

Statement of the Proceedings

On January 15, 1969, the Stanford Judicial Council was notified by the office of the Dean of Students that on the previous day a group of persons, believed primarily to be Stanford students, had allegedly disrupted a meeting of the University Board of Trustees which had been held at the Stanford Faculty Club. The Council was asked to investigate.

Pursuant to the Legislative and Judicial Charter of 1968, the Council sent out five judicial aides to investigate and interview witnesses. The judicial aides made a comprehensive report to the Council which included photographs, lists of witnesses and participants, transcripts of tape-recorded interviews of many persons, and additional statements, including those of a number of potential defendants.

At the Council's behest, the Chairman examined the report and, on the basis of the information therein, determined to call before him, and one other member of the Council sitting with him, some thirty-nine persons for the purpose of charging them with violations of the Campus Policy on Disruptions of October 7, 1968, and of the Fundamental Standard, and to show each the evidence the Council had obtained through its judicial aides regarding his activities.

The letter summoning these persons was sent by mail; in addition a copy of the letter was personally served on each of them. The letter contained the following:

- (1) A statement that the person was charged with violations of the Disruption Policy and of the Fundamental Standard.
- (2) An outline of proceedings to be followed during trial of the case.
- (3) A copy of the Council's rules containing the rights of defendants as set out in the Legislative and Judicial Charter of 1968.
- (4) A date and time to appear before the Chairman of the Council for a conference.

Each person summoned duly appeared with the sole exception of Jack Gerson, who has at no time appeared or taken part in these proceedings.

The Council Chairman, sitting with at least one other member of the Council, showed each defendant the evidence regarding his activities and explained to each defendant the procedure to be followed for trial. That procedure required a bifurcated hearing. The first hearing would be designed solely to determine what acts each student had, or had not committed; the second hearing would be devoted solely to matters of motivation.

With but one exception, Fred Cohen, who was also charged with acts of intimidation, each student, for purposes of the present hearings, was charged only with having disrupted the Board of Trustees meeting; no specific acts of violence, threats, etc. were alleged. [Defendant James Johnson was also charged with having set a false fire alarm but all hearings on this charge were suspended pending decision on such a charge in the county civil courts.]

Every defendant was given an opportunity to admit to the charge against him. He was told that to do so would eliminate the need for the first hearing in his case, but that he would still be permitted to do three things:

- (1) Take part in the motivational hearing.
- (2) Argue the invalidity of the Campus Policy on Disruptions.
- (3) Argue that the Fundamental Standard does not cover disruption without a showing of specific acts such as violence, threats, blocking access of other persons, etc.

Each student was further informed that any specific facts regarding his individual conduct which were brought out during a fact hearing would be considered by the Council in deciding his case.

Although defendants were told they had a right to remain silent, many wished to discuss the nature of their participation. On the basis of their statements and the Council's continuing investigation of the case, charges were withdrawn against nine persons. Of the remaining twenty-nine defendants, the following twelve initially decided to admit to the charges against them:

Allen Christelow
 Richard Greenspan
 Hallam C. Hamilton
 Carolyn M. Iverson
 Barbara E. Lee
 Michael M. Morton
 Christine M. Mrak
 Jeffrey J. Preefer
 Guy D. Smyth
 Don P. Stuart
 D. Jeffrey Weil
 Helen K. Williams

Thereafter, two additional students, Irwin Busse and Marc Weiss, also decided to admit the charges against them. Thus, when the case proceeded to the first hearing, only the following fifteen students were involved:

John W. Avery
Anne C. Bauer
Richard F. Bogart
Fred H. Cohen
Marc D. Heller
James E. Johnson
Virginia A. Linsley
David F. Pugh
George C. Reinhardt
James E. Shoch
Leonard M. Siegel
Stephen S. Smith
Michael D. Vawter
Joan Williams (Mrs. Rodney W.)
Rodney W. Williams

This factual hearing was open to the public and took place on February 11, 12 and 13. Considerable evidence was received, including the testimony of some 24 witnesses.

The motivational hearing, also open to the public, was held on February 21. All twenty-nine defendants subscribed to an organized presentation of their views. Thereafter each defendant was given an opportunity to add further information on his own behalf.

