

## V. SEPARATE STATEMENTS

### I. Statement of Mr. Lyman and Mr. Scott, in Which Mr. Nivison Concurs

There is a great deal, indeed most, of the Majority Statement with which we agree, including very emphatically the recommendation for divestiture. It reviews many of the issues which have been raised before the Committee, and sets forth the relevant arguments. Its concluding set of recommendations is a not unreasonable attempt to strike a balance among the numerous competing considerations that enter into a final decision. But there are several points that seem to us to deserve greater recognition or emphasis.

#### A.

First and foremost, as the Majority Statement recognizes, the method of divestiture and sale which it recommends will probably produce a figure at the bottom end of the estimated range of value from \$25 to \$45 million, whereas other methods might well yield proceeds toward the top of that range. A difference of possibly \$20 million is no small matter, and even more is that true of the difference between selling SRI and retaining it.

Our fear is that this may seem abstract and of secondary importance, instead of the vital factor it is. Sums of this magnitude need to be translated into actual programs to be appreciated. For example:

- The entire University program of undergraduate and graduate student assistance (scholarships, fellowships and grants) could be funded at present levels for the next 10 years with \$41.3 million.
- The vast new research library addition is projected to cost \$20.2 million to construct and equip.
- It would require \$900,000 a year to expand the present freshman seminar program to include all freshmen.
- The current minority group enrollment and academic assistance program could be doubled at an additional annual cost of \$500,000.
- The planned Moore-Jacks dormitory complex, providing badly needed student housing of decent quality, would cost \$11.2 million.

The list could be multiplied, but the point is clear. It would be the height of folly to treat the amount of net cost or return, to be realized from retention and "alteration" of SRI or from a particular mode of divestment and sale, as just a minor element to be brushed aside without careful estimation in the course of venting moral outrage by making a "symbolic gesture." Perhaps part of the attraction of symbolic gestures is the notion that because they are not justified on the basis of having any immediate concrete results of significance, one is also excused from having to take into account their immediate concrete costs.

Many of those who press the University to retain SRI and turn it upside down, at never stated losses, claim a purpose of promoting the cause of more socially beneficial and needed research. It is worth examining, therefore, how much more effectively that cause could be promoted by a course of sale rather than retention.

We believe that Stanford would have a unique opportunity to show the ways in which a university can direct its strength to the solution of social problems, within the bounds of its proper specialization, by bringing to bear its resources in the fields of basic research and training.

We assume, here, that the sale of SRI would bring the University only about \$35 million. We assume further that one-third of that amount would be made part of the University's general endowment to help relieve pressures that have led, *inter alia*, to a steady increase in tuition charges. Suppose the remaining funds were used to fund a major, multi-focused program of Studies in Public Policy at Stanford. Such a venture would consist of directing those things which a university does best—undergraduate and graduate teaching and research—to this new area of study.

What follows is an indication of the kind of new directions we have in mind:

1. School Decentralization in the Major Cities: This is a topic on which political scientists, economists, sociologists and psychologists, as well as professional educators, have contributions to make.

For example, an economist in the School of Education is currently seeking funding for a line of study which would throw light on the economic aspects of decentralization and on control mechanisms that need to be altered if effective decentralization is to take place. Again as an example, more needs to be known about the ways in which local governmental bodies like school boards can handle crisis issues, before effective strategies leading to decentralization or any other solution can be devised.

2. A second area of high potential relevance to policy might be described as comparative urban studies. Each country, our own included, has approached its urban problems as if they were unique. There is growing reason to think that this is not the case, and comparative analyses of problems and solutions is now clearly called for. There is much we need to know, and we can learn from elsewhere in the world.

3. One of the striking developments in recent American life has been the way in which the university has been forcibly pulled into the arena of public policy. The examples are manifold: it is an object of pressure in manpower training, research, minority problems, and not least, just plain partisan politics. It is no exaggeration to say that the dimensions of the pressures are only barely understood by those responsible for the conduct of higher education (students, faculties, administrations, and trustees) and that strategies for using those pressures creatively are even more rudimentary than the understanding of them. Without trying to specify the content of a program, it seems likely that there is the opportunity here for relating research to policy in ways that will involve the entire community. Stanford could serve for this purpose as an archetype, a laboratory, and ultimately one would hope a model.

