

2. Paragraph two of the Policy is in "furtherance" of paragraph one. Hence, it is argued that paragraph one is to be enforced only through paragraph two. Since the requirements of paragraph two have not been met, there can be no guilt under the Policy.

B. Analysis

1. Paragraph one of the Policy on Campus Disruption clearly states that certain disruptive conduct is improper. There is no logical way by which paragraph one can be considered dependent upon paragraph two. Otherwise an individual who engaged in such disruption could, merely by leaving before being told to do so, immunize himself from liability under the Policy. This would be an open invitation for members of the University community to engage in "hit-and-run" raids.
2. Paragraph two has an entirely different focus than does paragraph one. It is often necessary to clear a building to prevent disruption or to end disruption in progress. Thus persons can be required to leave and their failure to do so is a violation in and of itself, apart from any disruption which does in fact occur.

The required notification of paragraph two is meaningless with regard to an individual who has already broken up a lecture or a meeting. The present case clearly illustrates this point. Dean Wyman's failure properly to identify himself eliminates any guilt for mere failure to leave the building; surely, however, it does not justify acts of disruption done both before and after his statements.

As to such acts of disruption if the defendants did not know Dean Wyman or know that he was acting in his official capacity, as they successfully argued regarding II above, what he said or didn't say was of no relevance.

C. Holding

Paragraph one of the Policy on Campus Disruption is wholly independent from paragraph two and failure to comply with the terms of the latter does not prohibit a charge under the former.

Specific Findings as to Guilt

The Council finds as follows:

1. That in addition to those fourteen students who admitted disruption, the remaining fifteen defendants, who received a hearing on the facts, were guilty of acts that disrupted "the effective carrying out of a university function," under the Policy on Campus Disruption of October 7, 1968.
 - (a) From the time the students first entered the inner patio at the Faculty Club until shortly after 2:00 p.m., they attempted to force the trustees to discontinue their regular meeting by shouting, pounding on doors and windows, and making statements through a bullhorn.
 - (b) That these acts disrupted the trustees' meeting is unmistakably clear. Although the trustees attempted to continue with their regular business, the noise from outside made it extremely difficult for them to do so.
 - (c) That these acts by defendants were intended to disrupt the trustees' meeting is also clear. The refusal of the trustees to acknowledge the presence of the students, the fact that the trustees shut and locked the doors, and the fact that entry of the students into the meeting room was resisted at all times is substantial evidence that the trustees did not want or intend to meet with the students at that time and that the students knew this.
 - (d) Quite apart from the noisy attempts to disrupt the trustees' meeting, the actual entry of the students into the meeting room at approximately 2:25 to 2:30 p.m., through a line of university officials who clearly were attempting to keep them out, itself constituted a flagrant act of disruption. At that point, the trustees who were attempting to deal with items on their regular agenda, had no choice but to stop what they were doing.
 - (e) It is clear from the evidence, including the pictures taken at the scene, that all but one of the fifteen defendants who requested a hearing, entered or pushed forward in attempting to enter the open door of the room where the trustees were meeting. The exception is James Johnson and the testimony regarding Mr. Johnson unmistakably shows him to have engaged in acts of disruption by banging and kicking on the locked doors to the meeting room.

2. That Mr. Richard F. Bogart has no defense on the ground that he was present as a reporter for KZSU Radio Station.

- (a) An individual who engages in illegal acts is not immunized merely because he belongs, or in the present case, has reason to believe he belongs, to a news organization. By his own statements Mr. Bogart showed that he was present as a participant in the demonstration.
- (b) The Council finds no credible evidence sufficient for a finding that Mr. Bogart should be exonerated as a KZSU reporter. Obviously, participation by a person in illegal activities cannot be excused even if that person ultimately reports upon those activities in the news media.
- (c) Furthermore, the evidence regarding Mr. Bogart is clearly distinguishable from that available to the Council regarding other reporters who were not charged or against whom charges were brought and then dismissed. These other persons were in attendance as assigned reporters or photographers. They took photographs and notes for news stories which were published shortly thereafter, and in doing so they clearly distinguished themselves from the defendants who were engaged in the disruption. This is simply not the case with Mr. Bogart.