Statement of the General Facts

On the basis of the evidence presented during the hearings, the Council finds the following facts:

At the October 1968 meeting of the Stanford University Board of Trustees, a student, Yale Braunstein, Speaker of the Student Legislature, was permitted to address the board members, urging them to hold open meetings with students. The Board Chairman, shortly thereafter, wrote a letter to Mr. Braunstein, thanking him for his remarks but not specifically mentioning the issue of open meetings. Mr. Braunstein replied with a letter to the Board Chairman emphasizing the importance of the open-meeting request. Although at both the November 1968 and January 14, 1969, meetings of the Board, student leaders were invited to and did sit with a number of Board committees, the Board made no statement, either to Mr. Braunstein or the Stanford student body at large, concerning meetings of the Board itself, which would be open to members of the Stanford community.

On the morning of January 14, 1969, a group of students circulated throughout the campus a document requesting that all interested persons arrive at Bowman Alumni House at 12:30 p.m. for the purpose of holding an open meeting with the trustees. The document contained nine specific demands regarding the operations of the University and the Stanford Research Institute.

At approximately 12:30 p.m., when a group of students had collected at Bowman, they learned that the trustees were at the Stanford Faculty Club. The students then held a meeting to determine what action to take. At about this time Associate Dean of Students, Willard Wyman, entered Bowman where one of the students demanded that Wyman carry a message to the trustees asking for an open meeting. Although he made it clear that he was not a "messenger boy" for the students, Dean Wyman nevertheless did in fact go to the Faculty Club to tell members of the University administration, including President Pitzer, that a group of students at Bowman wished to have an open meeting with the trustees and would not leave Bowman until such a meeting was arranged.

Shortly thereafter Yale Braunstein, who had observed the meeting at Bowman, and apparently was concerned that Dean Wyman would not deliver the message, decided to attempt to communicate with the Board himself. He went to the Faculty Club where he met Dean Wyman who arranged for Braunstein to enter the rooms where the trustees were located. Mr. Braunstein spoke to the trustees, stating that the students at Bowman not only demanded an open meeting but would consider whatever meeting the trustees did hold to be an open one. This message was given twice, once in a room where the bulk of the trustees were sitting and in an adjacent room where the Investment Committee was in session.

After delivering this message, Braunstein immediately withdrew and proceeded to Bowman where he found the students leaving, en route to the Faculty Club.

As soon as Braunstein left the trustees, they had a short discussion and unanimously passed a motion not to alter their policy which permits non-trustees to attend Board meetings only upon express invitation. No effort was made to communicate this decision to the students.

Shortly thereafter, apparently just prior to 1:00 p.m., the students entered the inner patio of the Faculty Club. They did so by proceeding up the outer stairway facing Tressider Union and down the inner stairway to the courtyard.

The students gathered in the inner court where some of them rapped on the sliding glass doors of the rooms in which the trustees were sitting. The students shouted and made use of a "bullhorn" to attract the attention of and communicate with the trustees inside. Individual students unsuccessfully attempted to open the sliding doors.

The trustees continued with their business, attempting as best they could to ignore the students. A number of the students then entered the Faculty Club from the patio and congregated in the hallway outside the rooms where the trustees were meeting.

From the time that the students entered the patio, just before 1:00 p.m. until a few minutes past 2:00 p.m., the students' attempts to attract the attention of the trustees were intensified by means of shouting, beating and kicking on the doors, reading demands through a "bullhorn", etc. From time to time students attempted to open the doors from the trustees rooms into the hallway, but they had been locked from the inside. On occasion, administrative personnel and waiters passed through these doors but did so carefully in order to keep the students out. At one such time a student in the hallway attempted to force his way in but personnel inside the room managed to reclose and lock the door.

Shortly before 2:00 p.m. the Faculty Advisory Committee on Disruptions sent one of its members, Professor Clebsch, to speak with President Pitzer and Chairman of the Board Fuller. Professor Clebsch reported that the noise inside the room was so intense that it seriously disturbed the conduct of the board meeting and made it virtually impossible for the meeting to continue. Testimony from persons who were inside the room at the time supported this statement.

