensed by the institution through the teacher.

To get ahead in the university, Stanford faculty members must work within and rise inside a hierarchy. It is an increasingly rigid hierarchy whose dominance and breadth of hegemony



over scholarship is expanding. The values and ends of the hierarchical system are determined not by those who participate at lower levels but by those who preside over the structure. In the end, the content of education is determined by the desires of the largest corporations and the national government, not by the community of scholars and educational workers.

The radical movement's attack on the administrator's concept of the university takes both verbal and physical forms. When it is most meaningful, the radical movement is both cutting off the strength of the American empire's support system and is at the same time offering on a broader level the alternatives for a different type of cultural and intellectual climate. Thus, the AEL sit-in and the present boycott and tear-in of the anti-ROTC movement have aspects which show the potential for social relationships which are quite the opposite of those which are tied into the technocratic, top-down ruled society in existence today.

The movement against ROTC at Stanford and elsewhere has been part of a more encompassing anti-war movement. It has been an attack in one specific area of the administration's conception of the proper ties between the university and the military. The effort to end ROTC is aimed at disabling and eliminating an important instrument of the established order. The extent of the anti-ROTC protests here and at other universities

has shown Nixon and other authorities that a visible and growing anti-war movement remains on the scene. Demonstrations against ROTC represent a willingness of those opposed to the involvement war to make their presence known.

The administration of Stanford University has come to the realization that such protest challenges the control over institutions exercised by administrators and those like them throughout society. The injunctions obtained by the university and the fear of arrest which university officials seek to establish in people's minds are meant to set as a prior restraint on protest not sanctioned by these very people against whom the protests are directed.

In order to defend and go beyond the administration's strategy of repression, it is necessary to recognize the limits of a civil libertarian approach to repression. Civil liberties in America are ultimately rights to agree actively with the elite. When the elite is confronted with a serious challenge to its rule, civil liberties are suspended and violated because of the clear and present danger to the civil order.

Gabriel Kolko has warned all fellow radicals to beware of "the illusion that what opponents of the status quo demand is an ephemeral misarranging of a house of justice inherent in the larger, historic direction of American society as a home and abroad... It is this illusion of the 'recovery' of quality and repression that has led over the past years to a kind of spiritual Marxism which believes one simply replaces individuals in office with other men, such as Kennedy or McCarthy, rather than solving problems with an altogether new system based on a radically different distribution of power and assumptions as to its application."

As a humanistic movement, radicals are a clear and present danger to those who control America's leading political, social, and economic institutions, including America's "great universities."

Radicals must move to establish a milieu in which people do more than survive, in which they can really live. An ever-growing zone needs to be established in which people control their own lives. A strong mass movement will be in a position to fight off repression and to deprive the present guardians of the status quo of access to power and levers for controlling society.



Lies

Yevgeny Yevtushenko

*Telling lies to the young is wrong.
Proving to them that lies are true is wrong.
Telling them that God's in his heaven
and all's well with the world is wrong.
The young know what you mean. The young are people
Tell them the difficulties can't be counted,
and let them see not only what will be
but see with clarity these present times.
Say obstacles exist they must encounter
sorrow happens, hardship happens.
The hell with it. Who never knew
the price of happiness will not be happy.
Forgive no error you recognize,
it will repeat itself, increase,
and afterwards our pupils
will not forgive in us what we forgave.*

Gentleness

Yevgeny Yevtushenko

*This can't go on:
is after all injustice of its kind.
How in what year did this come into fashion?
Deliberate indifference to the living,
deliberate cultivation of the dead.
Their shoulders slump and they get drunk sometimes
and one by one they quit;
orators at the crematorium
speak words of gentleness to history.
What was it took his life from Mayakovsky?
What was it put the gun between his fingers?
If with that voice of his, with that appearance,
if ever they had offered him in life
some crumbs of gentleness.
Men live. Men are trouble-makers.
Gentleness is a posthumous honour.*

Stanford's Bust Policy

The Old Union bust uncovered and hopefully destroyed a certain naivete about the nature of the University. Many considered it a special kind of community, where certain peaceful action, which might not be tolerated elsewhere, would be permitted because of the uniqueness of the environment. We learned, however, what some already knew: that Stanford does not function as a community, but as a business. When threatened, it acts to protect its corporate image and interests. The inclusion of those interests into the decision-making process might justify those interests.

A week ago Provost Lyman rejected a Committee of Fifteen recommendation for student representation of the Campus Committee on Disruptions. He claimed that faculty members were already well ingrained in the process, and that the inclusion of students would upset the working balance. But, according to one faculty committee member, the only collective decision ever made by the committee was "between a colon and a comma" in reports. Its members are supposed to represent fictional campus constituencies (i.e., a liberal, a conservative, etc.). It is not so much an advisory committee as it is a sounding board -- a group of men whose individual opinions express possible reactions of those constituencies to Administration policies. The committee thus does not represent an effort to formulate policies acceptable to the Stanford community; its "advisory" function is completely dependent on which members plug hardest for their "constituencies" (Prof. William Rumba is an especially diligent member) and on whom the administration is most interested in hearing.