There is again no reason to proliferate illustrations to convey the point. But ideas and possibilities require investment of people and funds if they are to become reality, and this is the side too easy to ignore. What would it take to mount a challenging new effort along the foregoing lines? Budgets and costs are never exciting reading, but they are what determine whether ideas can be realized, and so we have sketched out what would be entailed. The sums attached to each item are not the result of careful calculation, but are intended orders of magnitude and relationships among the several parts.

1) Faculty Augmentation.

No major programs directed to the study of public policy can be contemplated without new faculty. In part this is because our present faculty is already stretched about as thinly as it can be, and in part it is because new competencies and combinations of competencies will be needed. We would think that one or more new appointments would be needed in at least the following fields or combinations of fields: political science, economics, sociology, anthropology, biology, law, medicine, business and engineering. This might involve the establishment of 10 new positions at the current going endowment cost of \$700,000 each.

2) Undergraduate Study.

There should be a new undergraduate major in Public Policy Analysis. It would begin under the direction of an inter-disciplinary committee, and its most important feature would be a linkage between student field experience and the development of analytical skills that give meaning to experience and that university study is uniquely able to provide.

The new faculty would make this program possible. The major expense would be the cost of arranging field experiences for students. We assume 50 students per year at an average cost of \$1000 each and an annual administrative cost on the order of \$20,000 per year. The program could be funded initially for five years at a total of \$350,000.

3) Graduate Study.

An essential obligation of the University is the education of future teachers, scholars, and practitioners to the highest level. That obligation applies fully here. One effective way to meet that obligation is to make it possible for graduate students whose interests lie in policy-relevant subjects to apply the tools of their disciplines to thesis topics on those subjects. We would propose, therefore, two-year dissertation fellowships for selected students whose topics require field observation (or better still, participant-observation). The first year would be spent in the field, the second in writing the dissertation. Such a program could be started for five years, with 10 new fellows appointed each year at stipends of \$5000 per year, for a total of \$500,000.

4) Center for the Study of Public Policy.

In addition to enriching its own education programs as described above, Stanford might make an even larger national contribution through the establishment of a Center for the Study of Public Policy. The Center could serve at least two major purposes. First, it would stimulate and finance research by members of our own faculty and student body; and second, through a program of visiting fellows, it would bring to campus for periods of a quarter to a year a group of persons in academic and public life whose experience and perspectives could be made more productive as a group than they are individually. We see a programmatic or thematic organization that is more directive than, for example, that of the Center for Advanced Study in the Behavioral Sciences, but would still provide the time for reflection and independent study and research that is so hard for most men to find.

We estimate, very roughly, that a Center of this kind would cost about \$600,000 per year to operate. It could be funded for five years at a total of \$3 million.

Such a major thrust into areas urgently demanding more research and understanding—and more resources—would consume less than half of the estimated proceeds remaining after a substantial increment to permanent endowment.

Further, it must be reiterated that none of those resources could be created by retaining SRI and discontinuing large fractions of its present work; what the latter course really means is either dismantling SRI or supporting it too out of present University funds.

It is for these reasons that we stress not only the desirability but also the obligation to follow a course designed to yield the greatest return to the University. The Stanford trustees do not operate the Institute and the University on some basis of parity; the University created SRI and supplied the capital to start it, and powers over its operation or winding up and receipt of the ultimate proceeds are vested in the Stanford trustees not as individuals but "for the use and benefit of the Leland Stanford Junior University." Either destructive retention or gratuitous severance from the University of a capital asset with a value of from \$25 million to \$45 million seems a course hardly deserving any serious consideration by responsible men.

This issue should not be confused with the sense of obligation some feel toward those individuals, corporations and government agencies who have made past gifts or grants to SRI, aggregating \$5.5 million by the end of 1968. To the extent charitable deductions were taken on tax returns, some partially offsetting direct benefits obtained. Nonetheless, if a sale of SRI were effected, it would certainly be incumbent on the University to explore with substantial donors the question of possible refund or of what their expectations had been in making the contribution and what application of proceeds from sale would most nearly continue to carry out their original purposes. It should remain clear, however, that the possibility of a reduction of net proceeds due to refund or earmarking can hardly justify a decision in favor of zero or minimal proceeds.

## B.

Secondly, we believe there should be more recognition of a case against the imposition of prohibitions on research, particularly in the vague and over-broad terms employed by the majority, founded on moral principles that appear to require no statement or definition in order to understand their validity, content and application.