Findings Regarding Culpability

The Council finds as follows:

1. That like the fourteen defendants who admitted to the charge against them, the following twelve defendants who received a hearing on the facts engaged in no acts of aggravation beyond general disruption:

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

2. That in addition to general disruption the following students engaged in specific aggravating acts as indicated:

(a) Fred H. Cohen

- (1) Threatened a University official who blocked his entry into the trustees meeting room by stating words such as "get your hands off me baby or I'll bust your head," upon gaining entry into the room further threatened the trustees not to meet on the campus again, and in general was so violent in his manner that several of his codefendants restrained him, and

- (2) Took from inside the room a folder containing the agenda of the trustees meeting and placed it under his coat.

(b) James E. Johnson

Violently kicked and beat on the doors and windows to the trustees' room, with his heavy boots and with a stick.

(c) Stephen S. Smith

- (1) At approximately 2:25 p.m. managed to open one of the sliding glass doors from the patio into the trustees' room, walked across that room, and, after a struggle with several university officials, opened the doorway to the hall and invited the students congregated there to come into the room.

[At this point the Council would note the fact that it was unable to locate any witness who could testify as to how Mr. Smith succeeded in opening the door from the patio into the trustees' room. Mr. Smith was not called in deference to his privilege against self-incrimination and he chose not to testify. The Council does find, however, the circumstantial evidence is overwhelming that Mr. Smith entered the room knowing that it was disruptive for him to do so. This is clearly shown by his subsequent actions in immediately attempting to open the door to the hallway against the will of those present.]

- (2) Took a folder containing an agenda of the trustees meeting and refused to return it at the request of a number of University personnel who finally were forced to engage in a struggle with Mr. Smith to retrieve it.
3. That the University administration and the Board of Trustees failed to make clear to the defendants what proper channels, if any, existed for communication between students on the one hand and the administration and the Board on the other.
4. That the defendants were strongly motivated by sincerely held beliefs and felt frustrated by their apparent inability to state those beliefs to the Board.
5. That the failure of the University administration and the Board of Trustees to develop and maintain methods for the orderly exchange of views with the student body regarding issues relevant to the University was a contributing factor of the disruption.
6. That the defendants in the present case were less interested in the orderly exchange of views than they were in the imposition of their views on the rest of the community.

Holding A. Recommendation of Penalty

The Council recommends as follows:

1. That

John W. Avery *Unsure politically*
 Anne C. Bauer X
 Richard F. Bogart X
 Irwin A. Busse *Unsure*
 Allan Christelow *pay for degree may be*
 Richard Greenspan *Unsure*
 Hallam C. Hamilton *Unsure*
 Marc D. Heller X
 Carolyn M. Iverson X
 Barbara E. Lee X
 Virginia A. Linsley *Unsure*
 Michael M. Morton X
 Christine M. Mrak X
 Jeffrey J. Preefer *Unsure*
 David F. Pugh
 George C. Reinhardt *Possible*
 James E. Shoch X
 Leonard M. Siegel X
 Guy D. Smyth X
 Don P. Stuart
 Michael D. Vawter X
 D. Jeffrey Weil *Unsure*
 Marc A. Weiss X
 Helen K. Williams *Poss*
 Joan Williams (Mrs. Rodney W.) X
 Rodney W. Williams X

shall be penalized as follows:

- (a) That each of them shall be suspended for a one-year period beginning with Spring Quarter 1969, such sentence to be suspended and a period of probation imposed beginning at once and running through Winter Quarter of the 1969-1970 academic year, and
- (b) That each of them shall pay the sum of \$50 to the Martin Luther King Fund of Stanford University; the sum of \$25 to be paid prior to registration for Spring Quarter of the 1968-1969 academic year and the remaining balance to be paid prior to registration for Autumn Quarter of the 1969-70 academic year; provided, however, that as to Rodney W. Williams and Joan (Mrs. Rodney W.) Williams payment of the second \$25 is suspended as to each of them.