Student behavior inside the Old Union interested the administration only with regard to the hour of the day. Actions judged by Pitzer to be non-disruptive and non-threatening before 5:00 PM unexplainably became a clear and present danger shortly afterwards. At the time of the

the sit-in, according to Stanford News Service director Bob Meyers, Provost Lyman had "no time" for demonstrators who asked to talk with him about measures to ensure the non-violent character of the sit-in. The lack of a clock transformed a peaceful meeting into a criminal trespass, because, according to Robert Rosenzweig of the Provost's office, "the decision that an overnight sit-in would not be tolerated... has been firm for some time." The nature of the sit-in was irrelevant.

One of the University's first responses was to call in the police, at least for consultation. Bob Meyers reported that Sgt. Lam and Capt. Rosa of the Santa Clara Sheriff's Office were on campus "throughout the afternoon."

Pitzer claims that the matter was officially turned over to the police after the 3:00 University warning, and that this signalled an end to University control and responsibility for events. But Rosenzweig said that the police warning at 4:00 p.m. was "at the request of the University," thus acknowledging influence over at least certain police actions. The decision to call the police was made "final" at 7:00 p.m., although "it was reviewed throughout the night," according to Rosenzweig. To review a decision presupposes the possibility of changing it, and casts serious doubt on Pitzer's assertion. One can only conclude that the University favored a bust.

In expelling the University as permit what Yale Bransford termed "intermediate protest" -- something between petitioning and rock-throwing -- students were haughtily an antiquated notion of the University. It was assumed that a community professing dedication in its response to peaceful criticism. After the Old Union bust this assumption will not be made again.

Radicals tapped the University lightly on the knee and were bruised by the reflexive kick. Next time a more vulnerable spot must be found.



The Law and Student Movements

A History of Injunctions

The Chicago 7 trial revealed again to 1970 what American labor unionism has known since the 1890's: Justice is a weapon for the rich and mighty, not a shield for the weak and poor. One particularly efficient and odious form of American justice has been the use of the labor injunction. A short historical analysis of the use and abuse of this tool of the American ruling class will make clear the recent extension of the court injunction into cases between universities and student movements. The ruling elite obviously considers the threat posed by student political mobilization to be similar to the challenge of late nineteenth-century trade unionism and this similar treatment is justified.

As originally conceived, since the beginnings of English Common Law, injunctions issued by courts of equity served to "protect property from irreparable injury when there is no adequate remedy at law". Injunctions tend to fall into one of three general categories: first, the temporary restraining order, issued without notice or hearing, upon evidence that the danger is "too imminent to risk delay"; second, the temporary injunction, issued after notice and opportunity to be heard; third, the permanent injunction, based on a full hearing and enforcing the decision of the hearing. The first form of the injunction has obvious

merits, as discovered in the early 1890's, as a means of breaking a strike at critical moments and without warning or hearing given to the union. Though often later removed for lack of cause, this tactic usually served its purpose of enraging union attempts to conduct festivals with working men and bring it to the individual.

All three forms of the injunction, when applied to labor disputes, included the definition of property to include the process of business itself. Thus, "irreparable injury" to the normal functioning of business (i.e., business, organizing and striking) justified the use of an injunction to restrain trade unionists from doing anything to protect their organization from being destroyed. "Government by injunction" a Democratic campaign slogan already by 1896, threatened to become a reality as the equity courts were not governed by constitutional or statutory law, but solely by the "conscience" of the judge. The judge could immediately bind to all within its notice, psychodrama became punishable by contempt of court, thus depriving the accused of a trial by jury and leaving the judge's "conscience" free to act as legislator, prosecutor, judge, jury, and executioner.

The labor injunction's effectiveness was reflected by the rapid increase of its use dur-

ing the 1890's, as well as by the stories of a riot test from many members of the Judiciary, the Congress, and of course from those most oppressed by its use, the laboring classes. The form, however, was slow in coming, and was largely ineffective. First with the Clayton Act of 1914, then much later, with the Norris-La Guardia Act of 1932, Congress attempted to limit the powers of the equity courts. The labor injunction, though, was too valuable a tool against labor unionism to be easily given up, and despite present limits on its applicability, remains as one primary out-of-class means of controlling the threat of organized labor, or as shown today, the threat of organized student movements.

Thus, the injunction has served historically to suspend constitutional guarantees and to create and support class distinctions before the law. Similar to military "justice," the defendant is presumed guilty and must prove his own innocence, instead of the burden of proof lying on the court as it does in all criminal cases. Usually couched in indefinite language and ambiguous language, the injunction is left open to interpretation by the judge. Finally, equity courts extended their jurisdiction without precedent into criminal cases by restraining the commission of illegal acts, then citing the accused for contempt of court, not for the alleged criminal action. — J.C.



**LAW
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STAFF

People who helped in the preparation of this issue: Fred Cohen, Walter Cohen, Jim Cano, John Lahendade, Bill Stevens, Rich Ketter, Dave Ketchell, Jonathan Nichols, Jack Paul, Marcel Quinlan, Rick Schmitt, Deborah Warren, Layla Washington.