In so saying we do not deny—indeed we affirm with the utmost emphasis at our command—the urgent need for a redirection of national priorities in research and development. We believe that the influence of the military establishment in the United States, as in the Soviet Union, is far too great, and that the absorption of so large a proportion of our national resources in pursuit of weaponry is a major tragedy of our time. This is especially true and poignant given the unmet needs of urban America and of our disadvantaged minorities, and given the rapid deterioration of the human environment in this, the richest nation in the history of Man. The truth of these statements is not diminished by the fact that complete unilateral disarmament is in our view an untenable position, nor by the fact that much of the research sponsored by the defense agencies is basic research, with no direct or even foreseeable military applications, and crucial to the forward progress of science in general. But in research as in other areas of our national life, preoccupation with overkill has become a threat to the future of humanity.

We are among those who find it more difficult than apparently do some of the majority of the Committee to make clear moral distinctions among different types of military weaponry or research. This point is adverted to in the Majority Statement, and we shall not belabor it here. But there is an additional set of problems created by the form in which these distinctions are cast.

The "prohibition of counter-insurgency research" recommended by the majority is so broad a phrase in the minds of some as to include any research directed towards the economic betterment of peoples living under a government which faces any rebellious opponents, regardless of the latter's political complexion or the political complexion of the government. As for research "which is found to be morally offensive or undesirable by a review committee," the prospect is both limitless and hazy. It is tantamount to postponement of all decisions about research to some undesignated future date, at which time they will be taken without benefit of guidelines, for "morally offensive or undesirable" can scarcely be considered by itself a line which would guide the members of the committee to consider anything except their personal likes and dislikes at that moment in time.

Furthermore, making research prohibitions both very broad and imprecise also makes them harder to enforce, whether in the context of retention or sale of SRI—a point that needs to be more clearly realized.

In the context of retention, adoption of prohibitions that are at the same time sweeping and most unclear is, as already noted, not the making of a meaningful decision but confession of inability to make one. The question is "solved" by refusing to face the inherent complexity, and perhaps erroneousness, of what is being attempted.

In the context of sale, the problem is much the same. As a general rule, contracting parties may undertake any obligations as to their future conduct that they are willing to agree to and that are not illegal. If a covenant limiting research is made sufficiently incapable of application with reasonable certainty, then it becomes difficult or impossible for a court to enforce it. If it is also made very long-term or perpetual in duration, other limiting legal policies may come into play.

It is quite possible to design a research-limiting agreement clause about which it may then be said that doubt exists—or has been created. A legal opinion that is worth anything, therefore, would have to be rendered after extensive research and with reference to a specific draft clause, hopefully one that has been drawn as exactly and carefully as possible. But this should cause no one to lose sight of the fact that it is also possible to draw a limitation agreement as to which there would be no substantial legal doubt, if that is what is desired. The key factor would be precision of expression—and that depends upon precision of thought.

## 2. Statement of Mr. McMahon

My agreement to the set of proposals in the Majority Statement hinges on the requirement that an extensive legal review be undertaken before sale to ensure that in the opinion of counsel the restrictions on sale that are proposed are legally enforceable. If there is doubt my support goes to the Bauer and Cleaver minority recommendations, favoring closer ties.

In addition I feel strongly that the Trustees' decision-making process should be an open one, and that reports of the voting should be public.

# VI. MINORITY STATEMENTS

## 1. Statement of Mr. Bernstein

### Introduction

During the past six months, the Committee met almost weekly, and during that period much of our time and effort was spent gathering information and discussing matters that often seemed peripheral to my definition of the central issue—how to guarantee that SRI is transformed into a socially responsible institution that would be prohibited from such activities as research in chemical, biological and radiological warfare, counterinsurgency, projects related to the war in Southeast Asia, and projects designed to expand American corporate or political power abroad (primarily the Third World) in order to distort economic development or thwart political change.

Despite my belief that guaranteeing the transformation of SRI was the central issue, I found frequently that the processes of the committee, the camaraderie which flourished at times, and the overriding concern of some members with the details of institutional relationships, easily diverted efforts and energies. As a result, for a long period of time, I participated uncritically in meetings and even prepared a draft of a portion of a report that did not address directly and forcefully the urgent and dominant issue.