At about 2:00 p.m. the Advisory Committee informed Dean Wyman that the students were in violation of the Campus Policy on Disruptions and requested that he warn them of this and take their names. Dean Wyman then announced in the hallway that the Disruption Policy had been violated and that any students who did not leave would have their names taken. He did not, however, identify himself as an official of the University acting as such. Substantial testimony indicated that some students in the hallway may not have heard his statement or known who he was.

Dean Wyman then proceeded to take the names of students who remained in the hallway and in the patio. A number of students did leave and their names were not recorded; some others who did remain refused to reveal their identity or gave false names. As Dean Wyman moved through the hallway taking names he was subjected to taunts and occasional threats of violence.

By 2:15 p.m. most of the students who remained after the warning congregated in the hallway where they held an informal meeting to determine their course of action; some students argued that they should not remain at the Faculty Club

While this meeting continued the noise level subsided substantially.

At about 2:25 p.m. one of the students gained entrance to the trustees' rooms through one of the sliding glass doors from the patio. He moved directly across the room and opened one of the doors to the hallway. University personnel within the room as well as some who were in the hallway attempted to shut the door but the students in the hallway moved forward to keep the door open.

At the door the students at first hung back, shouting that they wanted an open meeting with the trustees. Their demands were read through a bullhorn. Meanwhile a line of administrative officers within the room formed at the open door to prevent students from gaining entry into the room.

There ensued a period of confusion with pushing and shoving taking place both on the part of the students in the hallway and the personnel from inside the room. During this time one University official lost his balance and fell into the hallway. Some students were shouting and at least one was so agitated that he uttered a threat to one of the administrative personnel at the door. Shortly thereafter the students succeeded in entering the room. One of the students was highly agitated and he insulted and threatened the trustees. At least two students grabbed copies of the agenda of the trustees meeting and a struggle ensued between one of these students and university officials who sought to retrieve the agenda he had taken.

Some of the students attempted to engage the trustees in discussion; the trustees cut off their meeting and left. The students remained in the room for a short time thereafter and gradually dispersed of their own volition.

Decision on Legal Issues

At the factual hearing on February 11-13, 1969, the defendants raised several legal arguments regarding the Policy on Campus Disruption as follows:

I. That the Policy was no longer in effect on January 14, 1969, when the alleged acts of disruption occurred.

II. That paragraph two of the Policy did not apply because the facts show beyond any doubt that University officials did not comply with requirements set out therein, and

III. That paragraph one of the Policy was inapplicable because it is dependent upon University official's compliance with the requirements of paragraph two.

I. Was the Policy in Effect

Validity of the Policy on Disruptions:

A. Nature of the Argument

1. The Policy on Campus Disruption was issued on October 7, 1968 by Acting President Robert Glaser.
2. On October 7, 1968, the Legislative and Judicial Charter of 1968 was not yet in effect. That charter was submitted to a vote of the student body which approved its adoption until March 1, 1969. The vote was completed on October 15, 1968, and the results were announced on October 16, 1968.
3. The invalidity of the Policy is based upon Article I, Sections D(2)(b); D(2)(d), and D(2)(e), which read as follows:

Section D(2)(b): When in his opinion an emergency exists that requires the promulgation of a regulation, including change or repeal of an existing regulation, in less time than is required under the procedure set forth in section D,1, the President of the University may promulgate an interim regulation to become effective immediately upon publication, provided the President shall first consult with as many members of the SCLC as practicable and, if time permits, shall first afford the SCLC an opportunity to act under section D,2a.

Section D(2)(d): An interim regulation promulgated by the President under section D,2b shall remain in effect for 90 days or until it is repealed or amended by the SCLC, whichever occurs first.

The SCLC may amend or repeal interim regulations by the procedure provided in section D,1 or, with the written concurrence of the President, SCLC may proceed under section D,2a.

Section D(2)(e): If in the case of an interim regulation promulgated under section D,2b, 90 days expire with no action by the SCLC, the President may repromulgate the interim regulation every 30 days until SCLC acts on it. He shall inform the SCLC of each promulgation.