Smith X

Cohan

Johnson

2. That Fred Cohen shall be penalized as follows:
 - (a) That he shall immediately be suspended from the University indefinitely, such sentence to be suspended and a period of probation imposed beginning at once and remaining in force so long as and whenever he shall be a student at Stanford University, and
 - (b) That he shall pay the sum of \$200 to the Martin Luther King Fund of Stanford University; the sum of \$100 to be paid prior to registration for Spring Quarter of the 1968-1969 academic year and the remaining balance to be paid prior to registration for Autumn Quarter of the 1969-70 academic year.
3. That James Johnson shall be penalized as follows:
 - (a) That he shall immediately be suspended from the University indefinitely, such sentence to be suspended and a period of probation imposed beginning at once and remaining in force so long as and whenever he shall be a student at Stanford University, and
 - (b) That he shall pay the sum of \$100 to the Martin Luther King Fund of Stanford University; the sum of \$50 to be paid prior to registration for Spring Quarter of the 1968-1969 academic year and the remaining balance to be paid prior to registration for Autumn Quarter of the 1969-70 academic year.
4. That Stephen Smith shall be penalized as follows:
 - (a) That he shall immediately be suspended from the University indefinitely, such sentence to be suspended and a period of probation imposed beginning at once and remaining in force so long as and whenever he shall be a student at Stanford University, and
 - (b) That he shall pay the sum of \$300 to the Martin Luther King Fund of Stanford University; the sum of \$150 to be paid prior to registration for Spring Quarter of the 1968-1969 academic year and the remaining balance to be paid prior to registration for Autumn Quarter of the 1969-70 academic year.
5. That with respect to orders to pay money under 1(b), 2(b), 3(b) and 4(b) above
 - (a) The Dean of Students, in his discretion may upon application by a defendant, postpone payment of any sum when it appears necessary to avoid undue financial hardship.
 - (b) Provided, however, that in no event shall a university degree be awarded to any defendant until he has paid the full amount due.

B. Analysis of the Recommendations on Penalty

1. The Council's recommendations as to penalty are based on a total view of the defendants' conduct in light of the Council's desire, as set forth in its Rules, to utilize penalties to strengthen the Stanford community.
2. The penalties would have been more severe had the defendants been aware of the existence of a reasonable means by which to make their views known to the Board of Trustees.
3. At the same time, however, the Council considered the offense to be a very serious one that must not be repeated. If every member of the Stanford community who feels strongly about an issue is permitted to disrupt the campus to impose his views on others, the result would be chaos. Indeed such actions are counterproductive in that they tend to eliminate opportunity for legitimate discussion and resolution of vital issues.
4. The Council's imposition of periods of probation takes into consideration the threat by defendants, made at the motivational hearing, to engage in further serious acts of disruption. The Council takes the position that if during the period of probation any defendant carries out such a threat, and is duly convicted thereof, the University community has the right to insist upon his suspension.
5. The Council views as most serious those acts which, directly or by implication, threaten violence to any person. Fortunately, in the present case no one was injured and there was no serious damage to property. Nevertheless, a real danger of personal injury exists when persons ostensibly engaged in a demonstration to present their views, lose their tempers or engage in physical altercations. The penalties to three individuals reflect the Council's position, based on clear evidence, that in varying degrees, these individuals materially increased the danger of physical violence and personal injury.
6. In order that the University community not be misled, the Council wishes to make clear that its decision in this case was not based on the military draft policy of the United States or on the draft status of any of the defendants.

C. Findings on Collateral Matters

The Council finds as follows:

1. That in light of the fact that every defendant was clearly in violation of the Policy on Campus Disruption of October 7, 1968, which policy was valid and in force, the Council feels it unnecessary to determine whether or not the defendants were also in violation of the Fundamental Standard. The answer to this question would in no way affect the penalties imposed.