None of this is intended as a criticism of my colleagues, who labored honestly and vigorously on the problems that concerned them; but I am presenting this very brief sketch (and personal interpretation) of the history of the committee—as a warning and an explanation. This sketch is a warning to others who may serve on committees in the future and find that they are allowing their moral and political commitments to be diluted by the geniality of deliberations. There is a danger of subtle (and unintended) co-optation—of losing critical awareness, of concentrating upon matters that are least divisive, of emphasizing tactics and mechanical details at the sacrifice of ideology, and of developing an excessive loyalty to the group, which means placing a high value on the “progress” of deliberations and the effort to achieve consensus. This sketch also explains why I and some other members of the committee were compelled to begin preparing position papers just before the deadline for submitting reports. The process of false agreement, of avoiding ideological issues, continued until Wednesday, breaking down only three days before our deadline. (Obligations to students in my classes, as well as commitments to the students courageously sitting in at the Applied Electronics Laboratory and other obligations to the University, left me virtually without time until late Friday evening to begin writing this statement.)



By necessity, then, this statement cannot be the lengthy and sustained analysis that the community and the students at AEL deserve, and I can only hope to sketch my conclusions and reasoning, and anticipate some objections, while promising to present a more complete analysis in future discussions in the community.

### Restrictions on Research at SRI and the University

It is unconscionable for a university to sanction, assist or sponsor research in 1) chemical, biological and radiological warfare, 2) counter-insurgency, 3) activities directly related to the continuation of the war, and 4) activities designed to extend American corporate or governmental power over the peoples of other nations. In opposing the first three activities, apparently a majority, if not all members, of the Committee concur—at least in reference to SRI. By the logic of their position (as well as mine), these prohibitions should be extended to the university. Such restrictions, though an infringement on the normal practice of academic freedom, can be justified by an overriding principle: the immorality of allowing or encouraging the creation of “knowledge” which, by design, contributes to weapons and techniques for killing, injuring or exploiting people. Such prohibitions will not generally infringe upon the justifiable and vital intellectual activity of a university—the investigation of problems and the creation and dissemination of ideas that may be evaluated, and accepted or rejected, by others; in such cases, in theory and often in practice, men may by an exercise of will oppose or resist these ideas. But proposals for weaponry, improvements in the modes of killing, techniques for extending economic power—these are not simply ideas, and they cannot be resisted by their victims. The will of the victim is inadequate, and the will of the oppressor dominates.

### Objections to Sale—Even with Some Restrictions

For two reasons I disagree with the majority's recommendation to sell SRI with restrictions. First, there is some basis for doubting whether such restrictions could be effectively enforced.<sup>2</sup> Even assuming that a satisfactorily-constituted committee would vigorously monitor and report upon the activities of SRI, there would also have to be: a) a guarantee by the Trustees of Stanford University that they will bring legal suit to enforce the guidelines in any cases of reported violations by the committee; and b) strong evidence that such restrictions, imposed in the bill of sale (and even with the university as creditor), would be upheld and enforced by the court. There is some reason to doubt whether the court would enforce such restrictions on SRI, and so far as the Committee knows there is no precedent on the subject. In addition to this problem, there is another related consideration: during litigation, SRI might be able to continue violating the guidelines.

Second, sale of SRI would also destroy the University community's opportunity to extend guidelines<sup>3</sup> at present and in the future: a) to restrain other forms of undesirable research (e.g., economic imperialism, classified research); and b) to channel resources into more socially responsible activities.<sup>4</sup> There are at least two reasons for objecting to classified research<sup>5</sup> (including restrictions on communication, publication, or access to data): one, it is inappropriate, certainly difficult, and maybe impossible to monitor research if only those with security clearances may examine all the activities of the Institute; two, classification is likely to be imposed by the Government primarily in the areas of research which should be prohibited by guidelines, and therefore rejection of classification may be an effective way of excluding much of the morally unacceptable work. (Ironically, in the course of our deliberations, members of the Committee pointed out that SRI might have contracts with security classifications that prohibit personnel at SRI from even informing the Committee or members of the University administration of the existence of such contracts.) In regard to economic imperialism, it is important to protect people elsewhere in the world from economic and political coercion, and it is certainly unacceptable to use facilities at a university-owned or university-connected institution to oppress or exploit people.<sup>6</sup>

### Consideration of Some Objections to Retention and Control of SRI

Some members of the university community recommend the sale of SRI because they believe that it would be impossible or very difficult to redirect SRI's activities from war-related and imperialistic activities to more socially responsible enterprises, and that such revisions might well impair or destroy SRI. In a related argument, some contend that the contributions that the University might make (for example, the establishment of an institute for the study of social or urban problems) with the funds from sale would far outweigh the social costs of letting SRI, as an independent agency, continue its war-related and imperialistic activities. It is hard to assess the difficulty or impossibility of transforming SRI into a socially responsible institution, but such difficulty or impossibility does not constitute a persuasive reason for selling SRI and letting it operate freely or with only a few restraints. And in the second case