The argument is that the Policy on Campus Distruption is subject to these provisions of the Charter and hence expired on January 7, 1968, some 7 days prior to the time of the alleged offenses in this case. The policy was never formally renewed.

B. Analysis

1. The Disruption Policy was clearly promulgated prior to ratification of the Charter.
2. The terms of the Charter can in no way be considered binding on such a policy, since the Charter distinguishes clearly between those policies promulgated prior to the Charter and those promulgated thereafter.

Section I.E of the Charter clearly provides this as follows:

E. Relation to Present University Policy. Until such time as the Student Conduct Legislative Council changes any present University policy, that policy will remain in effect. It is recommended that the first order of business of the SCLC be the consideration of areas in which there are currently conflicts of law.

Section II.D of the Charter obligates this Council to enforce "present policy" until altered in the following terms:

D. Relation to University Policy. Each member of the Stanford Judicial Council is obligated to enforce the regulations of the Student Conduct Legislative Council or the legislative product of the President acting after consultation with the SCLC as provided in Article I, section D,2b. Until such time as the SCLC changes present policy, the SJC will be obligated in the case of conflicts of law to enforce the University policy.

3. The policy was termed an "interim" one by Dr. Glaser at the time of its announcement, as he clearly hoped for student approval of the Charter and a subsequent consideration of the policy by the Student Conduct Legislative Council. Dr. Glaser's statement was as follows:

The consensus was that the policy should be issued on an interim basis. Its interim character is emphasized because we anticipate further action by appropriate governing bodies of the faculty and students, and in particular by the proposed Student Conduct Legislative Council. Subsequent actions of these bodies may confirm, amend or supercede the temporary policy, which will be in effect until such actions are taken.

Obviously this statement in no way impugns, but rather affirms the fact that the policy was promulgated without time limit and was to be considered in force until such time as the SCLC, if established, altered that policy.

4. As of January 14, 1969, the SCLC had not altered the Policy on Disruptions.

C. Holding

The University Policy on Campus Disruption Issued October 7, 1968, was in full force and effect on January 14, 1969.

II. Does Paragraph 2 of the Policy Apply

A. Nature of the Argument

1. Paragraph 2 of the Policy on Campus Disruption reads as follows:

Members of the faculty, staff, and student body have an obligation to leave a university building or facility when asked to do so in the furtherance of the above regulations by a member of the university community acting in an official role, and identifying himself as such; members of the faculty, staff, or student body also have an obligation to identify themselves, when requested to do so by such a member of the university community who has reasonable grounds to believe that the person(s) has violated section (1) or (2) of this policy and who has so informed the person(s).

2. Although a general announcement was made by Dean Wyman that the students in the Faculty Club had violated the Policy, the evidence is legally insufficient to show that this message was heard by any or all of the defendants.
3. The evidence clearly shows that Dean Wyman failed to announce that he was "a member of the university community acting in an official role," and, furthermore, reveals conclusively that at least some defendants did not know him.
4. It is thus argued that the Council can find no violation of paragraph two of the Policy.

B. Analysis

1. Paragraph two of the Policy is quite clear in its requirements. Individuals should not be forced to leave a university building or reveal their identity until they know that the individual who requires them to do so is properly authorized. Otherwise paragraph two could be an instrument of widespread abuse.
2. It is easy enough for university officials, once informed of this decision, to comply strictly with the paragraph two requirements. The Council finds such strict compliance necessary even when it might appear that persons asked to leave are well aware that the persons or persons making the request are doing so in their official capacity.
3. The evidence is clear and uncontradicted that the requirements of paragraph two of the Policy were not met.

C. Holding

No defendant shall be held guilty of a violation of paragraph two of the Policy on Campus Disruption of October 7, 1968.

III. Is Paragraph One of the Policy Separate from Paragraph Two

A. Nature of the Argument

1. Paragraph one of the Policy states as follows:

It is a violation of university policy for a member of the faculty, staff, or student body to (1) prevent or disrupt the effective carrying out of a university function or approved activity, such as lectures, meetings, interviews, ceremonies, the conduct of university business in a university office, and public events; (2) obstruct the legitimate movement of any person about the campus or in any university building or facility.