2. That student witnesses have the obligation to testify when called before the Council.
 - (a) In the present case a student was called to testify as to events he observed at the Faculty Club at the time of the disruption. He claimed that he had been present as a reporter for the Stanford Daily and therefore he was privileged not to testify.
 - (b) The Council subpoenaed this witness because he was known to have been present and it was felt that defendants might have wished to elicit information from him. The defendants declined to ask him questions and he was excused.
 - (c) The Council at that time, however, and now, holds that the claimed privilege does not exist, that it has not been recognized by the courts of the land, that there is no justification for such a privilege, and that the refusal to testify on such grounds cannot and will not be tolerated. [This in no way, however, governs the Council's attitude toward the privilege of a reporter not to reveal the name of a confidential informant, which privilege has both been recognized and rejected in various courts.]
3. That persons who attend a hearing of the Stanford Judicial Council, including the defendants and their counsel, have an obligation not to impede, disrupt, or in any manner interfere with the conduct of the proceedings.
 - (a) A number of persons who attended the factual hearing, particularly on the first night, in obvious support of the defendants, deliberately attempted to disrupt the proceedings and did, in fact, cause considerable noise and confusion.
 - (b) The Council is not a court of law; it has no bailiff or sheriff's department to maintain order. Thus any handful of persons, who are so inclined can seriously impede the proceedings.
 - (c) The defendants themselves, and their counsel, must share the blame for the disorder, particularly during the first night. They continually directed their comments to their supporters in the audience rather than to the members of the Council and they attempted in numerous ways, including the muttering of threats, to ridicule the Council and to make its job impossible. All this was done in spite of the Council's solemn promise, duly kept, that they would be given an opportunity at the hearings on motivation to say what they so desired about the basic issues underlying their actions.

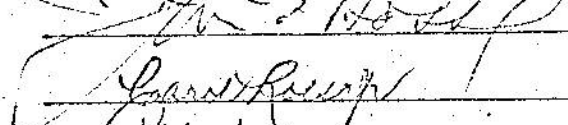
The Council does note that the defendants did intercede during the most serious disruptions to assist the Council, primarily to prevent the Council from closing the hearings, and that after the first night of the hearings, the defendants were more restrained. Moreover, the Council recognizes and appreciates the efforts of Mr. Doren Weinberg, who, as sole counsel after the first and second evenings, assisted in maintaining order and preserving the decorum of the proceedings.

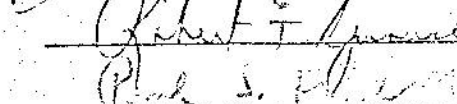
- (d) On the basis of its experience in this case, regarding meetings that are open to the general public, the Council will seriously consider in future cases limiting the number of persons in attendance. Furthermore, the Council serves warning on those who would disrupt future proceedings that the Council is disposed to find in contempt persons who engage in disruption of its proceedings and to recommend immediate imposition of severe sanctions.
4. That defendant Jack Gerson, who apparently withdrew from the University subsequent to January 14, 1969, but prior to the hearings in this case, has failed to respond to summonses from the Council duly served upon him.

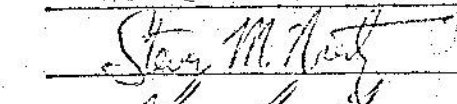
The Council recommends that, in accordance with the Legislative and Judicial Charter of 1968, the University immediately withdraw Mr. Gerson's registration privileges until such time as he appears before the Council for the trial of his case.

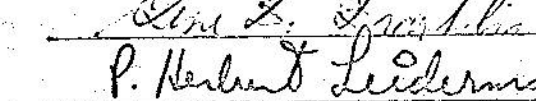
THIS DECISION AND ALL ITS PARTS ARE UNANIMOUSLY ADOPTED BY THE MEMBERS OF THE COUNCIL.




















Dated: February 27, 1969