(where the funds might be expended elsewhere), there is a dubious moral calculation which seems to deny or minimize both the social costs of SRI's policies to people abroad and the University's responsibility for those social costs. Sale would not remove the University's moral responsibility for creating SRI or for allowing SRI to continue these activities. In substance, the University would be seeking to achieve institutional purity without acknowledging its larger responsibility. The University cannot simply create powerful institutions and then, by an act of sale, deny all moral and political responsibility for their predictable future actions.<sup>7</sup>

Moving beyond these issues, it is necessary to consider the argument raised especially by proponents of sale without restrictions on research—that the University, itself, should not try to alter the nature of research in the society, and that members of the university community should operate in the political system to change federal policy. This argument reveals an unwillingness or reluctance to acknowledge certain painful political realities: the American political system has not been particularly responsive in recent years to significant portions of the population who have demanded a revision of national policy. This is not the appropriate place to analyze this problem in depth, but it may be useful to remind members of this community that many citizens in 1964 went to the polls to register their opposition to the escalation of the Vietnam war and therefore voted for the candidate who opposed escalation—Lyndon B. Johnson, who soon escalated the war, as he had planned before the election. In addition, the argument against the university's restricting research at SRI often assumes that universities and their subsidiary institutions should simply respond to market demand or to the federal government's definition of the national interest, and that the university should eschew independent criticism and judgment. In effect, this would mean acquiescing in the transformation of the university into an elaborate service station prepared to provide what the market wants to buy or what the Government believes the nation needs.

### The Political University

Some objections to the retention and control of SRI are based upon the unrealistic fear that the University will be transformed into a political institution. Of this there is little danger, for the University is already a profoundly political<sup>8</sup> institution—by virtue of making its resources available to only one side in the Vietnam war, by virtue of the support for the continued presence of ROTC as part of the educational program. For the University to become non-political, it would have to make its resources available to all groups regardless of politics (including the NLF and North Vietnam), or to no one. It is true that some wish to move towards the establishment of a non-political institution and view the abolition of ROTC and the assertion of guidelines and control over SRI as necessary steps along that path. Whatever the merits of this vision, there seems to be little likelihood of this small group's rescuing the University from those who wish the University to continue its present politics.

### Summary of Recommendations

In summary, the university must retain and control SRI by establishing and enforcing guidelines to direct SRI to follow socially responsible policies and to prohibit research in chemical, biological and radiological warfare, counterinsurgency, projects directly related to the continuation of the war in Southeast Asia, and projects designed to extend American corporate or governmental power over the peoples of other nations.

### Notes

1. Obviously there is need to define these restrictions carefully, and I submitted to the Committee at various times tentative formulations that I assume will appear in the Committee's file at Meyer Library. (See in particular pp. 31-33 and revisions of the first draft of the Committee's report.) Committees to review research proposals might well be created in line with "Suggestions for Guidelines for Research at Stanford and SRI."
2. I have only received a copy of a draft of the majority's conclusions, and so I do not know much about the content of their final report. However, I would like to emphasize that the majority reached agreement only by compromising on a set of proposals, and that the majority would be reduced to a minority if the guidelines prove not to be legally enforceable upon sale.

3. For example, guidelines might be extended to bar research for the ABM, or all research sponsored by the Department of Defense.
4. Some have suggested the creation of an inter-disciplinary institute for research on peace and social problems. Presumably some exceptions to the prohibition might be made by a committee upon appeal.
5. Classified research significantly restricts the communication of scientific information, and the exclusion of all or most classification at Stanford would prod other universities to consider similar policies and the Government to relax some of its restrictions.
6. It is not the intent of this prohibition to suggest, necessarily, that all of SRI's economic work overseas is related to economic imperialism, and obviously the phrasing of a precise guideline on this subject requires more information about SRI's activities and policies than the Committee has received.
7. Admittedly, retention and control of SRI may divert allegedly scarce administrative talent at the University from other activities, but this will then be a part of the price the University will have to pay for responsibility.
8. "Political" is not to be confused with "partisan" (whether the university is Republican or Democratic).

