

# Pitzer Firmly Rejects Braunstein Nomination

By JAMES PERLOFF

President Kenneth Pitzer declared again yesterday that he cannot accept Yale Braunstein for a position on the trustee committee on finance.

"I can't accept the Senate nomination: it would be a complete violation of the judicial system of the campus. I have to maintain the integrity of that system," Pitzer told the Daily last night.

Pitzer had vetoed Braunstein's nomination before vacation because he is on probation, forbidding him from holding positions on committees appointed by the President or other university officials.

Wednesday night, however, the student Senate rejected Pitzer's position by officially nominating Braunstein for the post.

In a letter written to the Daily (see page 2), Prof. Jack Friedenthal, former chairman of the Stanford Judicial Council rejected the Senate's rationale for pushing the Braunstein for the post.

"The contest here is not between the student Senate and the University President," he writes, "but between the student Senate and all the constituencies

of the University, which, under the Legislative and Judicial Charter, have formally entrusted the judicial process to special student-faculty tribunals.

"If President Pitzer were now to affirm Mr. Braunstein's nomination, his act would directly contravene the Charter. All the University's recent constitutional history flatly contradicts the student Senate's notion that it, and only it, can be a source of power in the University regarding any matter touching student affairs."

## Two Bases

Friedenthal makes this contention on two bases: first, that the ASSU Constitution only guarantees students the right to apply to committees, but does not guarantee their right to serve. Second, he contends that the Legislative and Judicial Charter, which contains the judicial structure, is superior to the Constitution.

The Constitution only states, "The Association shall recognize the authority of university judicial bodies over members of the Association only if these bodies have been approved by 2/3 of those members of the Association

voting in a general election. (Article IV, sec. 1.)"

Braunstein replies: "The President and Prof. Friedenthal refuse to recognize that the ASSU Constitution not only specifies the responsibilities of students and student government but also gives them well-defined rights.

"Article IV of the Constitution, which was approved by the President, permits the Judicial Charter to exist but in no manner makes anything superior to the Constitution. This is obvious because the Constitution contains the procedures by which a judicial document can be accepted by the student body.

"Anyway what would be the sense of being guaranteed the right to apply for a committee if the right to serve were not also guaranteed."

It remains unclear what the next step is. The Administration is firm in its intention to uphold Braunstein's probation and the judicial system.

The Senate is also determined: some members support Braunstein because he is probably the student most qualified to serve on a finance committee, others because of principle. Braunstein is their man. The Senate meets next Thursday.

## Moratorium